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Presidential Documents

Title 3—

The President

Proclamation 8999 of July 25, 2013

Anniversary of the Americans with Disabilities Act, 2013

By the President of the United States of America

A Proclamation

More than two centuries ago, our forebears began an unending journey to form a more perfect Union. Twenty-three years ago, we took a historic step down that path with the Americans with Disabilities Act (ADA)—a landmark law that seeks to extend the promise of equal opportunity enshrined in our founding documents.

It promises equal access, from the classroom to the workplace to the transportation required to get there. It promises fairness, and the chance to live a full and independent life. It affords Americans with disabilities the protections they need to claim a future worthy of their talents.

Today, we celebrate the ADA's lasting legacy as a pillar of civil rights. We also recognize that while the law continues to move America forward, our march to equality is not yet complete. Even now, barriers still keep too many people with disabilities from fully participating in our society and our workforce. Our country suffers when our citizens are denied the chance to strengthen our economy, support their families, and fully participate in our American life.

That is why my Administration is dedicated to leveling the playing field for Americans with disabilities. We are committed to making the Federal Government a model employer by recruiting, hiring, and retaining more workers with disabilities than at any time in our Nation's history. In addition, we are working to connect people with disabilities to jobs in every part of our economy.

To get those jobs, students with disabilities need an education system that works for them. We must ensure lessons are inclusive, assessments are fair, and technology is accessible. We must rededicate ourselves to building supportive classrooms and putting an end to bullying that all too often targets young people with disabilities.

My Administration is bringing the same commitment to our health care system. The Affordable Care Act already made it illegal for insurers to deny coverage to children with disabilities because of pre-existing conditions, medical history, or genetic information. On January 1, 2014, the same will be true for all Americans. Alongside those protections, we have strengthened Medicare and Medicaid and ramped up programs to encourage community living and supportive services.

Together, we have come a long way toward ensuring equal opportunity for all. On this anniversary, let us recommit to going the rest of the distance. Let us enforce the ADA, promote disability rights at home and abroad, and make America a place that values the contributions of all our citizens—regardless of disability.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 26, 2013, the Anniversary of the Americans with Disabilities Act. I encourage Americans

across our Nation to celebrate the 23rd anniversary of this civil rights law and the many contributions of individuals with disabilities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of July, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2013–18534
Filed 7–30–13; 8:45 am]
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Presidential Documents

Proclamation 9000 of July 25, 2013

National Korean War Veterans Armistice Day, 2013

By the President of the United States of America

A Proclamation

Today, America pauses to observe the 60th anniversary of the end of the Korean War—a conflict that defined a generation and decided the fate of a nation. We remember the troops who hit the beaches when Communist forces were pressing south; who pushed back, and fought their way north through hard mountains and bitter cold. We remember ordinary men and women who showed extraordinary courage through 3 long years of war, fighting far from home to defend a country they never knew and a people they never met.

Most of all, we remember those brave Americans who gave until they had nothing left to give. No monument will ever be worthy of their service, and no memorial will fully heal the ache of their sacrifice. But as a grateful Nation, we must honor them—not just with words, but with deeds. We must uphold our sacred obligation to all who serve—giving our troops the resources they need, keeping faith with our veterans and their families, and never giving up the search for our missing and our prisoners of war. Our fallen laid down their lives so we could live ours. It is our task to live up to the example they set, and make America a country worthy of their sacrifice.

This anniversary marks the end of a war. But it also commemorates the beginning of a long and prosperous peace. In six decades, the Republic of Korea has become one of the world's largest economies and one of America's closest allies. Together, we have built a partnership that remains a bedrock of stability throughout the Pacific. That legacy belongs to the service members who fought for freedom 60 years ago, and the men and women who preserve it today.

So as we mark this milestone, let us offer a special salute to our Korean War veterans. Let us renew the sacred trust we share with all who have served. And let us reaffirm that no matter what the future holds, America will always honor its promise to serve our veterans as well as they served us—now and forever.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 27, 2013, as National Korean War Veterans Armistice Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor our distinguished Korean War veterans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of July, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2013–18540
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Presidential Documents

Proclamation 9001 of July 25, 2013

World Hepatitis Day, 2013

By the President of the United States of America

A Proclamation

Each year, we mark World Hepatitis Day to bring attention to a disease that afflicts one in twelve people worldwide. Viral hepatitis is a major cause of liver cancer and cirrhosis in the United States, leading to approximately 18,000 American deaths every year. Outcomes can significantly improve with treatment, but because viral hepatitis can be present without symptoms for decades, most infected Americans do not know they have it. Today, we raise awareness about preventing and treating viral hepatitis, and we renew our commitment to combat this disease in all its forms.

Public awareness is key to halting the spread of viral hepatitis. All types of this disease pose serious health threats, and both hepatitis B and C can become chronic infections that lead to liver cancer and liver disease. Vaccines for hepatitis A and B are crucial to preventing new cases, and they are recommended for all children, as well as adults at an elevated risk of infection. There is no vaccine against hepatitis C, but through early detection and treatment, it is possible to reduce the risk of transmission, avert the worst complications, and in many cases even cure the infection.

Anyone can contract hepatitis, but in the United States it disproportionately affects the African American, Hispanic, and Asian American and Pacific Islander communities, and people born between 1945 and 1965. Injection drug users of all ages are also at increased risk. My Administration is working to raise awareness among communities hardest hit by viral hepatitis, organizing campaigns to prevent new infections, and promoting testing and treatment.

My Administration also continues to work with our partners across the Federal Government, in States, communities, and the public and nonprofit sectors to implement programs like the Healthy People 2020 initiative and the Action Plan for the Prevention, Care, and Treatment of Viral Hepatitis. This ambitious plan aims to reduce the number of new hepatitis C cases by 25 percent, eliminate mother-to-child transmission of hepatitis B, and significantly increase the proportion of people who know of their hepatitis B and C infections. In addition, the Affordable Care Act requires health insurance plans to cover, without co-pays, hepatitis A and B vaccines as recommended for children and adults at elevated risk for infection, as well as hepatitis B screenings for pregnant women at their first prenatal visit. After June 2014, new health plans must cover screening, without co-pays, for hepatitis C virus infection in persons at high risk for infection. Plans must also cover one-time screening for hepatitis C infection for adults born between 1945 and 1965.

Viral hepatitis is a silent epidemic, and we can only defeat it if we break that silence. Now is the time to learn the risk factors for hepatitis, talk to family, friends, and neighbors who may be at risk, and to speak with healthcare providers about strategies for staying healthy. On World Hepatitis Day, let each of us lend our support to those living with hepatitis and do our part to bring this epidemic to an end.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 28, 2013, as World Hepatitis Day. I encourage citizens, Government agencies, nonprofit organizations, and communities across the Nation to join in activities that will increase awareness about hepatitis and what we can do to prevent it.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of July, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

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Rules and Regulations

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

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

[Docket No. FCIC–12–0008]

RIN 0563–AC38

Common Crop Insurance Regulations; Arizona-California Citrus Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) finalizes the Common Crop Insurance Regulations, Arizona-California Citrus Crop Insurance Provisions. The intended effect of this action is to provide policy changes and clarify existing policy provisions to better meet the needs of insured producers, and to reduce vulnerability to program fraud, waste, and abuse. The changes will be effective for the 2015 and succeeding crop years.

DATES: This rule is effective August 30, 2013.

FOR FURTHER INFORMATION CONTACT: Tim Hoffmann, Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility, Stop 0812, Room 421, P.O. Box 419205, Kansas City, MO, 64141–6205, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not-significant for the purposes of Executive Order 12866 and, therefore, it has not been reviewed by the Office of Management and Budget.

Paperwork Reduction Act of 1995

Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information in this rule have been approved by OMB under control number 0563–0053.

E-Government Act Compliance

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

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

Regulatory Flexibility Act

FCIC certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Program requirements for the Federal crop insurance program are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required to submit a notice of loss and production information to determine the amount of an indemnity payment in the event of an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act authorizes FCIC to waive collection of administrative fees from limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have an impact on small entities, and, therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605).

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. With respect to any direct action taken by FCIC or action by FCIC directing the insurance provider to take specific action under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11, or 7 CFR part 400, subpart J for determinations of good farming practices, as applicable, must be exhausted before any action against FCIC for judicial review may be brought.

Environmental Evaluation

This action is not expected to have a significant economic impact on the quality of the human environment, health, or safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

This rule finalizes changes to the Common Crop Insurance Regulations (7 CFR part 457), Arizona-California Citrus Crop Insurance Provisions that were published by FCIC on April 21, 2013, as a notice of proposed rulemaking in the **Federal Register** at 78 FR 17606–17611. The public was afforded 30 days to submit comments after the regulation was published in the **Federal Register**.

A total of 35 comments were received from 5 commenters. The commenters were insurance providers, an insurance service organization, and a grower organization.

The public comments received regarding the proposed rule and FCIC's responses to the comments are as follows:

General

Comment: In reference to the proposed addition of the term ''agricultural commodity'' to replace the term ''crop'' in sections 1, 3, and 7, a few commenters questioned if it is appropriate to use the term ''agricultural commodity'' because it is a broader term that can be something other than a crop. The commenters stated that changing this term could change the meaning of the provisions where it is used. The commenters questioned if this proposed change leaves the door open to perennial ''agricultural commodities'' other than what has been understood as perennial ''crops.'' The commenters questioned if there is any reason the term ''crop'' cannot be used and what purpose is served by making this change.

Response: The reason for the proposed change is to provide consistency in terminology. The term ''agricultural commodity'' is a more precise term than ''crop'' because it is defined in the Basic Provisions, while ''crop'' is not. However, the term must be read in the context of the Crop Provisions, which clearly specifies that an interplanted agricultural commodity must be a perennial for the citrus fruit commodity to be insured. Further, the term ''agricultural commodity'' is defined in section 518 of the Federal Crop Insurance Act, which also limits the context in which it the term is used. Therefore, while it could be interpreted slightly more expansive than ''crop'' it does not change the meaning of the provisions. No change has been made in the final rule.

Section 1—Definitions

Comment: A few commenters stated the proposed addition of the definitions of ''citrus fruit commodity,'' ''citrus fruit group,'' and ''commodity type'' to replace the terms ''crop'' and ''variety'' and other related revisions are part of the Acreage Crop Reporting Streamlining Initiative (ACRSI) and are similar to what was done in the 2014 Florida Citrus Fruit proposed rule. Some of the concerns that were expressed in comments to the Florida Citrus Fruit proposed rule were addressed in the final rule responses, so these proposed changes are better understood this time around, though this is still a ''work in progress.'' The commenters stated the chart on page 17608 of the Arizona-California Citrus proposed rule is helpful in showing the expected groupings of commodity types.

Response: FCIC appreciates the comment. Many of the comments that were received on the Florida Citrus Fruit proposed rule were considered when drafting the Arizona-California Citrus proposed rule. FCIC has made a concerted effort to address concerns and clarify the changes related to ACRSI.

Comment: A few commenters suggested adding the phrase ''citrus fruit'' prior to the term ''commodity'' in the two places the term appears in the definition of ''commodity type.''

Response: FCIC agrees with the commenters' suggestion because the proposed edit provides for consistency in terminology. The suggested changes have been made in the final rule.

Comment: A few commenters stated the definitions of the terms ''graft,'' ''interstock,'' ''scion,'' and ''topwork'' are proposed to be added because of the proposed provision in section 6(f)(2). The commenters stated it appears an ''interstock'' can be grafted to a ''rootstock'' while a bud or ''scion'' can be grafted to either an ''interstock'' or a ''rootstock.'' However, ''topworking'' (as defined) applies only to ''scions'' grafted onto ''a pruned scaffold limb of an interstock'' and apparently not to any scaffold limb or any other limbs of a ''rootstock.'' The commenters questioned if this is correct and if the definition of ''topworking'' needs to be clarified.

Response: FCIC agrees with the commenters that clarification needs to be made in the definition of ''topwork.'' Topwork can be done to any scaffold limb whether it is part of the interstock or the original rootstock. Therefore, FCIC has revised the definition of ''topwork'' in the final rule by removing the phrase, ''of an interstock.''

Comment: A commenter stated that the definition of ''dehorning'' is proposed to be removed, but the term ''dehorned'' is still used in section 3(c)(1).

Response: FCIC agrees with the commenter that the definition of ''dehorning'' is still used in section 3(c)(1). Therefore, the definition of ''dehorning'' has been retained in the final rule.

Comment: A few commenters stated the definition of ''rootstock'' is not defined, but perhaps corresponds to the term ''trunk'' used in the definition of ''scaffold limb.'' According to Merriam-Webster, ''rootstock'' is ''1: a rhizomatous underground part of a plant; 2: a stock for grafting consisting of a root or a piece of root.'' The commenters stated that neither of these definitions appear to be entirely correct for citrus trees where the grafting is unlikely to be done at the underground root level, although the meaning is generally understood for crop insurance purposes.

Response: FCIC agrees with the commenters that ''rootstock'' is not defined and that the meaning for crop insurance purposes is not the same as the definition from Merriam-Webster provided by the commenter. Although a definition of ''rootstock'' was not proposed to be added, FCIC believes a definition should be added to prevent confusion from a potential conflict between the meaning for crop insurance purposes and definitions from other sources. FCIC has revised section 1 in the final rule by adding a definition of ''rootstock.''

Comment: A few commenters stated that ''scaffold limb'' is defined as ''A major limb attached directly to the trunk.'' The commenters questioned if this means no grafting is involved, does it mean that it is part of the original ''rootstock,'' or does the word ''attached'' imply that it also has been grafted onto the ''rootstock,'' as indicated by the reference in the definition of ''topwork'' to a ''scaffold limb of an interstock.''

Response: A ''scaffold limb'' could be part of the original rootstock or part of an interstock. The term attached does not specifically mean it has been grafted, although it would include any major limbs that have been grafted onto the trunk. As stated in response to a prior comment, FCIC has revised the definition of ''topwork'' in the final rule by removing the phrase, ''of an interstock.''

Section 2—Unit Division

Comment: A commenter stated that the Basic Provisions references the ''insured crop'' and defines ''insured crop'' as the crop in the county for which coverage is available under your policy as shown on the application accepted by us. The commenter questioned if it would improve clarity if the definition of ''insured crop'' was expanded in the Crop Provisions to say, ''In addition to section 1 of the Basic Provisions, the insured crop will be each citrus fruit group for which coverage is available under your policy as shown on the application accepted by us.''

Response: FCIC disagrees that the definition of ''insured crop'' should be further modified through the Crop Provisions. The proposed language in section 6 already states that ''the insured crop will be all the acreage in the county of each citrus fruit group you elect to insure and for which a premium rate is provided by the actuarial documents.'' Therefore, there is no need to repeat this in a definition. No change has been made in the final rule.

Comment: A commenter questioned whether optional units by commodity type can further be broken down by non-contiguous land.

Response: If the Special Provisions allows optional units by commodity type, the optional units may be established by commodity type in addition to or instead of by non-contiguous land provided all other requirements, such as separate production records, are met.

Comment: A few commenters stated the proposed revision of the second sentence of section 2(b) reads: ''Optional units may be established by commodity type if allowed by the Special Provisions or if each optional unit is located on non-contiguous land, unless otherwise allowed by written agreement.'' According to the explanation in the background section of proposed rule, the added phrase is intended to allow optional units by commodity type (if allowed by the Special Provisions) in addition to optional units by non-contiguous land or by written agreement. However, the commenters stated that as written, it could be taken to mean that except when allowed by written agreement, optional units are allowed only by commodity type, with two ''ifs'' involved: Either the commodity type is in the Special Provisions, or it is on non-contiguous land. The commenters suggested it might be clearer to subdivide (b): ''Optional units may be established: (1) By commodity type, if allowed by the Special Provisions; (2) If each optional unit is located on non-contiguous land; and (3) As otherwise allowed by written agreement.''

Response: FCIC agrees that the proposed wording could be misinterpreted. Therefore, FCIC has revised the section 2(b) in the final rule to clarify that, unless otherwise allowed by written agreement, optional units may only be established if each optional unit meets one or more of the following: (1) The optional unit is located on non-contiguous land; and (2) in addition to or instead of establishing optional units by non-contiguous land, optional units may be established by commodity type if allowed by the Special Provisions.

Comment: A commenter stated the background section of the proposed rule states that adding optional units by commodity type if allowed by the Special Provisions ''. . . will give FCIC the flexibility to allow optional units by commodity type for some citrus fruit commodities or citrus fruit groups where it may be appropriate, but not for others.'' But according to the expected division into commodity types and citrus fruit groups provided, the only citrus fruit group that is subdivided into commodity types is Mandarins/Tangerines, with separate commodity types for Clementines, W. Murcott, and All Other. The commenter stated the other commodity types listed are each set up as a separate citrus fruit group and, therefore, qualify as separate basic units, including the Minneola and Orlando types of Tangelos. The commenter questioned what further subdivision might be considered that would require this ''flexibility.''

Response: The commenter is correct that under the proposed restructuring of the citrus fruit crops (into citrus fruit commodities), the only resulting commodity types that would be eligible for optional units are the commodity types under the citrus fruit commodity Mandarin/Tangerines. All of the other citrus fruit commodities are anticipated to only have one commodity type per citrus fruit group. For those citrus fruit groups containing only one commodity type, optional units by commodity type does not provide any additional benefit. However, while FCIC does not currently have plans to further subdivide or add new commodity types, it is possible commodity types could be further subdivided or added in the future. While it is not possible to predict what, if any, commodity types might be subdivided or added, allowing optional units by commodity type, only if allowed by the Special Provisions, allows FCIC the flexibility to identify some commodity types that are eligible for optional units and not others, as appropriate.

Section 3—Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities

Comment: A few commenters stated that the proposed revision to remove the specific years from the example in section 3(b) does not add any clarity and may actually be more confusing. The commenters suggested updating the provision with contemporary dates or removing the example altogether.

Response: FCIC agrees that an example containing actual crop years may be easier to understand than the proposed revisions. FCIC has revised the example in section 3(b) to include contemporary dates.

Comment: A few commenters stated that according to the background section of the proposed rule the definition of ''dehorning'' is proposed to be deleted because the term is no longer used. Therefore, the commenters stated that section 3(c)(1) needs to be revised since it currently begins: ''The number of trees damaged, dehorned or removed . . .''

Response: As stated in a response to a previous comment, FCIC has retained the definition of ''dehorning'' in the final rule because it is still used in section 3(c)(1).

Comment: A few commenters recommended revising section 3(d) by removing the word ''such'' prior to the phrase ''situation listed in section 3(c).''

Response: FCIC agrees that the term ''such'' should be removed from the first sentence of section 3(d). The term is not necessary and its removal does not change the meaning of the provision. This change has been made in the final rule.

Section 6—Insured Crop

Comment: A commenter stated the proposed amendment to section 6(f) provides an age requirement for topworked acreage, but does not specifically address grafted acreage. Producers are unsure of the age requirements for grafted acreage, specifically, at what age acreage is insurable after it has been grafted. Even though the term ''graft'' is used in the definition of topwork, it would be appropriate to clarify the age requirement for grafted acreage in section 6 of the Crop Provisions. The current age is the sixth growing season after acreage is set out, or the fifth growing season after topwork. The commenter suggested that if grafted acreage follows the same guidelines as topworked acreage, FCIC should include the following language in 6(f)(2) that is

specific to grafting: ''The fifth growing season after topwork or grafting.''

Response: FCIC agrees with the commenter that the proposed provision does not specifically address all grafted trees such as scion that may be grafted to rootstock shortly after set out. FCIC's intention was to include grafted trees with topworked trees. However, as worded the proposed provision only includes trees that have grafting done to scaffold limbs. FCIC has revised section 6(f)(2) in the final rule to incorporate the suggested language with the caveat that the provision only applies if topwork or grafting occurs after set out. If topwork or grafting occurs prior to set or does not occur after set out, the timeframe for when insurability will be based upon when the trees were set out. Additionally, FCIC has revised section 6(f) to eliminate redundant language.

Comment: A commenter asked why underage citrus (grown on trees that have not reached the sixth growing season after being set out, or the fifth growing season after topwork) requires a written agreement to be insured, rather than a Regional Office Determined Yield as is the case with other California crops (e.g. stonefruit, grapes, almonds, etc.).

Response: FCIC strives to maintain some degree of consistency between the various crop insurance programs. However, due to the inherent differences among the crops insured by FCIC it is not possible for all crops to operate under the same set of rules, which is why there are different policies for different crops. One major difference between citrus and many of the other perennial crops insured in California, such as stonefruit, grapes, and almonds, is that citrus trees are less tolerant of freezing temperatures. Young citrus trees are especially susceptible to freeze injury. Fruit yields from young citrus trees damaged by freeze are often affected for multiple growing seasons. Requiring written agreements for Arizona-California Citrus allows policies to be processed prior to the period of risk for freeze, which protects against adverse selection.

Section 8—Insurance Period

Comment: A few commenters stated the proposed language in section 8(a)(2)(i)(B) is to clarify which counties are considered ''Southern California'' for purposes of determining the calendar date for the end of the insurance period for lemons, by listing the counties: ''Southern California lemons (Imperial, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties).'' The commenters stated that maybe no one will read this as meaning ''Southern California lemons'' is a separate citrus fruit commodity that will be identified as such in the actuarial documents, but as an alternative, perhaps consider stating ''Lemons in the Southern California counties of Imperial, . . .'' The commenters stated that if this change is made, section 8(a)(2)(iii) might need to be revised to ''July 31 for lemons in counties outside Southern California, and all other citrus fruit commodities.''

Response: FCIC agrees with the commenter that the proposed language could be misinterpreted to mean that ''Southern California Lemons'' is the name of a separate citrus fruit commodity. Therefore, FCIC has made the suggested revisions to section 8(a)(2).

Comment: A commenter recommended that San Diego and Ventura counties be separated from the proposed list of ''Southern California'' counties and put with San Luis Obispo County into a ''Coastal Counties'' group with a separate insurance period. According to the commenter, these Coastal counties produce lemons that bloom up to three times per year due to their moderate growing temperatures, so the insurance period should be extended to December of the year following bloom. This may not be enough time to allow the grower to harvest all three bloom periods, but it would at least extend the insurance period out to allow for the first bloom that occurs in the spring of the crop year.

Response: The changes suggested by the commenter were not included in the proposed rule and the comment does not address a conflict or vulnerability. Therefore, FCIC cannot consider the requested change because the public was not given the opportunity to comment. No change has been made in the final rule. However, FCIC has noted the concerns of the commenter and will consider this change the next time the Crop Provisions are revised.

Comment: A commenter stated the California citrus industry recognizes the value of crop insurance with more than 90 percent of the acreage insured through the crop insurance program, of which 49 percent of the acreage is covered through ''buy-up'' policies. The addition of the quarantine endorsement for ''buy-up'' policies is very valuable to the citrus industry. The commenter suggested revising section 8(b) of the Crop Provisions to clarify that if a policy has a quarantine endorsement that the crop is covered against the loss of production due to the inability to market the citrus due to quarantine. The commenter stated that the way it is currently written, it doesn't acknowledge policies with the endorsement.

Response: FCIC appreciates the commenter's support for the Arizona-California Crop Insurance program and the Quarantine Endorsement. However, the changes suggested by the commenter were not included in the proposed rule and the comment does not address a program conflict or vulnerability. Therefore, FCIC cannot consider the requested change because the public was not given the opportunity to comment. No change has been made in the final rule.

Comment: A commenter recommended including the language from the ''Insurance Period'' section 9(d)(3)(i)–(iii) of the 2012 ARH Citrus Pilot Crop Provisions [''If you anticipate destroying the trees on any acreage prior to harvest . . .''] in the AZ–CA Citrus Crop Provisions. The commenter stated this would allow both policies to be treated the same, eliminating potential confusion for insurance providers, agents, and policyholders. The policy has a 15-month insurance period with 13 of those months remaining after the acreage reporting date. The commenter stated this change will allow policyholders to make farming decisions based on the best interest of their farming operations and not on the language in their crop insurance policy.

Response: The changes suggested by the commenter were not included in the proposed rule and the comment does not address a conflict or vulnerability. Therefore, FCIC cannot consider the requested change because the public was not given the opportunity to comment. No change has been made in the final rule.

Section 10—Duties in the Event of Damage or Loss

Comment: A commenter stated the proposed addition of section 10(a) states that ''In accordance with the requirements of section 14 of the Basic Provisions, you must leave representative samples in accordance with our procedures.'' The commenter stated that the explanation was given that this requirement applies only if specified in the Crop Provisions. However, the commenter stated that this seems unwarranted without more detail either in the Crop Provisions or in the referenced ''procedures.'' For example, there does not appear to be any other reference to ''representative samples'' in the proposed Crop Provisions, unless maybe it is part of 10(b)(2) notification requirement to allow the insurance provider to do an inspection. Therefore, the commenter questioned when this might be needed. The commenter stated

section 14(c)(3) of the Basic Provisions requires that the samples ''must be 10 feet wide and extend the entire length of the rows, if the crop is planted in rows, or if the crop is not planted in rows, the longest dimension of the field.'' The commenter asked if these dimensions work for citrus grown on trees, or should there be specific requirements for this or anything else in this regard added in the Crop Provisions.

Response: In accordance with section 14(c)(1) of the Common Crop Insurance Policy Basic Provisions, section 10(b)(2) is the notice that policyholders are required to leave representative samples of the unharvested crop intact. Because policyholders are not provided FCIC procedures as part of their policy, FCIC has revised the proposed language in section 10(a) to state that representative samples must be left. FCIC has also added provisions that clarify that the insurance provider will notify the policyholder of which trees must remain unharvested as the representative sample and inspected in accordance with FCIC procedures. FCIC procedures will specify the criteria for identifying trees that should be selected for obtaining representative samples.

In addition to the changes described above, FCIC has made minor editorial changes.

List of Subjects in 7 CFR Part 457

Crop insurance, Arizona-California citrus, Reporting and recordkeeping requirements.

Final Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation amends 7 CFR part 457 effective for the 2015 and succeeding crop years as follows:

PART 457—COMMON CROP INSURANCE REGULATIONS

■ 1. The authority citation for 7 CFR Part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(o).

■ 2. Amend § 457.121 as follows:
■ a. In the introductory text by removing ''2000'' and adding ''2015'' in its place;
■ b. By removing the undesignated paragraph immediately preceding section 1;
■ c. In section 1:
■ i. By revising the definition of ''carton'';
■ ii. By removing the definitions of ''crop'' and ''variety'';
■ iii. By adding in alphabetical order the definitions of ''citrus fruit commodity,'' ''citrus fruit group,'' ''commodity type,'' ''graft,'' ''interstock,'' ''rootstock,'' ''scion,'' and ''topwork'';
■ iv. In the definition of ''crop year'' by removing the term ''citrus'' and adding the term ''insured'' in its place;
■ v. In the definition of ''direct marketing'' by adding the term ''insured'' directly preceding the term ''crop'' in the second sentence; and
■ vi. In the definition of ''interplanted'' by removing the term ''crops'' and adding the term ''agricultural commodities'' in its place;
■ d. Revise section 2;
■ e. In section 3:
■ i. By revising paragraph (a);
■ ii. In paragraph (b) by removing the number ''1998'' and adding the number ''2015'' in its place and by removing the number ''1996'' and adding the number ''2013'' in its place;
■ iii. In paragraph (c) introductory text by removing the phrase ''(Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities)'' and by adding the term ''commodity'' directly preceding the term ''type'';
■ iv. In paragraph (c)(4) by removing the phrase ''crop, and anytime'' and adding the phrase ''agricultural commodity and any time'' in its place;
■ v. In paragraph (c)(4)(i) by removing the phrase ''crop, and type'' and adding the phrase ''agricultural commodity and commodity type'' in its place;
■ vi. By designating the undesignated paragraph following paragraph (c)(4)(iii) as paragraph (d); and
■ vii. By revising the newly designated paragraph (d);
■ f. In section 4 by removing the phrase ''(Contract Changes)'';
■ g. In section 5 by removing the phrase ''(Life of Policy, Cancellation, and Termination)'';
■ h. In section 6;
■ i. By revising the introductory text;
■ ii. In paragraph (b) by adding the phrase ''grown on rootstock and trees'' following the phrase ''That is''; and
■ iii. By revising paragraph (f);
■ i. Revise section 7;
■ j. In section 8:
■ i. In paragraph (a) introductory text by removing the phrase ''(Insurance Period)'';
■ ii. In paragraph (a)(1) by removing the space between the number ''10'' and the term ''day'' and adding a hyphen in its place and by adding the term ''insured'' directly preceding the phrase ''crop or to determine the condition of the grove'';
■ iii. By revising paragraphs (a)(2)(i) and (iii); and
■ iv. In paragraph (b) introductory text by removing the phrase ''(Insurance Period)'';
■ k. In section 9:
■ i. In paragraph (a) introductory text by removing the phrase ''(Cause of Loss)'';
■ ii. In paragraph (a)(5) by removing the term ''or'' after the semicolon;
■ iii. In paragraph (a)(6) by removing the period at the end of the sentence and adding a semicolon in its place;
■ iv. By adding new paragraphs (a)(7) and (8); and
■ v. By revising paragraph (b);
■ l. In section 10:
■ i. By redesignating the introductory text, paragraph (a), and paragraph (b) as paragraphs (b) introductory text, (b)(1), and (b)(2) respectively;
■ ii. By adding a new paragraph (a);
■ iii. In the newly designated paragraph (b) introductory text by removing the phrase ''(Duties in the Event of Damage or Loss)''; and
■ iv. By revising the newly designated paragraph (b)(2);
■ m. In section 11:
■ i. In paragraph (b)(1) by removing the phrase ''crop, or variety if applicable,'' and adding the term ''commodity type'' in its place;
■ ii. In paragraph (b)(2) by removing the phrase ''crop, or variety, if applicable'' and adding the phrase ''commodity type'' in its place;
■ iii. In paragraph (b)(4) by removing the phrase ''variety, if applicable'' and adding the phrase ''commodity type'' in its place;
■ iv. In paragraph (c)(1)(iv) by removing the term ''crop'' in all three places it appears and adding the term ''insured crop'' in its place; and
■ v. By revising paragraph (f).

The revisions and additions read as follows:

§ 457.121 Arizona-California citrus crop insurance provisions.

* * * * *

1. * * *

Carton. The standard container for marketing the fresh packed citrus fruit commodity, as shown below, unless otherwise provided in the Special Provisions. In the absence of marketing records on a carton basis, production will be converted to cartons on the basis of the following average net pounds of packed fruit in a standard packed carton, unless otherwise provided in the Special Provisions.

Container size	Citrus fruit commodity	Pounds
Container #58	Oranges	38
Container #58	Lemons	40
Container #59	Grapefruit	32
Container #63	Mandarins/Tangerines	25
Container #63	Tangelos	25

Citrus fruit commodity. Citrus fruit as follows:

(1) Oranges;

(2) Lemons;

(3) Grapefruit;

(4) Mandarins/Tangerines;

(5) Tangelos; and

(6) Any other citrus fruit commodity designated in the actuarial documents.

Citrus fruit group. A designation in the Special Provisions used to identify commodity types within a citrus fruit commodity that may be grouped together for the purposes of electing coverage levels and identifying the insured crop.

Commodity type. A specific subgroup of a citrus fruit commodity having a characteristic or set of characteristics distinguishable from other subgroups of the same citrus fruit commodity.

* * * * *

Graft. To unite a bud or scion with a rootstock or interstock in accordance with recommended practices to form a living union.

* * * * *

Interstock. The area of the tree that is grafted to the rootstock.

Rootstock. The root and stem portion of a tree to which a scion can be grafted.

* * * * *

Scion. A detached living portion of a plant joined to a rootstock or interstock in grafting.

* * * * *

Topwork. Grafting a scion onto a pruned scaffold limb.

2. Unit Division

(a) Basic units will be established in accordance with section 1 of the Basic Provisions.

(b) Provisions in the Basic Provisions that allow optional units by section, section equivalent, or FSA farm serial number and by irrigated and non-irrigated practices are not applicable. Unless otherwise allowed by written agreement, optional units may only be established if each optional unit meets one or more of the following:

(1) The optional unit is located on non-contiguous land; and

(2) In addition to or instead of establishing optional units by non-contiguous land, optional units may be established by commodity type if allowed by the Special Provisions.

3. * * *

(a) In addition to the requirements of section 3 of the Basic Provisions, you may select only one price election and coverage level for each citrus fruit group you elect to insure. The price election you choose for each citrus fruit group need not bear the same percentage relationship to the maximum price offered by us for each citrus fruit group. For example, if you choose one hundred percent (100%) of the maximum price election for the citrus fruit group for Valencia oranges, you may choose seventy-five percent (75%) of the maximum price election for the citrus fruit group for Navel oranges. However, if separate price elections are available by commodity type within each citrus fruit group, the price elections you choose for each commodity type must have the same percentage relationship to the maximum price offered by us for each commodity type within the citrus fruit group.

* * * * *

(d) We will reduce the yield used to establish your production guarantee as necessary, based on our estimate of the effect of any situation listed in section 3(c) that may occur. If you fail to notify us of any situation in section 3(c), we will reduce your production guarantee as necessary, at any time we become aware of the circumstance. If the situation in 3(c) occurred:

(1) Before the beginning of the insurance period, the yield used to establish your production guarantee will be reduced for the current crop year regardless of whether the situation was due to an insured or uninsured cause of loss;

(2) After the beginning of the insurance period and you notify us by the production reporting date, the yield used to establish your production guarantee will be reduced for the current crop year only if the potential reduction in the yield used to establish your production guarantee is due to an uninsured cause of loss; or

(3) After the beginning of the insurance period and you fail to notify us by the production reporting date, an amount equal to the reduction in the yield will be added to the production to count calculated in section 11(c) due to uninsured causes. We may reduce the yield used to establish your production guarantee for the subsequent crop year to reflect any reduction in the productive capacity of the trees.

* * * * *

6. * * *

In accordance with section 8 of the Basic Provisions, the insured crop will be all the acreage in the county of each citrus fruit group you elect to insure and for which a premium rate is provided by the actuarial documents:

* * * * *

(f) That, unless otherwise provided in the Special Provisions or if we inspect and approve a written agreement to insure such acreage, is grown on trees that have reached at least:

(1) The sixth growing season after being set out; or

(2) The fifth growing season after topwork or grafting, if topwork or grafting occurs after set out.

7. Insurable Acreage

In lieu of the provisions in section 9 of the Basic Provisions that prohibit insurance attaching to interplanted acreage, citrus interplanted with another perennial agricultural commodity is insurable unless we inspect the acreage and determine it does not meet the requirements contained in your policy.

8. * * *

(a) * * *

(2) * * *

(i) August 31 for:

(A) Navel oranges; and

(B) Lemons in the Southern California counties of Imperial, Orange, Riverside, San Bernardino, San Diego, and Ventura;

* * * * *

(iii) July 31 for lemons in all other counties and for all other citrus fruit commodities.

* * * * *

9. * * *

(a) * * *

(7) Insects, but not damage due to insufficient or improper application of pest control measures; or

(8) Plant disease, but not damage due to insufficient or improper application of disease control measures.

(b) In addition to the causes of loss excluded in section 12 of the Basic

Provisions, we will not insure against damage or loss of production due to the inability to market the citrus for any reason other than actual physical damage from an insurable cause of loss specified in this section. For example, we will not pay you an indemnity if you are unable to market due to quarantine, boycott, or refusal of any person to accept production.

10. * * *

(a) In accordance with the requirements of section 14 of the Basic Provisions, you must leave representative samples. In lieu of section 14(c)(3) of the Basic Provisions, we will determine which trees must remain unharvested as your representative sample so that we may inspect them in accordance with procedures.

(b) * * *

(2) If you intend to claim an indemnity on any unit, you must notify us at least 15 days prior to the beginning of harvest or immediately if damage is discovered during harvest so that we may have an opportunity to inspect unharvested trees. You must not sell or dispose of the damaged insured crop until after we have given you written consent to do so. If you fail to meet the requirements of this section, all such production will be considered undamaged and included as production to count.

* * * * *

11. * * *

(f) If you elect the frost protection option and we determine that frost protection equipment, as specified in the Special Provisions, was not properly utilized or not properly reported, the indemnity for the unit will be reduced by the percentage of premium reduction allowed for frost protection equipment. You must, at our request, provide us records showing the start-stop times by date for each period the frost protection equipment was used.

* * * * *

Signed in Washington, DC, on July 25, 2013.

Brandon Willis,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2013–18414 Filed 7–30–13; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 2

[Docket No. APHIS–2006–0159]

RIN 0579–AC69

Handling of Animals; Contingency Plans; Stay of Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; stay of regulations.

SUMMARY: On December 31, 2012, we published a final rule establishing regulations under which research facilities and dealers, exhibitors, intermediate handlers, and carriers must meet certain requirements for contingency planning and training of personnel. In this document, we are issuing a stay of those regulations in order that we may undertake a review of their requirements.

DATES: Effective July 31, 2013, 9 CFR 2.38(l) and 2.134 are stayed indefinitely.

FOR FURTHER INFORMATION CONTACT: Dr. Johanna ''Jeleen'' Briscoe, Veterinary Medical Officer, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234; (301) 851–3726.

SUPPLEMENTARY INFORMATION: On December 31, 2012, we published a final rule (77 FR 76814–76824) establishing regulations under which research facilities and dealers, exhibitors, intermediate handlers, and carriers must meet certain requirements for contingency planning and training of personnel. In this document, we are issuing a stay of those regulations in order that we may undertake a review and analysis of such requirements. We intend to conduct this additional review to further consider the impact of contingency plan requirements on regulated entities, taking into account a reexamination of any unique circumstances and costs that may vary by the type and size of businesses.

Authority: 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.7.

Done in Washington, DC, this 29th day of July 2013.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–18524 Filed 7–30–13; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

RIN 3150–AI42

[NRC–2008–0608]

Revisions to Environmental Review for Renewal of Nuclear Power Plant Operating Licenses; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correcting amendment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a final rule that was published in the **Federal Register** on June 20, 2013, and effective on July 22, 2013. The final rule amended the NRC's environmental protection regulations by updating the Commission's 1996 findings on the environmental effect of renewing the operating license of a nuclear power plant. Compliance with the provisions of the rule is required by June 20, 2014. This correcting amendment is necessary to clarify and correct the revisions made to the statutory authority that is cited in the authority citation of the final rule.

DATES: This correction is effective on July 31, 2013.

ADDRESSES: Please refer to Docket ID NRC–2008–0608 when contacting the NRC about the availability of information for this final rule. You may access information related to this final rule, which the NRC possesses and is publicly available, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0608. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in

ADAMS) is provided the first time that a document is referenced.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Leslie S. Terry, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–287–0993, email: *Leslie.Terry@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

On June 20, 2013 (78 FR 37281), the NRC published a final rule in the **Federal Register** amending its environmental protection regulations by updating the Commission's 1996 findings on the environmental effect of renewing the operating license of a nuclear power plant. This document is necessary to clarify and correct the revisions made to the statutory authority that is cited in the authority citation for part 51 of Title 10 of the *Code of Federal Regulations* (10 CFR). The revisions made to the authority citation in the final rule were administrative in nature and did not change the statutory authority. The authority citation for 10 CFR part 51 is corrected by inserting missing punctuation and changing incorrect punctuation.

II. Rulemaking Procedure

Because this amendment constitutes a minor technical correction to the NRC's authority citation for the prior final rule amending its environmental protection regulations, the Commission finds that the notice and comment provisions of the Administrative Procedure Act are unnecessary and is exercising its authority under 5 U.S.C. 553(b)(3)(B) to publish this amendment as a final rule. This amendment does not require action by any person or entity regulated by the NRC. Also, the final rule does not change the substantive responsibilities of any person or entity regulated by the NRC.

List of Subjects in 10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, 10 CFR part 51 is corrected by making the following correcting amendment.

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

■ 1. The authority citation for part 51 is revised to read as follows:

Authority: Atomic Energy Act sec. 161, 1701 (42 U.S.C. 2201, 2297f); Energy Reorganization Act secs. 201, 202, 211 (42 U.S.C. 5841, 5842, 5851); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note). Subpart A also issued under National Environmental Policy Act secs. 102, 104, 105 (42 U.S.C. 4332, 4334, 4335); Pub. L. 95–604, Title II, 92 Stat. 3033–3041; Atomic Energy Act sec. 193 (42 U.S.C. 2243). Sections 51.20, 51.30, 51.60, 51.80, and 51.97 also issued under Nuclear Waste Policy Act secs. 135, 141, 148 (42 U.S.C. 10155, 10161, 10168). Section 51.22 also issued under Atomic Energy Act sec. 274 (42 U.S.C. 2021) and under Nuclear Waste Policy Act sec. 121 (42 U.S.C. 10141). Sections 51.43, 51.67, and 51.109 also issued under Nuclear Waste Policy Act sec. 114(f) (42 U.S.C. 10134(f)).

Dated at Rockville, Maryland, this 25th day of July 2013.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 2013–18315 Filed 7–30–13; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL ELECTION COMMISSION

11 CFR Part 1

Privacy Act

CFR Correction

In Title 11 of the Code of Federal Regulations, revised as of January 1, 2012, on page 5, in § 1.2, the words ''95 and 96 of the Internal Revenue Code of 1954.'' are added at the end of the definition of Act.

[FR Doc. 2013–18535 Filed 7–30–13; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL ELECTION COMMISSION

11 CFR Part 100

Scope and Definitions (2 U.S.C. 431)

CFR Correction

In Title 11 of the Code of Federal Regulations, revised as of January 1, 2012, on page 42, in § 100.19, a heading is added to paragraph (a) to read as follows:

§ 100.19 File, filed or filing (2 U.S.C. 434(a)).

* * * * *

(a) *Where to deliver reports.* * * *

* * * * *

[FR Doc. 2013–18542 Filed 7–30–13; 8:45 am]

BILLING CODE 1505–01–D

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 748

Security Program, Report of Suspected Crimes, Suspicious Transactions, Catastrophic Acts and Bank Secrecy Act Compliance

CFR Correction

In Title 12 of the Code of Federal Regulations, Parts 600 to 899, revised as of January 1, 2013, on page 963, in § 748.2, the second paragraph (b)(2) is removed.

[FR Doc. 2013–18550 Filed 7–30–13; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–9433, 34–70040, 39–2491, IC–30629]

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (the Commission) is adopting revisions to the Electronic Data Gathering, Analysis, and Retrieval System (EDGAR) Filer Manual and related rules to reflect updates to the EDGAR system. The revisions are being made primarily to introduce the new EDGARLink Online submission form type SD (Specialized Disclosure Report) and SD/A; support minor updates to Form 13H. The EDGAR system is scheduled to be upgraded to support this functionality on July 22, 2013.

DATES: Effective July 31, 2013. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of July 31, 2013.

FOR FURTHER INFORMATION CONTACT: In the Division of Corporation Finance, for questions concerning submission form type SD and SD/A contact Heather Mackintosh at (202) 551–3600; in the Division of Trading and Markets for questions concerning Form 13H contact Richard Holley; and in the Office of Information Technology, contact Vanessa Anderson at (202) 551–8800.

SUPPLEMENTARY INFORMATION: We are adopting an updated EDGAR Filer Manual, Volume II. The Filer Manual describes the technical formatting requirements for the preparation and submission of electronic filings through the EDGAR system.[1] It also describes the requirements for filing using EDGARLink Online and the Online Forms/XML Web site.

The revisions to the Filer Manual reflect changes within Volume II entitled EDGAR Filer Manual, Volume II: ''EDGAR Filing,'' Version 24 (July 2013). The updated manual will be incorporated by reference into the Code of Federal Regulations.

The Filer Manual contains all the technical specifications for filers to submit filings using the EDGAR system. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.[2] Filers may consult the Filer Manual in conjunction with our rules governing mandated electronic filing when preparing documents for electronic submission.[3]

The EDGAR system will be upgraded to Release 13.2 on July 22, 2013 and will introduce the following changes: EDGAR will be updated to introduce submission form types, SD (Specialized Disclosure Report) and SD/A on EDGAR Filing Web site for filing disclosure under Exchange Act Sections 13(p) and the related rule regarding the use of conflict minerals. These submission form types will be available on the EDGARLink Online application. Filers may also construct submissions by following the 'EDGARLink Online XML Technical Specification', available on the Commission's public Web site's ''Information for EDGAR Filers'' Web page.

Form SD Item 1.02 (Conflict Minerals Report) will require issuers to provide the Conflict Minerals Report as Exhibit 1.02 in ASCII or HTML format. See Final Release No. 34–67716.

EDGAR will be updated to allow Form 13H filers to use the 13H–A submission form type to satisfy both their annual and fourth quarter amendment filing requirements. Filers will be able to submit form type 13H–A as their annual (13H–A) and fourth quarter amendment (13H–Q) submissions. Additionally, submission form types 13H, 13H–A and 13H–Q will be updated to increase the maximum number of characters accepted by Item 1(b) to 20,000 characters and increase the number of broker-dealers that can be provided under Item 6 to 2000.

Along with the adoption of the Filer Manual, we are amending Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations of today's revisions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51.

You may obtain paper copies of the updated Filer Manual at the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street NE., Room 1543, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. We will post electronic format copies on the Commission's Web site; the address for the Filer Manual is *http://www.sec.gov/info/edgar.shtml.*

Since the Filer Manual and the corresponding rule changes relate solely to agency procedures or practice, publication for notice and comment is not required under the Administrative Procedure Act (APA).[4] It follows that the requirements of the Regulatory Flexibility Act[5] do not apply.

The effective date for the updated Filer Manual and the rule amendments is July 31, 2013. In accordance with the APA,[6] we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The EDGAR system upgrade to Release 13.2 is scheduled to become available on July 22, 2013. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the system upgrade.

Statutory Basis

We are adopting the amendments to Regulation S–T under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,[7] Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,[8] Section 319 of the Trust Indenture Act of 1939,[9] and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.[10]

List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

Text of the Amendment

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The authority citation for Part 232 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78*l,* 78m, 78n, 78o(d), 78w(a), 78*ll,* 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, and 7201 *et seq.;* and 18 U.S.C. 1350.

* * * * *

■ 2. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the EDGAR Filer Manual, Volume I: ''General Information,'' Version 15 (May 2013). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: ''EDGAR Filing,'' Version 24 (July 2013). Additional provisions applicable to Form N–SAR filers are set forth in the EDGAR Filer Manual, Volume III: ''N–SAR Supplement,'' Version 2 (August 2011). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. You must comply with these requirements in order for documents to be timely received and accepted. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street NE., Room 1543, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Electronic copies are available on the Commission's Web site. The

[1] We originally adopted the Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33–6986 (April 1, 1993) [58 FR 18638]. We implemented the most recent update to the Filer Manual on May 14, 2013. *See* Release No. 33–9403 (May 21, 2013) [78 FR 29616].

[2] *See* Rule 301 of Regulation S–T (17 CFR 232.301).

[3] *See* Release No. 33–9403 (May 21, 2013) [78 FR 29616] in which we implemented EDGAR Release 13.1. For additional history of Filer Manual rules, please see the cites therein.

[4] 5 U.S.C. 553(b).

[5] 5 U.S.C. 601–612.

[6] 5 U.S.C. 553(d)(3).

[7] 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

[8] 15 U.S.C. 78c, 78*l,* 78m, 78n, 78o, 78w, and 78*ll.*

[9] 15 U.S.C. 77sss.

[10] 15 U.S.C. 80a–8, 80a–29, 80a–30, and 80a–37.

address for the Filer Manual is *http://www.sec.gov/info/edgar.shtml.* You can also inspect the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

By the Commission.

Dated: July 25, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–18395 Filed 7–30–13; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0678]

Drawbridge Operation Regulation Lake Washington, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Evergreen Point Floating Bridge (State Route 520 across Lake Washington) at Seattle, WA. This deviation is necessary to accommodate the Seafair Air Show practice and event. This deviation allows the bridge to remain in the closed position to help minimize traffic congestion during the event.

DATES: This deviation is effective from 9:30 a.m. on August 1, 2013 to 3:30 p.m. August 4, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0678] is available at http://www.regulations.gov. Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Lieutenant Commander Steven M. Fischer, Thirteenth Coast Guard District Bridge Program Officer, telephone 206–220–7277, email *Steven.M.Fischer2@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Washington State Department of Transportation has requested that the draw span of the Evergreen Point Floating Bridge (State Route 520 across Lake Washington) remain closed to vessel traffic to facilitate safe passage of participants of the Seafair Airshow practice and event. Interstate 90 will be closed to road traffic during this time, which would divert road traffic onto the Evergreen Point Floating Bridge. The closure of the Evergreen Point Floating Bridge will further help minimize road traffic congestion resulting from the closure of Interstate 90. The Evergreen Point Floating Bridge provides three navigational openings for vessel passage, the movable floating span, subject to this closure, and two fixed navigational openings; one on the east end of the bridge and one on the west end. The fixed navigational opening on the east end of the bridge provides a horizontal clearance of 150 feet and a vertical clearance of 57 feet at mean high water. The opening on the west end of the bridge provides a horizontal clearance of 170 feet and a vertical clearance of 44 feet at mean high water. Vessels that are able to safely pass through the fixed navigational openings are allowed to do so during this closure period. Under normal conditions, during this time frame, the bridge operates in accordance with 33 CFR 117.1049(a) which states the bridge shall open on signal if at least two hours notice is given. This deviation period is from 9:30 a.m. on August 1, 2013 to 3:30 p.m. August 4, 2013. The deviation allows the floating draw span of the Evergreen Point Floating Bridge on Lake Washington to remain in the closed position and need not open for maritime traffic from 9:30 a.m. to 3:00 p.m. on August 1, 2013; 12:30 p.m. to 3:00 p.m. on August 2, 2013; 12:30 p.m. to 3:30 p.m. on August 3, 2013; and 12:30 p.m. to 3:30 p.m. on August 4, 2013. The bridge shall operate in accordance to 33 CFR 117.1049(a) at all other times. Waterway usage on the Lake Washington Ship ranges from commercial tug and barge to small pleasure craft. Mariners will be notified and kept informed of the bridge's operational status via the Coast Guard Notice to Mariners publication and Broadcast Notice to Mariners as appropriate. The draw span will be required to open, if needed, for vessels engaged in emergency response operations during this closure period.

In accordance with 33 CFR 117.35(e), the drawbridge 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: July 24, 2013.

Daryl R. Peloquin,

Acting Bridge Administrator.

[FR Doc. 2013–18341 Filed 7–30–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0410]

RIN 1625–AA00

Safety Zone; Upper Mississippi River, Mile 662.8 to 663.9

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all waters of the Upper Mississippi River, from mile 662.8 to 663.9, extending the entire width of the river. This safety zone is needed to protect vessels transiting through the area on the Upper Mississippi River. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port Upper Mississippi River or a designated representative.

DATES: This rule is effective from 8:30 p.m. until 10 p.m. on August 10, 2013.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2013–0410 and are available online by going to *http://www.regulations.gov* and following the instructions on that Web site. If you do not have access to the internet, you may view the docket 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Lieutenant Colin

Fogarty, Sector Upper Mississippi River Response Department at telephone 314–269–2546, email *Colin.M.Fogarty@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

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 using the NPRM process. The Coast Guard received notice from Lansing Lions Club on May 1, 2013, stating that they will be conduct a barge based fireworks shoot on the Mississippi River. Completing the NPRM process is impracticable as it would delay the necessary safety zone required to protect participants and event personnel from hazards associated with a barge based fireworks shoot on the Mississippi River. Delaying this rule by completing the NPRM process is also impracticable as it would interfere with and delay the planned event and possibly interfere with contractual obligations.

For the same reasons, 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**. Delaying this rule by providing 30 days notice would be impracticable and contrary to the public interest because immediate action is needed to protect persons and property from the possible hazards present during such a high volume gathering of vessels on the Mississippi River for this event.

B. Basis and Purpose

On August 10, 2013, the Lansing Lions Club will conduct a barge based fireworks shoot in the vicinity of mile 662.8 to 663.9 on the Upper Mississippi River. Anticipated traffic on the river presents safety hazards to vessels and participants navigating in the vicinity of mile 662.8 to 663.9. The Captain of the Port determined that a safety zone is necessary to protect persons and property from these hazards. The legal basis and authorities for this rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones.

C. Discussion of the Final Rule

The Coast Guard is establishing a safety zone for all waters of the Upper Mississippi River, from mile 662.8 to 663.9, extending the entire width of the river. Entry into this zone is prohibited to all vessels and persons except persons and vessels specifically authorized by the Captain of the Port Upper Mississippi River or designated representative. This rule is effective on August 10, 2013, from 8:30 p.m. until 10 p.m. for all waters from mile 662.8 to 663.9. The Captain of the Port Upper Mississippi River will inform the public of changes to the enforcement period via broadcast notice to mariners and local notice to mariners.

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 that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security. This rule will be in effect for a limited time period on one day and notifications to the marine community will be made by local notice to mariners, and subsequent notifications through broadcast notice to mariners. Deviation from the rule may be requested and will be considered on a case-by-case basis by the Captain of the Port or a designated representative. The impacts on routine navigation are expected to be minimal.

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 the 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 will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit the Upper Mississippi River, mile 662.8 to 663.9 from 8:30 p.m. until 10 p.m. on August 10, 2013. This safety zone will not have a significant economic impact on a substantial number of small entities because this rule will be in effect for a limited time period and notifications to the marine community will be made by local notice to mariners, and subsequent notifications through broadcast notice to mariners. Deviation from the rule may be requested and will be considered on a case-by-case basis by the Captain of the Port or a designated representative.

If you are a small business entity and are significantly affected by this regulation, please contact LT Colin Fogarty, Sector Upper Mississippi River Response Department at telephone 314–269–2546, email *Colin.M.Fogarty@uscg.mil.*

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 businesses. 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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

This 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 guides 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 establishing a safety zone, requiring a permit wherein an analysis of the environmental impact of the regulations was performed. This rule is categorically excluded, 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**.

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, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0410 to read as follows:

§ 165.T08–0410 Safety Zone; Upper Mississippi River, Mile 662.8 to 663.9.

(a) *Location.* The following area is a safety zone: All waters of the Upper Mississippi River, mile 662.8 to 663.9, extending the entire width of the waterway.

(b) *Effective Date.* This rule is effective and enforceable on August 10, 2013.

(c) *Periods of Enforcement.* This rule will be enforced during the following time period: From 8:30 p.m. until 10 p.m. for all waters from mile 662.8 to 663.9. The Captain of the Port Upper Mississippi River will inform the public of the enforcement periods via local notice to mariners and subsequent changes by broadcast notice to mariners.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Upper Mississippi River or a designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port Upper Mississippi River or a designated representative. The Captain of the Port Upper Mississippi River representative may be contacted at 314–269–2332.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Upper Mississippi River or their designated representative. Designated Captain of the Port representatives include United States Coast Guard commissioned, warrant, and petty officers.

Dated: July 10, 2013.

B.L. Black,

Captain, U.S. Coast Guard, Captain of the Port Upper Mississippi River.

[FR Doc. 2013–18342 Filed 7–30–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0908; FRL–9389–8]

Sorbitan Monooleate Ethylene Oxide Adduct; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of sorbitan, mono-9-octadecenoate, poly(oxy-1,2-ethanediyl) derivs., (Z)- (CAS Reg. No 9005–65–6) (also known as ''sorbitan monooleate ethylene oxide adduct'' and as ''polysorbate 80'') when used as an inert ingredient in antimicrobial formulations for use on food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils. Exponent, on behalf of Ecolab, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting the establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of sorbitan monooleate ethylene oxide adduct.

DATES: This regulation is effective July 31, 2013. Objections and requests for hearings must be received on or before September 30, 2013, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0908, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave., NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0908 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 30, 2013. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0908, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Petition for Exemption

In the **Federal Register** of February 15, 2013 (78 FR 11129) (FRL–9378–4), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10524) by Exponent, on behalf of Ecolab, Inc., 370 Wabasha St., St. Paul MN 55102. The petition requested that 40 CFR 180.940(a) be amended by establishing an exemption from the requirement of a tolerance for residues of sorbitan monooleate ethylene oxide adduct when used as an inert ingredient in antimicrobial formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils. That document referenced a summary of the petition prepared by Exponent, the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA

determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for sorbitan monooleate ethylene oxide adduct including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with sorbitan monooleate ethylene oxide adduct follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by sorbitan monooleate ethylene oxide adduct as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

The acute oral toxicity of sorbitan monooleate ethylene oxide adduct is low; the LD_{50} was >25,000 mg/kg in the rat and mouse. Also, no systemic or adverse effects were observed in rats following a single oral dose of 22,000 mg/kg/day. Sorbitan monooleate ethylene oxide adduct did not cause eye irritation in rabbits. It was not a dermal sensitizer in guinea pigs. Acute dermal toxicity was not observed in rabbits exposed to sorbitan sesquioleate ethoxylate, a substance that is closely related to sorbitan monooleate ethylene oxide adduct.

Sorbitan monooleate ethylene oxide adduct was administered via the diet to rats in a subchronic toxicity study. Systemic toxicity was not observed in rats following exposure to 2,500 mg/kg/day of sorbitan monooleate ethylene oxide adduct in the diet for 13 weeks.

In developmental and reproduction toxicity studies, rats and mice administered sorbitan monooleate ethylene oxide adduct at doses >10,000 mg/kg/day exhibited toxicity. These doses well exceed the limit dose of 1,000 mg/kg/day.

Available mutagenicity studies included the rec-assay, reverse mutation assay, chromosome aberration test, a mouse micronucleus assay, and a dominant lethal test. Sorbitan monooleate ethylene oxide adduct was negative for inducing mutations and aberrations in all of the studies. Therefore, sorbitan monooleate ethylene oxide adduct is considered nonmutagenic.

Evidence of carcinogenicity was not observed in mice. In rats, the incidence of adrenal medulla malignant and benign pheochromocytoma is 4% and 58%, respectively, in high dose males. The historical control ranges for malignant and total benign pheochromocytoma are 0–20% and 22–48%, respectively. The incidence of total benign adrenal medulla pheochromocytoma (29/50, 58%) was marginally increased though not significantly in high dose (50,000 ppm) males only when compared to control male rats (21/50, 42%). Nevertheless, the Agency concluded that the concern for carcinogenicity is low based on the following:

1. The adrenal medulla pheochromocytomas were observed in only one sex and species at an extremely high dose, 2,500 mg/kg/day, which is in excess of 2.5 times the limit dose;

2. The increased incidence was observed in benign tumors,

3. The lack of mutagenicity of sorbitan monooleate ethylene oxide adduct; and

4. General low toxicity of the substance. Therefore, a cancer risk assessment was not conducted.

Neurotoxicity parameters were evaluated in a reproduction toxicity study in rats with sorbitan monooleate ethylene oxide adduct. Evidence of neurotoxicity was not observed.

Although no immunotoxicity studies were available for review, none of the submitted studies indicated any evidence of immunotoxicity.

A metabolism study in rats showed that sorbitan monooleate ethylene oxide adduct administered orally is hydrolyzed, poorly absorbed, and excreted mainly in the feces. Bioaccumulation was not observed.

B. Toxicological Points of Departure/Levels of Concern

The available toxicity studies indicate that sorbitan monooleate ethylene oxide adduct has very low toxicity. The toxicity database is consists of toxicity data on subchronic and chronic exposures; carcinogenicity, developmental, reproduction, mutagenicity and metabolism. Although a developmental study in rabbits and a dermal toxicity study are not available, there is no concern for the lack of these studies. There is no concern for the lack of a developmental study in rabbits because fetal susceptibility was not observed in the available developmental and reproduction studies in rats and mice. Also, toxicity was only observed at doses (>10,000 mg/kg/day) well above the limit dose.

In regard to the sorbitan monooleate ethylene oxide adduct toxicity database, the lowest NOAEL (100 mg/kg/day) was observed in a developmental study in rats where 100 mg/kg/day was the only tested dose. However, the results in this study were considered unreliable because the effects were not reproducible in other studies conducted with the same species, at higher doses and longer exposure. In these remaining studies, toxicity was observed only at doses >2,500 mg/kg/day, well above the limit dose of 1,000 mg/kg/day. Therefore, since no endpoint of concern was identified for the acute and chronic dietary exposure assessment and short and intermediate dermal and inhalation exposure, a quantitative risk assessment

for sorbitan monooleate ethylene oxide adduct is not necessary.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to sorbitan monooleate ethylene oxide adduct, EPA considered exposure under the proposed exemption from the requirement of a tolerance (40 CFR 180.940(a)) and as an inert ingredient used in pesticide formulations applied to growing crops and animals under the existing exemptions from the requirement of a tolerance given at 40 CFR 180.910 and 180.930. EPA assessed dietary exposures from sorbitan monooleate ethylene oxide adduct in food as follows:

Sorbitan monooleate ethylene oxide adducts are used as surfactants, related adjuvants of surfactants, emulsifiers, buffering agents, and corrosion inhibitors in a variety of residential pesticide products including yard, garden, and turf products, as well as in agricultural crop products, applied to growing crops, raw agricultural commodities after harvest, and/or to animals. Additionally, they are used extensively as emulsifiers, stabilizers and thickeners in food, cosmetics, personal care and medical products, and lubricants.

For the general population, the majority of exposure to sorbitan monooleate ethylene oxide adduct occurs from the extensive use in consumer products and as FDA-approved direct and indirect food additives. Under this exemption from the requirement of a tolerance, residues of this chemical also may be found on food-contact surfaces, such as tableware and utensils, and in dairies and beverage- and food-processing plants. Because no hazard endpoint of concern was identified for the acute and chronic dietary assessment (food and drinking water), a quantitative dietary exposure risk assessment was not conducted.

2. *Dietary exposure from drinking water.* Sorbitan monooleate ethylene oxide adduct is not expected to be present in drinking water based on its physical/chemical properties. Further, a hazard endpoint of concern was not identified for the acute and chronic dietary assessment; therefore, a quantitative dietary exposure risk assessment was not conducted.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables). In the case of sorbitan monooleate ethylene oxide adduct, the request is for use as an inert ingredient in antimicrobial formulations for use on food contact surfaces. Sorbitan monooleate ethylene oxide adduct may also be used in personal care products and in products that are registered for specific uses that may result in residential exposure. However, based on the lack of toxicity, a quantitative exposure assessment from ''residential exposures'' was not performed.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found sorbitan monooleate ethylene oxide adduct to share a common mechanism of toxicity with any other substances, and sorbitan monooleate ethylene oxide adduct does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that sorbitan monooleate ethylene oxide adduct does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

As part of its qualitative assessment, the Agency did not use safety factors for assessing risk, and no additional safety factor is needed for assessing risk to infants and children. The toxicity database contains several acute and subchronic, carcinogenicity, development toxicity, reproductive toxicity, and mutagenicity studies. The available toxicity studies indicate that sorbitan monooleate ethylene oxide adduct has very low toxicity. The lowest NOAEL (100 mg/kg/day) was observed in a developmental study where 100 mg/kg/day was the only tested dose. However, in the remaining studies where more than one dose was tested, toxicity was observed only at doses >2,500 mg/kg/day, well above the limit dose of 1,000 mg/kg/day. Further, fetal toxicity was only observed at doses >10,000 mg/kg/day. Although no neurotoxicity studies are available for sorbitan monooleate ethylene oxide adduct, EPA is not concerned for neurotoxic effects because neurotoxicity was not observed in a developmental study in rats where neurotoxic parameters were evaluated. Also, although no immunotoxicity studies are available for sorbitan monooleate ethylene oxide adduct, none of the submitted studies showed any indications of immunotoxicity. Thus, there is no residual uncertainty with regard to pre- and post-natal toxicity of sorbitan monooleate ethylene oxide adduct.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, sorbitan monooleate ethylene oxide adduct is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that based on the lack of toxicity of sorbitan monooleate ethylene oxide adduct and since no chronic endpoint was identified, chronic risk is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no short-term adverse effect was identified, sorbitan monooleate ethylene oxide adduct is not expected to pose a short-term risk.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no intermediate-term adverse effect was identified, sorbitan monooleate ethylene oxide adduct is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* Based on the discussion of the potential carcinogenicity of sorbitan monooleate ethylene oxide adduct in Unit IV.A., sorbitan monooleate ethylene oxide adduct is not expected to pose a cancer risk.

6. *Determination of safety.* Based on the lack of concern for hazard posed by sorbitan monooleate ethylene oxide adduct, EPA concludes that there is a reasonable certainty that no harm will result to the general population or to infants and children from aggregate exposure to sorbitan monooleate ethylene oxide adduct.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nation Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for sorbitan monooleate ethylene oxide adduct.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.940(a) for sorbitan, mono-9-octadecenoate, poly(oxy-1,2-ethanediyl) derivs., (Z)- (also known as sorbitan monooleate ethylene oxide adduct) (CAS Reg. No. 9005–65–6) when used as an inert ingredient (in antimicrobial formulations) applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils.

VII. Statutory and Executive Order Reviews

This final rule establishes an exemption from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption to the requirement of a tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 22, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.940, in paragraph (a), alphabetically add the following inert ingredient to the table to read as follows:

§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).

* * * * *

(a) * * *

Pesticide chemical	CAS Reg. No.	Limits
* * * * *		
Sorbitan, mono-9-octadecenoate, poly(oxy-1,2-ethanediyl) derivs., (Z)-.	9005–65–6	None.
* * * * *		

* * * * *

[FR Doc. 2013–18188 Filed 7–30–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2009–0917; FRL–9391–2]

Complex Polymeric Polyhydroxy Acids; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of Complex Polymeric Polyhydroxy Acids in or on all food commodities. This regulation eliminates the need to establish a maximum permissible level for residues of Complex Polymeric Polyhydroxy Acids (CPPA) under FFDCA.

DATES: This regulation is effective July 31, 2013. Objections and requests for hearings must be received on or before September 30, 2013, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2009–0917, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Menyon Adams, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–8496; email address: *adams.menyon@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2009–0917 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 30, 2013. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2009–0917, by one of the methods provided in 40 CFR 150.17(b).

II. Background and Statutory Findings

In the **Federal Register** of January 13, 2010 (75 FR 1775) (FRL–8805–6), EPA issued a notice pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 9F7645) by James R. Yowell of Spring Trading Company (the Petitioner), on behalf of Floratine Biosciences Inc., 153 N. Main St., Suite 100, Collierville, TN 38017. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of Complex Polymeric Polyhydroxy Acids. That document referenced a summary of the petition prepared by the Petitioner, which is available in the docket, *http://www.regulations.gov.* No comments were received.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a

tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . . '' Additionally, FFDCA section 408(b)(2)(D) requires that the Agency consider ''available information concerning the cumulative effects of a particular pesticide's residues'' and ''other substances that have a common mechanism of toxicity.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

A. Overview of Complex Polymeric Polyhydroxy Acids

Complex Polymeric Polyhydroxy Acids (CPPA) is a complex mixture of naturally occurring organic substances found in dead plant materials. The components of CPPA are widespread in nature, being found in soils and fresh and salt water environments as a result of decaying plant materials, and are used to condition agricultural soils.

Its major components are humic acid, fulvic acid, and tannins, and their relative concentrations in soil and water systems are influenced by environmental conditions, such as climate, soil types, vegetation, and hydrology. CPPA is made by concentrating the organic substances from water leached through forest soil using a proprietary manufacturing process.

B. Biochemical Pesticide Toxicology Data Requirements

All applicable mammalian toxicology data requirements supporting the petition to exempt residues of CPPA from the requirement of a tolerance in or on all food commodities have been fulfilled. No acute, subchronic, or chronic toxicity endpoints were identified in guideline studies or in data obtained from open technical literature. Moreover, CPPA is not a mutagen, and is not a developmental toxicant. There are no known effects on endocrine systems via oral, dermal, or inhalation exposure. For a more in-depth synopses of the data upon which EPA relied and its human health risk assessment based on that data can be found on pages 8 through 11 and in Appendix A of the draft document entitled, ''Biopesticides Registration Action Document, Complex Polymeric Polyhydroxy Acids (CPPA),'' available in the docket for this action as described under **ADDRESSES**.

IV. Aggregate Exposures

In examining aggregate exposure, FFDCA section 408 directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

The proposed use pattern may result in dietary exposure with possible residues in or on agricultural commodities. No significant exposure via drinking water is expected beyond what is already present, when CPPA is used according to the product label directions because the active ingredient biodegrades rapidly (half-life = 25.7 days) in the environment, is applied at low application rates, and is not directly applied to water.

Should exposure occur, however, minimal to no risk is expected for the general population, including infants and children, due to low toxicity of CPPA and its components as demonstrated in the data submitted and evaluated by the Agency. In addition, the lack of reported incidents in spite of the exposure from use in commercial agriculture for years to condition soils and its abundance in nature support a conclusion that minimal to no risk is expected.

B. Other Non-Occupational Exposure

Non-occupational exposure is not expected because CPPA will be applied as a commercial plant growth regulator for agricultural purposes only.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has determined CPPA to have a non-toxic mode of action; therefore, 408(b)(2)(D)(v) does not apply.

VI. Determination of Safety for U.S. Population, Infants and Children

FFDCA section 408(b)(2)(C) provides that, in considering the establishment of a tolerance or tolerance exemption for a pesticide chemical residue, EPA shall assess the available information about consumption patterns among infants and children, special susceptibility of infants and children to pesticide chemical residues, and the cumulative effects on infants and children of the residues and other substances with a common mechanism of toxicity. In addition, FFDCA section 408(b)(2)(C) provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure, unless EPA determines that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor. In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data are available to support the choice of a different safety factor.

As part of its qualitative assessment, EPA evaluated the available toxicity and exposure data on CPPA and considered its validity, completeness, and reliability, as well as the relationship of this information to human risk. EPA considers the toxicity database to be complete and has identified no residual uncertainty with regard to prenatal and postnatal toxicity or exposure. No hazard was identified based on the available studies. Based upon its evaluation, EPA concludes that there are no threshold effects of concern to infants, children, or adults when CPPA is applied as a plant growth regulator and used in accordance with label directions and good agricultural practices. As a result, EPA concludes that no additional margin of exposure (safety) is necessary.

VII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes for the reasons stated in Unit VI. and because EPA is establishing an exemption from the requirement of a tolerance without any numerical limitations.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established an MRL for CPPA.

VIII. Conclusion

EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of CPPA. Therefore, EPA is establishing an exemption from the requirement of a tolerance for residues of CPPA in or on all food commodities when applied as a plant growth regulator and used in accordance with good agricultural practices.

IX. Statutory and Executive Order Reviews

This final rule establishes an exemption from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption from the requirement of a tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

X. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 9, 2013.

Steven Bradbury,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.1321to subpart D to read as follows:

§ 180.1321 Complex Polymeric Polyhydroxy Acids; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for the residues of complex polymeric polyhydroxy acids in or on all food commodities when applied as a plant growth regulator and used in accordance with good agricultural practices.

[FR Doc. 2013–18185 Filed 7–30–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0304; FRL–9393–5]

Trifluralin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of trifluralin in or on the oilseed crop group 20. Interregional Research Project Number 4 (IR–4) requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 31, 2013. Objections and requests for hearings must be received on or before September 30, 2013, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0304, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West

Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0304 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 30, 2013. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0304, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of July 25, 2012 (77 FR 43562) (FRL–9353–6), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2E8011) by IR–4, 500 College Road East, Suite 201W., Princeton, NJ 08540. The petition requested that 40 CFR 180.207 be amended by establishing tolerances for residues of the herbicide trifluralin, (alpha, alpha, alpha-trifluoro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine), in or on oilseed, crop group 20 at 0.05 parts per million (ppm). That document referenced a summary of the petition prepared by Dow AgroSciences, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for trifluralin including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with trifluralin follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The kidney and the liver are the principal target organs for trifluralin in rats and dogs. In subchronic oral studies liver effects include increased liver weights and changes in clinical chemistry parameters. Kidney effects include decreased kidney weights, kidney and bladder tumors, increased blood urea nitrogen (BUN), increases in total protein, aspartate aminotransferase (AST) and lactate dehydrogenase (LDH) in the urine. Also, protein electrophoresis of urine samples showed α1-globulin and α2-globulin. Kidney effects also included tubular hyaline casts, minimal cortical tubular

epithelial regeneration, observed microscopically, and an increased incidence of progressive glomerulonephritis. In dogs exposed to trifluralin for 1 year, multifocal cortical tubular cytoplasmic pigment deposition was noted in the kidneys of both sexes. In the subchronic studies, blood effects such as lower hemoglobin levels and changes in clinical chemistry were reported in rats.

There was qualitative evidence of increased susceptibility in the rat developmental toxicity study, where fetal developmental effects (increased resorptions and wavy ribs) occurred in the presence of less severe maternal effects (decreases in body weight gain, clinical signs, and changes in organ weights). Also qualitatively, there is an indication of increased sensitivity in the 2-generation reproduction study in the rat in that offspring effects (decreased fetal, neonatal and litter viability) were observed at a dose level where there was less severe maternal toxicity (decreased body weight, body weight gain and food consumption).

In male rats, trifluralin was associated with increased incidence of thyroid follicular cell combined adenoma, papillary adenoma, cystadenoma, and carcinoma tumors. Based on the available data, trifluralin has been classified as a possible human carcinogen. Extensive testing showed, however, that trifluralin is neither mutagenic nor genotoxic, and does not inhibit the polymerization of microtubules in mammalian cells. It is also not a neurotoxicant and does not appear to be an immunotoxicant.

Specific information on the studies received and the nature of the adverse effects caused by trifluralin as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''*Trifluralin: Human Health Risk Assessment for the Establishment of Tolerances on Oilseed Crop Group 20*'' pages 43–55 in docket ID number EPA–HQ–OPP–2012–0304.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for trifluralin used for human risk assessment is shown in the following Table.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR TRIFLURALIN FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/Scenario	Point of Departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–49 years of age).	NOAEL = 100 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 1.0 mg/kg/day. aPAD = 1.0 mg/kg/day	Developmental Toxicity Study Rat. LOAEL = 500 mg/kg/day, based on reduced ossification of the vertebrae and ribs; thickened, wavy or bent ribs; and increased total litter resorptions.
Acute dietary (General population including infants and children).	No endpoints identified from the available developmental toxicity studies (rat and rabbit) were appropriate for an acute dietary assessment for trifluralin in the general population, including infants and children.		
Chronic dietary (All populations)	NOAEL= 2.4 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.024 mg/kg/day. cPAD = 0.024 mg/kg/day	Chronic (capsule) Toxicity—Dog. LOAEL = 40 mg/kg/day, based on increased frequency of abnormal stool, decreased body weights and body weight gains, and decreased erythrocytes and hemoglobin and increased thrombocytes (males).
Incidental oral short-term (1 to 30 days).	NOAEL= 10 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	2-generation Reproduction Study in Rats. LOAEL = 32.5 mg/kg/day, based on decreased pup weights in both generations and increased relative to body liver weights in the F2b females.
Inhalation short-term (1 to 30 days).	Inhalation study NOAEL = 300 mg/kg/day (inhalation absorption rate = 100%). UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	30-Day Inhalation Study—Rat. LOAEL = 1000 mg/m^3 (270 mg/kg/day), based on increased methemoglobin and bilirubin in females and the incidence of dyspnea and rufflerd fur in males and females.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR TRIFLURALIN FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/Scenario	Point of Departure and uncertainty/ safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Cancer (Oral, dermal, inhalation).	Classification: Possible Human Carcinogen $Q_1{}^* = 2.96 \times 10^{-3}$ (mg/kg/day)$^{-1}$		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to trifluralin, EPA considered exposure under the petitioned-for tolerances as well as all existing trifluralin tolerances in 40 CFR 180.207. EPA assessed dietary exposures from trifluralin in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for trifluralin. In estimating acute dietary exposure, EPA used 2003–2008 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA conducted an unrefined assessment using tolerance level residues, 100 percent crop treated (PCT), and default Dietary Exposure Evaluation Model (DEEM) processing factors.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used 2003–2008 food consumption data from the USDA's NHANES/WWEIA. As to residue levels in food, the chronic dietary exposure and risk estimates are somewhat refined and assumed tolerance level residues, PCT data for some existing uses, and DEEM default processing factors. Pesticide Data Program (PDP) monitoring data were used for carrot, orange, orange juice, pepper, potato, and tomato.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. If quantitative cancer risk assessment is appropriate, cancer risk may be quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., EPA has concluded that trifluralin should be classified as a possible human carcinogen and a linear approach has been used to quantify cancer risk since no mode of action data are available.

The aggregate cancer risk assessment for the general U.S. population takes into account exposure estimates from dietary consumption of trifluralin from food, residential and drinking water sources. Exposures from residential uses are based on the lifetime average daily dose and assume an exposure period of 5 days per year and 50 years of exposure in a lifetime. Dietary exposure assumptions were quantified using the same estimates as discussed in Unit III.C.1.ii., *Chronic exposure.*

iv. *Anticipated residue and PCT information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- Condition a: The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- Condition b: The exposure estimate does not underestimate exposure for any significant subpopulation group.
- Condition c: Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the average PCT for existing uses as follows:

Almonds: 1%; asparagus: 20%; barley: 1%; green bean: 25%; broccoli: 10%; cabbage: 40%; canola: 2.5%; cantaloupe: 25%; carrot: 40%; cauliflower: 10%; celery: 2.5%; corn: 1%; cotton: 30%; cucumber: 2.5%; dry bean/pea: 10%; garlic: 5%; grapefruit: 1%; grape: 2.5%; honeydew: 20%; lemon: 1%; onion: 2.5%; orange: 1%; peach: 1%; peanut: 5%; pecan: 1%; pepper: 25%; pistachio: 2.5%; potato: 2.5%; pumpkin: 5%; sorghum: 1%; soybean: 5%; squash: 5%; sugarbeet: 2.5%; sugarcane: 5%; sunflower: 10%; tomato: 60%; walnut: 1%; watermelon: 10%; and wheat: 1%.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6–7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than one. In those cases, 1% is used as the average PCT and 2.5% is used as the maximum PCT. EPA uses a maximum PCT for acute dietary risk analysis. The

maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which trifluralin may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for trifluralin in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of trifluralin. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of trifluralin and its major degradates TR–4 (α,α,α-trifluoro-5-nitro-*N*4,*N*4-dipropyl-toluene-3,4-diamine), TR–6 (*5*-trifluoromethyl-3-nitro-1,2-benzenediamine) and TR–15 (2-ethyl-7-nitro-5-(trifluoromethyl) benzimidazole) (the residues of concern in drinking water) for acute exposures are estimated to be 23.83 parts per billion (ppb) for surface water and 0.0275 ppb for ground water. For chronic exposures for non-cancer assessments they are estimated to be 1.97 ppb for surface water and 0.0275 ppb for ground water. And for cancer assessments are estimated to be 1.59 ppb for surface water and 0.0275 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 23.83 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 1.97 ppb was used to assess the contribution to drinking water. And for cancer dietary risk assessment, the water concentration of value 1.59 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Trifluralin is currently registered for the following uses that could result in residential exposures including vegetable gardens, turf, and ornamentals. EPA assessed residential exposure using the following assumptions: EPA evaluated residential handler inhalation exposures, which are considered short-term in duration. The handler assessment did not consider dermal exposures because a dermal endpoint was not identified; in three dermal toxicity studies (21/28 days in rabbits; 21/28 days in rats; and 31-days in rats), trifluralin was tested up to the limit dose (1000 mg/kg/day) and caused no systemic toxicity. Handler exposure scenarios evaluated include the following:

- Loading/applying granulars with a push-type spreader;
- loading/applying granulars using a spoon, measuring scoop, shaker can, or via hand;
- mixing/loading/applying liquids with a hose-end sprayer;
- mixing/loading/applying liquids with low pressure handwand sprayer;
- mixing/loading/applying liquids with backpack sprayer; and applying trifluralin impregnated fabric squares to soil.

In terms of cancer risk, the Agency considers all exposure to trifluralin, including the dermal and inhalation exposure expected for homeowners, to have an associated carcinogenic risk. Carcinogenic risk for homeowner applicators was assessed based on the application methods outlined above. An upper-end assumption was made that the users assessed will apply trifluralin each season, as labeled, with an assumed exposure period of 5 days per year for 50 years of their life. Specific methods (or scenarios) of application (spreader, sprayer, etc.) were assessed to demonstrate the full range of exposure due to method and area treated, although users are not expected to use one method for 50 years. Carcinogenic risk for homeowner applicators was assessed by combining dermal exposure (adjusted for an estimated 3% absorption based on ethalfluralin data) and inhalation exposure (100% absorption), calculating this exposure on a per day basis (''Lifetime Average Daily Dose'', in mg/kg/day), and then quantifying risk by multiplying the updated upper-bound carcinogenic potency factor (Q_1*) of 2.96×10^{-3} (mg/kg/day)$^{-1}$ by the combined exposure estimate.

There is the potential for post-application exposure for individuals exposed as a result of being in an environment (vegetable garden, golf course turf, turf) that has been previously treated with trifluralin. All residential exposures are considered to be short-term in duration (1–30 days). No acute dietary or short-term dermal points of departure have been selected for trifluralin; therefore; only incidental oral post-application non-cancer risk estimates for children 1<2 years old were evaluated. This lifestage is not the only lifestage that could be potentially exposed for these post-application scenarios; however, the assessment of this lifestage is health protective for the exposures and risk estimates for any other potentially exposed lifestage. Non-cancer post-application scenarios assessed are as follows: Incidental oral (hand to mouth, object to mouth, and soil ingestion) exposure from granular applications to turf.

Estimated post-application cancer risk for the general U.S. population includes infants and children; therefore, in accordance with Agency policy, a children's cancer risk estimate was not reported separately. For post-application cancer risk, the only adult post-application residential scenarios that are applicable are the following:

- Dermal exposure to residues on lawns
- Dermal exposure to golf course turf
- Dermal exposure in home vegetable gardens.

There may be post-application residential exposure scenarios for trifluralin which could be combined for purposes of an aggregate exposure assessment. Combinations for residential exposure scenarios should have a reasonable probability of occurring on a single day and the pest that an individual is attempting to

control must be considered. It is reasonable that an adult may treat their turf and garden on the same day.

The worst case residential exposure for use in the adult non-cancer aggregate assessment reflects residential handler inhalation exposure from applying granules by hand to pre-plant ornamentals.

The worst case residential exposure for use in the children 1<2 years old non-cancer aggregate assessment reflects hand-to-mouth short-term post-application exposures from granular application to residential turf.

And lastly, the worst case residential exposure for use in the cancer aggregate assessment reflects dermal and inhalation exposure from loading/applying granules with a belly grinder to pre-plant ornamentals.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found trifluralin to share a common mechanism of toxicity with any other substances, and trifluralin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that trifluralin does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There was qualitative evidence of increased susceptibility in the rat developmental toxicity study, where fetal developmental effects (increased resorptions and wavy ribs) occurred in the presence of less severe maternal effects (decreases in body weight gain, clinical signs, and changes in organ weights). Also qualitatively, there is an indication of increased sensitivity in the 2-generation reproduction study in the rat in that offspring effects (decreased fetal, neonatal and litter viability) were observed at a dose level where there was less severe maternal toxicity (decreased body weight, body weight gain and food consumption).

3. *Conclusion.* EPA has determined that the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. This determination is based on the following findings:

i. The toxicity database for trifluralin is complete except for immunotoxicity testing. In the absence of specific immunotoxicity studies, EPA has evaluated the available trifluralin toxicity data to determine whether an additional uncertainty factor is needed to account or potential immunotoxicity. There are no indications in the available studies that organs associated with immune function, such as the thymus, are affected by trifluralin and trifluralin does not belong to a class of chemicals (e.g., the organotins, heavy metals, or halogenated aromatic hydrocarbons) that would be expected to be immunotoxic. Based on the above considerations in this unit, EPA does not believe that conducting the immunotoxicity study will result in a dose less than the point of departure already used in this risk assessment, and an additional database uncertainty factor (UF) for potential immunotoxicity does not need to be applied.

ii. There is no indication that trifluralin is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. Although qualitative evidence of increased susceptibility was seen in the rat developmental toxicity study, and an indication of increased sensitivity in the 2-generation reproduction study in the rat in that offspring effects, the concern for these effects is low for the following reasons: (1) The dose response was well characterized; (2) the developmental effects were seen in the presence of maternal toxicity; (3) clear NOAELs/LOAELs were established for maternal and developmental toxicities; and (4) for the rats in the 2-generation reproduction study, the effects were seen at a high-dose level (295 milligrams/kilogram/day (mg/kg/day) for males and 337 mg/kg/day for females). Furthermore, offspring viability was not adversely affected in the two other 2-generation studies with trifluralin at dose levels up to 100 and 148 mg/kg/day. Finally, there are no residual uncertainties for pre-natal and post-natal toxicity since the doses selected for overall risk assessment are protective of the effects seen in these studies.

iv. There are no residual uncertainties identified in the exposure databases. The acute dietary food exposure assessment for females 13–49, the population identified as having potential acute exposure, was performed based on 100 PCT and tolerance-level residues. The chronic dietary exposure and risk estimates are somewhat refined and assumed tolerance level residues, some PCT data, and DEEM default processing factors. Pesticide Data Program (PDP) monitoring data were used for carrot, orange, orange juice, pepper, potato, and tomato. These refinements are based on reliable data and will not underestimate the exposure and risk to any population subgroups. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to trifluralin in drinking water. EPA used similarly conservative assumptions to assess post-application incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by trifluralin.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-term, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to trifluralin will occupy less than 1% of the aPAD for females 13–49 years old,

the only population subgroup of concern.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to trifluralin from food and water will utilize less than 1% of the cPAD for all population groups. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of trifluralin is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Trifluralin is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to trifluralin.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 25,000 for adults and 26,000 for children. Because EPA's level of concern for trifluralin is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

An intermediate-term adverse effect was identified; however, trifluralin is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for trifluralin.

5. *Aggregate cancer risk for U.S. population.* The aggregate cancer risk estimate from trifluralin residues in food, drinking water, and residential exposure is 1×10^{-6}. EPA generally considers cancer risks (expressed as the probability of an increased cancer case) in the range of 1 in 1 million (or 1×10^{-6}) or less to be negligible.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population or to infants and children from aggregate exposure to trifluralin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography (GC) with electron capture detection (ECD)) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for trifluralin for the crops addressed in this document.

C. Revisions to Petitioned-For Tolerances

PA has revised the tolerance expression to clarify (1) that, as provided in FFDCA section 408(a)(3), the tolerance covers metabolites and degradates of trifluralin not specifically mentioned; and (2) that compliance with the specified tolerance levels is to be determined by measuring only the specific compounds mentioned in the tolerance expression.

V. Conclusion

Therefore, tolerances are established for residues of trifluralin, including its metabolites and degradates, in or on oilseed, crop group 20 at 0.05 ppm. Compliance with the tolerance level is to be determined by only trifluralin α,α,α-trifluoro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine, in or on the oilseed, crop group 20.

Also, due to the establishment of the tolerance on oilseed, crop group 20, the existing tolerances for rapeseed, seed; flax, seed; mustard, seed; sunflower, seed; safflower, seed; and cotton undelinted seed are removed as unnecessary.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children From Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between

the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination With Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 25, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.207:

■ a. Revise the introductory text of paragraph (a).

■ b. Remove the commodities cotton undelinted seed; flax, seed; mustard, seed; rapeseed, seed; safflower, seed; and sunflower, seed in the table in paragraph (a).

■ c. Add alphabetically the following commodity to the table in paragraph (a).

The amendment read as follows:

§ 180.207 Trifluralin; tolerances for residues.

(a) *General.* Tolerances are established for residues of trifluralin, including its metabolites and degradates, in or on the commodities in the following table. Compliance with the tolerance levels specified in the following table is to be determined by only trifluralin α,α,α-trifluoro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine, in or on the commodity.

Commodity	Parts per million
* * * * *	
Oilseed, crop group 20	0.05
* * * * *	

* * * * *

[FR Doc. 2013–18420 Filed 7–30–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0439 and EPA–HQ–OPP–2012–0514; FRL–9393–6]

Pyroxasulfone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of pyroxasulfone in or on multiple commodities which are identified and discussed later in this document. K–I Chemical U.S.A., Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 31, 2013. Objections and requests for hearings must be received on or before September 30, 2013, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0439 and EPA–HQ–OPP–2012–0514, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0439 and EPA–HQ–OPP–2012–0514 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 30, 2013. Addresses for mail and hand delivery of objections

and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0439 and EPA–HQ–OPP–2012–0514, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of July 25, 2012 (77 FR 43562) (FRL–9353–6), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2F8026) by K–I Chemical U.S.A., Inc. The petition requested that 40 CFR 180.659 be amended by establishing tolerances for residues of the herbicide, pyroxasulfone (3-[(5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl) pyrazole-4-ylmethylsulfonyl]-4,5-dihydro-5,5-dimethyl-1,2-oxazole), in or on wheat, grain at 0.01 parts per million (ppm); pyroxasulfone (3-[(5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl) pyrazole-4-ylmethylsulfonyl]-4,5-dihydro-5,5-dimethyl-1,2-oxazole) and its metabolites M–1 (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1 *H*-pyrazol-4-ylmethanesulfonic acid) and M–25 (5-difluoromethoxy-3-trifluoromethyl-1 *H*-pyrazol-4-yl)methanesulfonic acid) calculated as the stoichiometric equivalent of pyroxasulfone, in or on wheat, straw at 0.6 ppm; [1] and pyroxasulfone (3-[(5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl) pyrazole-4-ylmethylsulfonyl]-4,5-dihydro-5,5-dimethyl-1,2-oxazole) and its metabolites M–1 (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1 *H*-pyrazol-4-ylmethanesulfonic acid), M–3 (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1 *H*-pyrazol-4-carboxylic acid), and M–25 (5-difluoromethoxy-3-trifluoromethyl-1 *H*-pyrazol-4-yl) methanesulfonic acid) calculated as the stoichiometric equivalent of pyroxasulfone in or on wheat, forage at 6.0 ppm and wheat, hay at 1.0 ppm.

Also, in the **Federal Register** of August 22, 2012 (77 FR 50661) (FRL–9358–9), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2F8042) by K–I Chemical U.S.A., Inc. The petition requested that 40 CFR 180.659 be amended by establishing tolerances for residues of the pyroxasulfone, (3-[(5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl) pyrazole-4-ylmethylsulfonyl]-4,5-dihydro-5,5-dimethyl-1,2-oxazole) and its metabolite M–3 (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1H-pyrazol-4-carboxylic acid), in or on cotton seed at 0.01 ppm and pyroxasulfone (3-[(5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl) pyrazole-4-ylmethylsulfonyl]-4,5-dihydro-5,5-dimethyl-1,2-oxazole) and its metabolite M–1 (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1H-pyrazol-4-ylmethanesulfonic acid calculated as the stoichiometric equivalent of pyroxasulfone in or on cotton, gin byproducts at 0.2 ppm.

These documents referenced a summary of the petition prepared by K.I. Chemical U.S.A., Inc. the registrant, c/o Landis International, Inc., which is available in the associated dockets, *http://www.regulations.gov.* There were no comments received in response to either of these notices of filing.

Based upon review of the data supporting the petition, EPA has increased the proposed tolerances for wheat, grain and cotton, undelinted seed and established a tolerance for milk. The reason for these changes are explained in Unit IV.C.

[1] EPA's July 25, 2012 notification of the requested tolerance contained an error. It stated that petitioners requested a tolerance of the parent pyroxasulfone and the M–1 and M–25 metabolites on ''wheat, grain at 0.6 ppm'' instead of ''wheat, straw at 0.6 ppm'' as the petitioners requested. To address the error and provide notice of requested tolerance, EPA issued a correction. See 77 FR 59577; FRL–9364–3 (Sept. 28, 2012).

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for pyroxasulfone including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with pyroxasulfone follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Pyroxasulfone acute toxicity to mammals is low by all routes of exposure. Subchronic and chronic oral toxicity testing of pyroxasulfone in mice, rats, and dogs produced a variety of adverse effects in several target organs. Effects seen in animal studies included cardiac toxicity (increased cardiomyopathy in mice and rats), liver toxicity (centrilobular hepatocellular hypertrophy, histopathological, and/or clinical pathological indicators), neurotoxicity characterized by axonal/myelin degeneration in the sciatic nerve (dog, mouse, and rat) and spinal cord sections (dog), skeletal muscle myopathy, kidney

toxicity (increased incidence of chronic progressive nephropathy in dogs and retrograde nephropathy in mice), urinary bladder mucosal hyperplasia, inflammation, and urinary bladder transitional cell papillomas (rats). Decreased body weight and enzyme changes were noted in some studies. Immunotoxicity studies in rats and mice showed no evidence of immunotoxic effects from pyroxasulfone. Pyroxasulfone was moderately toxic to rats following a 4-week dermal exposure producing local inflammation and systemic effects of minimal to mild cardiac myofiber degeneration at the limit dose. No adverse effects were noted in a 28-day inhalation study at the highest-dose tested. Pyroxasulfone did not exhibit developmental toxicity in the rat and exhibited only slight developmental toxicity in rabbits (reduced fetal weight and resorptions) at the limit dose. However, developmental effects were noted in post-natal day (PND) 21 offspring in the rat developmental neurotoxicity (DNT) study characterized as decreased brain weight and morphometric changes. Developmental effects in the rabbit developmental study and DNT study occurred in the absence of maternal toxicity, indicating potential increased quantitative susceptibility of offspring. In a reproductive toxicity in rats reduced pup weight and body weight gains during lactation occurred at similar or higher doses causing pronounced maternal toxicity (reduced body weight, body weight gain, and food consumption and increased kidney weight, cardiomyopathy, and urinary bladder mucosal hyperplasia with inflammation). In cancer studies in mice and rats, renal tubular adenomas were observed in male mice and urinary bladder transitional cell papillomas were observed in male rats. The kidney adenomas in male mice were determined to be spontaneous and not treatment-related based on the following considerations:

1. Absence of any cytotoxicity (degeneration or individual cell necrosis) in studies ranging from 14 days to 18 months at doses up to 15,000 ppm.

2. Absence of cell regeneration leading to precursor lesions such as atypical tubular hyperplasia at all time points and doses up to 15,000 ppm.

3. Lack of exacerbation of chronic progressive nephropathy, a spontaneous disease in rodents that results in cell regeneration which can result in renal tubule tumors in chronic studies.

4. Lack of a clear dose response in the distribution of tumors between test substance treated groups.

The urinary bladder tumors seen in male rats were determined to be a threshold effect. Pyroxasulfone exposure causes the growth of crystals in the urinary tract with subsequent calculi formation resulting in cellular damage. Crystal formation in the absence of calculi is not associated with hyperplasia or urinary bladder tumors; therefore, the formation of urinary bladder calculi is the prerequisite for subsequent hyperplasia and neoplasia. In other words, urinary bladder tumors do not develop at doses too low to produce calculi. There is also a clear threshold of 1,000 ppm (42.55 milligrams/kilogram/day (mg/kg/day)) for development of calculi and tumorigenesis. The point of departure (POD) of 50 ppm (2.0 mg/kg/day) selected for chronic risk assessment is not expected to result in urinary bladder calculi formation, which is a prerequisite for subsequent hyperplasia and neoplasia. Therefore, the Agency has determined that the quantification of risk using a non-linear approach (i.e., Reference dose (RfD)) will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to pyroxasulfone. There is no concern for mutagenicity.

Specific information on the studies received and the nature of the adverse effects caused by pyroxasulfone as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Pyroxasulfone Human Health Risk Assessment for Use of Pyroxasulfone on Wheat and Cotton,'' p. 36 in docket ID numbers EPA–HQ–OPP–2012–0439 and EPA–HQ–OPP–2012–0514.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm*.

A summary of the toxicological endpoints for pyroxasulfone used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of February 29, 2012 (77 FR 12207) (FRL–9334–2).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to pyroxasulfone, EPA considered exposure under the petitioned-for tolerances as well as all existing pyroxasulfone tolerances in 40 CFR 180.659. EPA assessed dietary exposures from pyroxasulfone in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for pyroxasulfone. In estimating acute dietary exposure, EPA used food consumption information from the U.S. Department of Agriculture's National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA assumed 100 percent crop treated (PCT) at tolerance-level residues adjusted upward to account for metabolites which are not in the tolerance expression from specific use patterns.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the U.S. Department of Agriculture's NHANES/WWEIA. As to residue levels in food, EPA made the same assumptions (adjusted tolerance-level residues and 100 PCT) as in the acute dietary exposure assessment.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Cancer risk is quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available,

a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk to pyroxasulfone. Cancer risk was assessed using the same exposure estimates as discussed in Unit III.C.1.ii.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for pyroxasulfone. Adjusted tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for pyroxasulfone in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of pyroxasulfone. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of pyroxasulfone for acute exposures are estimated to be 17 parts per billion (ppb) for surface water and 210 ppb for ground water. EDWCs of pyroxasulfone for chronic exposures for non-cancer assessments are estimated to be 3.2 ppb for surface water and 174 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 210 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 174 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Pyroxasulfone is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found pyroxasulfone to share a common mechanism of toxicity with any other substances, and pyroxasulfone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that pyroxasulfone does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The pre-natal and post-natal toxicity database for pyroxasulfone includes developmental toxicity studies in rats and rabbits, a DNT study in rats, and a 2-generation reproduction toxicity study in rats. As discussed in Unit III.A., evidence of increased susceptibility of fetuses and offspring was seen in the DNT study and developmental toxicity study in rabbits following *in utero* or post-natal exposure to pyroxasulfone. No increased susceptibility was seen in the rat developmental or reproduction toxicity studies. In rabbits, developmental toxicity was only seen at the limit dose of 1,000 mg/kg/day as reduced fetal weight and increased fetal resorptions with a NOAEL of 500 mg/kg/day for these effects, compared to no maternal toxicity at these doses. In a DNT study in rats, offspring toxicity (decreased brain weight and morphometric changes on PND 21) was seen at 300 mg/kg/day compared to no maternal toxicity at 900 mg/kg/day. The degree of concern for the increased susceptibility seen in these studies is low and there are no residual uncertainties based on the following considerations:

i. The increased susceptibility is occurring at high doses.

ii. NOAELs and LOAELs have been identified for all effects of concern, and thus a clear dose response has been well defined.

iii. The PODs selected for risk assessment are protective of the fetal/offspring effects.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following:

i. The toxicity database for pyroxasulfone is complete.

ii. Pyroxasulfone is a neurotoxic chemical and there is evidence of increased susceptibility of offspring with regard to neurotoxic effects in the rat DNT study. There is also evidence of increased susceptibility of fetuses/offspring with regard to non-neurotoxic effects in the rabbit developmental toxicity study. However, the concern for the increased susceptibility is low for the reasons stated in Unit III.D.2.; therefore, EPA determined that a 10X FQPA safety factor is not necessary to protect infants and children.

iii. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and adjusted tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to pyroxasulfone in drinking water. These assessments will not underestimate the exposure and risks posed by pyroxasulfone.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate

PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to pyroxasulfone will occupy 3.6% of the aPAD for all infants (< 1-year-old), the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to pyroxasulfone from food and water will utilize 48% of the cPAD for all infants (< 1-year-old) the population group receiving the greatest exposure. There are no residential uses for pyroxasulfone.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Short- and intermediate-term adverse effects were identified; however, pyroxasulfone is not registered for any use patterns that would result in short- or intermediate-term residential exposure. Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short- and intermediate-term risk), no further assessment of short- or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for pyroxasulfone.

4. *Aggregate cancer risk for U.S. population.* As explained in Unit III.A., the Agency has determined that the quantification of risk using a non-linear (i.e., RfD) approach will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to pyroxasulfone. Therefore, based on the results of the chronic risk assessment discussed in Unit III.E.2., pyroxasulfone is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population or to infants and children from aggregate exposure to pyroxasulfone residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (a liquid chromatography/mass spectrometry/mass spectrometry (LC/MS/MS) method) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for pyroxasulfone.

C. Revisions to Petitioned-For Tolerances

EPA has increased the proposed tolerance levels for wheat, grain from 0.01 ppm to 0.03 ppm and cotton, undelinted seed from 0.01 ppm to 0.04 ppm. The increase in these two tolerance levels are due to the use of the Organization for Economic Cooperation and Development tolerance calculation procedures, inclusion of different metabolites of concern, significant figures, and use of all residue field trials. The proposed commodity term, ''cotton, seed'' is being revised to ''cotton, undelinted seed.''

Additionally, EPA is establishing a tolerance for pyroxasulfone in milk as a result of the increased livestock burden from use of pyroxasulfone on wheat and cotton commodities.

V. Conclusion

Therefore, tolerances are established for residues of pyroxasulfone, 3-[[[5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1*H*-pyrazol-4-yl]methyl]sulfonyl]-4,5-dihydro-5,5-dimethylisoxazole, including its metabolites and degradates, as set forth in the regulatory text.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children From Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination With Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any

unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 25, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.659 is amend by:

■ i. Adding alphabetically the following commodities to the table in paragraph (a)(1);

■ ii. Adding alphabetically the following commodities to the table in paragraph (a)(2); and

■ iii. Adding paragraph (a)(4).

The additions read as follows:

§ 180.659 Pyroxasulfone; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Cotton, undelinted seed	0.04
Wheat, grain	0.03

(2) * * *

Commodity	Parts per million
Cotton, gin byproducts	0.20
* * * * *	
Wheat, forage	6.0
Wheat, hay	1.0
Wheat, straw	0.60

* * * * *

(4) Tolerances are established for residues of the herbicide pyroxasulfone, including its metabolites and degradates, in or on the commodities in the following table. Compliance with the tolerance levels specified in the following table is to be determined by measuring only the sum of pyroxasulfone [3-[[[5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1H-pyrazol-4-yl]methyl]sulfonyl]-4,5-dihydro-5,5-dimethylisoxazole] and its metabolites [5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1H-pyrazol-4-yl]methanesulfonic acid (M–1) and 5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1H-pyrazol-4-carboxylic acid (M–3), calculated as the stoichiometric equivalent of pyroxasulfone, in or on the commodity.

Commodity	Parts per million
Milk	0.003

* * * * *

[FR Doc. 2013–18412 Filed 7–30–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0010; FRL–9391–9]

Forchlorfenuron; Temporary Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes temporary tolerances for residues of forchlorfenuron in or on multiple commodities which are identified and discussed later in this document. KIM–C1, LLC requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA) for uses associated with an experimental use permit. The tolerances expire on December 31, 2015.

DATES: This regulation is effective July 31, 2013. Objections and requests for hearings must be received on or before September 30, 2013, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0010, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marcel Howard, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–6784; email address: *howard.marcel@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an

objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0010 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 30, 2013. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0010, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center, (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerances

In the **Federal Register** of February 15, 2013 (78 FR 11126) (FRL–9378–4), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2F8055) by KIM–C1, LLC, 2547 West Shaw Avenue, Suite 116, Fresno, CA 93711. The petition requested that 40 CFR 180.569 be amended by establishing temporary tolerances for residues of the plant growth regulator forchlorfenuron, (N-(2-chloro-4-pyridinyl)-N′-phenylurea), in or on almond; cherry, sweet; fig; pear; pistachio; and plum, prune, fresh at 0.01 parts per million (ppm) and almond, hulls at 0.15 ppm. That document referenced a summary of the petition prepared by KIM–C1, LLC, the permittee, which is available to the public in the docket, *http://www.regulations.gov.* A comment was received on the notice of filing. EPA's response to that comment is discussed in Unit IV.C. These tolerances expire on December 31, 2015.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for forchlorfenuron including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with forchlorfenuron follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Forchlofenuron is not acutely toxic via the oral, dermal, and inhalation routes. Dose-related effects noted in the dog following subchronic and chronic exposure were generally limited to decreased body weight and body-weight gain. In the rat, the only organ that appeared to be affected was the kidney, which showed suppurative inflammation, suppurative pyelonephritis, non-suppurative interstitial nephritis, and cortical cysts following chronic exposure. Developmental toxicity (decreased fetal body weight and increased pup mortality) was observed in the rat only at a maternally-toxic dose. The developmental toxicity studies in rats and rabbits, as well as the reproductive toxicity study in rats, did not demonstrate any increased pre- or postnatal sensitivity. There was no evidence of neurotoxicity in any of the submitted studies. Forchlorfenuron is classified as not likely to be a human carcinogen and there is no concern for mutagenicity. There was no evidence of endocrine disruption in the forchlorfenuron database.

Specific information on the studies received and the nature of the toxic effects caused by forchlorfenuron as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled Forchlorfenuron: Human Health Risk Assessment for Proposed Uses on the Bushberry Subgroup 13B and to Support a Requested Experimental Use Permit on Almonds, Sweet Cherries, Figs, Pears, Pistachios, and Plums/Prunes in docket ID number EPA–HQ–OPP–2007–1065.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any

amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for forchlorfenuron used for human risk assessment is discussed in Unit II. of the final rule published in the **Federal Register** of August 15, 2008 (73 FR 47843) (FRL–8375–4).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to forchlorfenuron, EPA considered exposure from the petitioned-for tolerances as well as all existing forchlorfenuron tolerances in 40 CFR 180.569. EPA assessed dietary exposures from forchlorfenuron in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for forchlorfenuron; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 1994–1996 and 1998 CSFII. As to residue levels in food, EPA assumed tolerance-level residues and 100% crop treated. Dietary Exposure Evaluation Model (DEEM version 7.81) default processing factors were used for apple juice, dried apples, dried pears, prune juice, cranberry juice, and grape juice. A processing factor was not used for raisins because a separate tolerance (resulting from an empirical processing study) has been established for this commodity. Additionally, the default processing factor was not used for prunes (dried plums) since data indicated that residues in prunes would not exceed the recommended plum tolerance.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that forchlorfenuron does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for forchlorfenuron. Tolerance level residues and/or 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for forchlorfenuron in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of forchlorfenuron. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

The conclusions of the Agency in the 2008 human health risk assessment remain unchanged with respect to dietary exposure and risks. The Agency has verified that the previous estimated drinking water concentrations are also appropriate for use with this experimental use permit (EUP) request.

Forchlorfenuron is persistent and moderately mobile in soils. Forchlorfenuron is also a substituted urea plant growth regulator that is essentially stable to all routes of dissipation except sensitized photodegradation in water. Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of forchlorfenuron from the proposed uses on almonds, sweet cherries, figs, pears, plums, and pistachios under the EUP will not exceed the EECs from the grape and kiwi uses previously assessed by the Agency in the document titled Drinking Water Assessment for Forchlorfenuron for Grape and Kiwi Uses. Therefore, the Agency has incorporated the drinking water EEC from the grape and kiwi analysis directly into this dietary assessment.

For chronic exposures for non-cancer assessments are estimated to be 0.32 parts per billion (ppb) for surface water and 0.003 ppb for ground water. Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

For chronic dietary risk assessment, the water concentration of value 0.32 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Forchlorfenuron is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found forchlorfenuron to share a common mechanism of toxicity with any other substances, and forchlorfenuron does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that forchlorfenuron does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The developmental and reproductive toxicity studies showed no evidence of increased sensitivity or susceptibility of young rats or rabbits following prenatal or postnatal exposure to forchlorfenuron.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for forchlorfenuron is complete.

ii. There is no indication that forchlorfenuron is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that forchlorfenuron results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% CT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to forchlorfenuron in drinking water. EPA used similarly conservative assumptions to assess exposure and risks posed by forchlorfenuron. These assessments will not underestimate the exposure and risks posed by forchlorfenuron.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, forchlorfenuron is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to forchlorfenuron from food and water will utilize < 1% of the cPAD. There are no residential uses for forchlorfenuron.

3. *Short-term risk and intermediate-term risk.* Short-term and intermediate-term aggregate exposure takes into account short-term and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Forchlorfenuron is currently not registered for any use patterns that would result in short-term and intermediate-term residential exposure. Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short- or intermediate-term risk), no further assessment of short- or intermediate-term risk is necessary. EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for forchlorfenuron.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, forchlorfenuron is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to forchlorfenuron residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (HPLC/UV method (method # CCRL–MTH–029)) is available to enforce tolerances of forchlorfenuron in/on members of the Bushberry Subgroup 13–07B and the commodities that are the subject of the proposed EUP. Residues are determined by HPLC/UV using external standards and residues are confirmed by liquid chromatography (LC) mass spectrometry (MS/MS) analysis. The validated limit of quantitation (LOQ) is 0.01 ppm for fruit and nut crops.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for forchlorfenuron.

C. Response to Comment

One comment was received in response to the notice of receipt of the EUP's application. The commenter objected to the increase of chemical residues and expressed concerns about the effects of chemicals in general on humans and the environment. The Agency understands the commenter's concerns regarding toxic chemicals and their potential effects on humans and the environment. Pursuant to its authority under the FFDCA, and as discussed further in this preamble, EPA conducted a comprehensive assessment of forchlorfenuron. Based on its assessment of the available data, the Agency has concluded that there is a reasonable certainty that no harm will result from aggregate exposure to residues of forchlorfenuron, including those associated with the EUP.

V. Conclusion

Therefore, temporary tolerances are established for residues of forchlorfenuron, (N-(2-chloro-4-pyridinyl)-N′-phenylurea), including its metabolites and degradates in or on almond; cherry, sweet; fig; pear; pistachio; and plum, prune, fresh at 0.01 ppm and in or on almond, hulls at 0.15 ppm. An expiration date of December 31, 2015, is established for these uses, which are associated with the EUP (71049–EUP–5) the Agency issued to KIM–C1, LLC for plant growth regulator forchlorfenuron.

In addition, consistent with EPA's policy for clarifying its tolerance expressions, EPA is revising the tolerance expression for forchlorfenuron to clarify that the tolerance includes metabolites and degradates of forchlorfenuron and that compliance with the tolerance levels specified in the table is to be determined by measuring only the sum of forchlorfenuron, (N-(2-chloro-4-pyridinyl)-N′-phenylurea).

VI. Statutory and Executive Order Reviews

This final rule establishes temporary tolerances under FFDCA section 408(r) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That

Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition submitted under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 22, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.569, revise paragraphs (a)(1) introductory text and (a)(2) to read as follows:

§ 180.569 Forchlorfenuron; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of forchlorfenuron, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only forchlorfenuron (*N*-(2-chloro-4-pyridinyl)-*N*′-phenylurea).

* * * * *

(2) Temporary tolerances are established for residues of forchlorfenuron, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring on forchlorfenuron (*N*-(2-chloro-4-pyridinyl)-*N*′-phenylurea).

Commodity	Parts per million	Expiration/ revocation date
Almond	0.01	12/31/15
Almond, hulls	0.15	12/31/15
Cherry, sweet	0.01	12/31/15
Fig	0.01	12/31/15
Pear	0.01	12/31/15
Pistachio	0.01	12/31/15
Plum, prune, fresh	0.01	12/31/15

* * * * *

[FR Doc. 2013–18182 Filed 7–30–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2012–0864; FRL–9392–4]

RIN 2070–AB27

Modification of Significant New Uses of Ethaneperoxoic Acid, 1,1-Dimethylpropyl Ester

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Toxic Substances Control Act (TSCA), EPA is finalizing an amendment to the significant new use rule (SNUR) for the chemical substance identified as ethaneperoxoic acid, 1,1-dimethylpropyl ester, which was the subject of premanufacture notice (PMN) P–85–680. This action requires persons who intend to manufacture or process the chemical substance for a use that is designated as a significant new use by this final rule to notify EPA at least 90 days before commencing that activity. EPA believes that this action is necessary because new uses of the

chemical substance may be hazardous to human health. The required notification would provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs.

DATES: This final rule is effective August 30, 2013.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2012–0864, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Jim Alwood, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8974; email address: *alwood.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substance identified as ethaneperoxoic acid, 1,1-dimethylpropyl ester, (PMN P–85–680). Potentially affected entities may include, but are not limited to:

Manufacturers or processors of the subject chemical substance (NAICS codes 325 and 324110), e.g., chemical manufacturing and petroleum refineries.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in § 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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

II. Background

A. What action is the agency taking?

EPA is finalizing an amendment to the SNUR for the chemical substance identified as ethaneperoxoic acid, 1,1-dimethylpropyl ester, (PMN P–85–680), codified at 40 CFR 721.3020. This final action requires persons who intend to manufacture or process the chemical substance for an activity that is designated as a significant new use by this final rule to notify EPA at least 90 days before commencing that activity.

This rule was proposed in the **Federal Register** issue of January 28, 2013 (78 FR 5761) (FRL–9370–5). EPA received no public comments in response to the proposal. Therefore, the Agency is issuing a final SNUR, as proposed that:

1. Removes the significant new use requirements for protective equipment, hazard communication, and specific uses identified in the consent order.

2. Modifies significant new use requirements for environmental releases by removing notification requirements for disposal and adding notification requirements for water releases above 61 parts per billion (ppb).

3. Revises the recordkeeping requirements to reflect the modified SNUR requirements.

B. What is the agency's authority for taking this action?

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

III. Rationale for the Rule

During review of PMN P–85–680, the chemical substance identified as ethaneperoxoic acid, 1,1-dimethylpropyl ester, EPA concluded that regulation was warranted under TSCA section 5(e), pending the development of information sufficient to make reasoned evaluations of the health or environmental effects of this chemical substance. The basis for such findings is outlined in Unit II. of the proposed rule to amend this SNUR, included in the **Federal Register** issue of January 28, 2013 (78 FR 5761) (''proposed amended rule''), and in the original final rule **Federal Register** document of June 26, 1990 (55 FR 26102). Based on these findings, a TSCA section 5(e) consent order requiring the use of hazard communication and appropriate exposure, use, and disposal controls was negotiated with the PMN submitter. The SNUR provisions for this chemical substance were consistent with the provisions of the original TSCA section 5(e) consent order. The SNUR was promulgated pursuant to § 721.160, and codified at § 721.1560 and redesignated as § 721.3020.

After the review of new test data subsequent to issuance of the TSCA section 5(e) consent order for P–85–680 and associated SNUR (see Unit II. of the proposed amended rule), and consideration of the factors included in TSCA section 5(a)(2) (see Unit IV.), EPA determined that the chemical substance meets one or more of the concern criteria in § 721.170(b), but that these criteria are no longer met for the personal protective equipment, hazard communication, and specific use notification requirements. Consequently, EPA is proposing this modification to the SNUR at § 721.3020 according to procedures in §§ 721.160 and 721.185.

IV. Significant New Use Determination

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

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

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors. To determine what would constitute a significant new use for the chemical substance identified as ethaneperoxoic acid, 1,1-dimethylpropyl ester, (PMN P–85–680), EPA considered relevant information about the toxicity of the chemical substance, likely human exposures, and environmental releases associated with possible uses, taking into consideration the four bulleted TSCA section 5(a)(2) factors listed in this unit.

V. Applicability of the Significant New Use Designation

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

Any person who began commercial manufacture or processing of the chemical substance identified as ethaneperoxoic acid, 1,1-dimethylpropyl ester, (PMN P–85–680), for any of the significant new uses designated in the proposed SNUR modification after the date of publication of the proposed SNUR, must stop that activity before the effective date of the final rule. Persons who ceased those activities will have to first comply with all applicable SNUR notification requirements and wait until the notice review period, including any extensions, expires, before engaging in any activities designated as significant new uses. If a person were to meet the conditions of advance compliance under § 721.45(h), the person would be considered to have met the requirements of the final SNUR for those activities.

VI. Test Data and Other Information

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

1. Development of test data is required where the chemical substance subject to the SNUR is also subject to a test rule under TSCA section 4 (see TSCA section 5(b)(1)).

2. Development of test data may be necessary where the chemical substance has been listed under TSCA section 5(b)(4) (see TSCA section 5(b)(2)).

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

The recommended testing specified in Unit II.A. of the proposed rule may not be the only means of addressing the potential risks of the chemical substance. However, SNUNs submitted without any test data may increase the likelihood that EPA will take action under TSCA section 5(e), particularly if satisfactory test results have not been obtained from a prior PMN or SNUN submitter. EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

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

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

VII. SNUN Submissions

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

VIII. Economic Analysis

EPA evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substance during the development of the direct final rule. The Agency's complete Economic Analysis is available in the docket under docket ID number EPA–HQ–OPPT–2012–0864.

IX. Statutory and Executive Order Reviews

A. Executive Order 12866

This action modifies a SNUR for a chemical substance that is the subject of a PMN and TSCA section 5(e) consent order. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993).

B. Paperwork Reduction Act

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. EPA has amended the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this rule. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated

to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

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

C. Regulatory Flexibility Act

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

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

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

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

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

- A significant number of SNUNs would not be submitted by small entities in response to the SNUR.
- Submission of the SNUN would not cost any small entity significantly more than $8,300. Therefore, the promulgation of the SNUR would not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this final rule. As such, EPA has determined that this final rule does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any affect on small governments subject to the requirements of sections 202, 203, 204, or 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

E. Executive Order 13132

This action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999).

F. Executive Order 13175

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

G. Executive Order 13045

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

H. Executive Order 13211

This action is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

In addition, since this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), does not apply to this action.

J. Executive Order 12898

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

X. Congressional Review Act (CRA)

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 721

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

Dated: July 16, 2013.

Maria J. Doa,

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

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

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

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

■ 2. Amend § 721.3020 as follows:
■ a. Revise the section heading.
■ b. Revise paragraphs (a)(1) and (a)(2)(i).
■ c. Remove and reserve paragraph (a)(2)(ii) and remove paragraphs (a)(2)(iii) and (iv).
■ d. Revise paragraph (b)(1).
■ e. Remove paragraph (b)(3).

The revisions read as follows:

§ 721.3020 Ethaneperoxoic acid, 1,1-dimethylpropyl ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as ethaneperoxoic acid, 1,1-dimethylpropyl ester (PMN P–85–680; CAS No. 690–83–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=61).

(ii) [Reserved]

(b) * * *

(1) *Recordkeeping.* Recordkeeping requirements as specified in

§ 721.125(a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

* * * * *

[FR Doc. 2013–18180 Filed 7–30–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1504, 1509, 1511, 1516, 1522, 1523, 1528, and 1552

[EPA–HQ–OARM–2013–0294 FRL 9837–4]

Administrative Revisions to EPAAR

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The EPA is taking direct final action on administrative changes to the EPA Acquisition Regulation (EPAAR). This action revises the EPAAR, but does not impose any new requirements on Agency contractors. The revisions in this direct final rule will make minor corrections to and streamline Agency acquisition processes to be consistent with and non-duplicative of the Federal Acquisition Regulation (FAR). EPA is issuing a final rule because the changes are administrative in nature and does not anticipate receiving adverse comments.

DATES: This rule is effective September 30, 2013 without further action, unless adverse comment is received by August 30, 2013. If adverse comment is received, the EPA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OARM–2013–0294, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: docket.oei@epa.gov.*
- *Fax:* (202) 566–1753.
- *Mail:* EPA–HQ–OARM–2013–0294, OEI Docket, Environmental Protection Agency, 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of three (3) copies.
- *Hand Delivery:* EPA Docket Center-Attention OEI Docket, EPA West, Room B102, 1301 Constitution Ave. NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OARM–2013–0294. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket, and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment, and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* **Federal Register**, or in hard copy at the Government Property-Contract Property Administration Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1752. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Daniel Humphries, Policy, Training and Oversight Division, Office of Acquisition Management (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–4377; email address: *humphries.daniel@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

1. Submitting Classified Business Information (CBI). Do not submit this information to EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI, and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in *40 CFR Part 2.*

2. Tips for Preparing Your Comments. When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Background

EPA is revising the EPAAR to make minor corrections consistent with and non-duplicative of the Federal Acquisition Regulation (FAR) and does not impose any new requirements on Agency contractors. EPA is publishing this rule without a prior proposed rule because the changes are noncontroversial administrative type updates and does not anticipate receiving adverse comments. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. Any parties interested in commenting must do so at this time.

III. Final Rule

This direct final rule makes the following changes to 48 CFR Parts 1504, 1509, 1511, 1516, 1522, 1523, 1528, and 1552: 1. The authority citation for 48 CFR Parts 1504, 1509, 1511, 1516, 1522, 1523, 1528, and 1552 should read 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b. 2. Section 1504.804–5 is amended to update the office name ''Financial Analysis and Oversight Service Center'' in all instances and revise the reference to Unit 42 of the EPA Acquisition Handbook. 3. Section 1509.1 is removed. 4. Section 1511.011–70 is revised to harmonize the prescription of the basic and Alternate I of the clause prescription. 5. Section 1511.011–73 is revised to harmonize the prescribed types of contracts with the clause prescription. 6. Section 1511.011–74(b) is revised to remove the term ''Solicitation provision'' and put in its place ''Contract Clause.'' 7. Section 1511.011–80 is removed. 8. Section 1516.405–272 is amended to update the office title to the ''Acquisition Policy and Training Service Center.'' 9. Section 1516.406 is revised to update the reference to the current contractor evaluation system to the ''Department of Defense Contractor Performance Assessment Reporting System.'' 10. Section 1522.1 is removed. 11. Section 1522.6 is removed. 12. Section 1552.804–2 is amended to update the DOL office title to ''Office of Federal Contract Compliance Programs.'' 13. Section 1523.70 is removed. 14. Revised the title of Part 1528 to ''BONDS AND INSURANCE.''15. Section 1528.1 is redesignated as 1528.3. 16. Section 1528.101 is redesignated as 1528.301 and revised the reference of ''1552.228–70.'' 17. Revised the clause title for 1552.209–74, Alternate IV, to ''LIMITATION OF FUTURE CONTRACTING, ALTERNATE IV (ESS)'' 18. Section 1552.211–70 is revised to capitalize the term ''Contractor'' and remove the expiration date of February 28, 2003. 19. Section 1552.211–72(g) is revised to update the terms used in the table. 20. Section 1552.211–74 is revised to update the term ''Contracting Officer's Representative,'' to add (End of clause) to alternate 1 and capitalize the term ''Contractor.'' 21. Section 1552.211–76 is revised to update the term ''Contracting Officer's Representative.'' 22. Section 1552.211–77 is revised to clarify the prescription that both a draft and final report are due and update the term ''Contracting Officer's Representative.'' 23. Section 1552.211–79 is revised to clarify that 508 refers to accessibility, to remove outdated Agency policy, and update an internet link. 24. Section 1552.211–80 is removed. 25. Section 1552.215–72 paragraph (b) is revised to update the method of proposal submission. 26. Section 1552.216–78, Alternate 1, paragraph (b) is revised to update the contractor evaluation system to the ''Department of Defense Contractor Performance Assessment Reporting System (CPARS)''. 27. Section 1552.223–70 is revised to correct the spelling of ''applicable.'' 28. Section 1552.223–72(c) is amended to provide the internet link: ''*http://www.aphis.usda.gov/contact_us/*''. 29. Section 1552.228–70 prescription reference is updated. 30. 1552.23–70 is amended to remove the words ''Project Officer'' and add, in their place, the words ''Contracting Officer's Representative'' in all instances and to correct an administrative formating error with ''Alternate l''.

31. 1552.232–74 is amended to add ''Contracting Officer's Representative.'' 32. Section 1552.233–70 is amended to remove the term ''clause'' and replace it with ''provision.'' 33. Section 1552.237–70 is revised to update the term ''Contracting Officer's Representative.'' 34. Section 1552.237–71 is revised to update the term ''Contracting Officer's Representative.'' 35. Section 1552.237–74 is revised to update the term ''Contracting Officer's Representative.'' 36. Section 1552.239–70 is removed. 37. Section 1552.239–103 is removed. 38. Section 1552.245–70 is amended to remove the duplicate title ''Government Property'' and to add the effective date of the clause ''(Sept 2009)''. 39. Section 1552.245–71 is revised to add the effective date of the clause ''(Sept 2009)''. 40. Appendix I to Chapter 15 is removed.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is therefore, not subject to review under the EO.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

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

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

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, because the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the proposed rule on small entities'' *5 U.S.C. 603* and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if

the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. Since documenting past performance is applicable to large and small entities, this rule will not have a significant economic impact on small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

This rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Any private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, this rule is not subject to the requirements of sections 202 or 205 of UMRA. This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, Executive Order 13132 does not apply to this action. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed action from State and local officials.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). Thus, Executive Order 13175 does not apply to this action. In the spirit of Executive Order 13175, and consistent with EPA policy to promote communication between EPA and Tribal governments, EPA specifically solicits additional comment on this proposed rule from Tribal officials.

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

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

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

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

I. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

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

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

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment.

K. Congressional Review

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

List of Subjects in 48 CFR Parts 1504, 1509, 1511, 1516, 1522, 1523, 1528, and 1552

Government procurement.

Dated: July 16, 2013.

John R. Bashista,

Director, Office of Acquisition Management.

Therefore, 48 CFR Chapter 15 is amended as set forth below:

Authority: 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

PART 1504—ADMINISTRATIVE MATTERS

■ 1. The authority citation for part 1504 continues to read as follows:

Authority: 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

1504.804–5 [Amended]

■ 2. Section 1504.804–5 is amended by:
■ a. Removing the words ''cost advisory group at the contracting office'' and adding, in its place, the words ''Financial Analysis and Oversight Service Center'' wherever they appear.
■ b. Removing the words ''Unit 2 of the EPA Acquisition Handbook'' and adding, in their place, the words ''Unit 42 of the EPA Acquisition Handbook'' in the last sentence.

PART 1509—CONTRACTOR QUALIFICATIONS

■ 3. The authority citation for part 1509 continues to read as follows:

Authority: Sec. 205(c), 63 Stat 390, as amended, 40 U.S.C. 486(c).

Subpart 1509.1 [Removed]

■ 4. Remove subpart 1509.1.

PART 1511—DESCRIBING AGENCY NEEDS

■ 5. The authority citation for part 1511 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

■ 6. Revise section 1511.011–70 to read as follows:

1511.011–70 Reports of work.

Contracting officers shall insert one of the contract clauses at 1552.211–70 when the contract requires the delivery of reports, including plans, evaluations, studies, analyses and manuals. The basic clause should be used when reports are specified in a contract attachment. Alternate I is used to specify reports in the contract schedule.

■ 7. Revise section 1511.011–73 to read as follows:

1511.011–73 Level of effort.

The Contracting Officer shall insert the clause at 1552.211–73, Level of Effort-Cost Reimbursement Term Contract, in cost-reimbursement term contracts including cost contracts without fee, cost-sharing contracts, cost-plus-fixed-fee (CPFF) contracts, cost-plus-incentive-fee contracts (CPIF), and cost-plus-award-fee contracts (CPAF).

1511.011–74 [Amended]

■ 8. Amend section 1511.011–74 by revising the paragraph (b) subject heading to read ''Contract clause''.

1511.011–80 [Removed]

■ 9. Remove section 1511.011–80.

PART 1516—TYPES OF CONTRACTS

■ 10. The authority citation for part 1516 continues to read as follows:

Authority: The provisions of this regulation are issued under 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

1516.405 [Amended]

■ 11. Section 1516.405–272 is amended by removing the words ''Procurement Policy Branch'' and adding in their place the words ''Acquisition Policy and Training Service Center''.

1516.406 [Amended]

■ 12. Amend section 1516.406 in paragraph (d) by removing the words ''National Institutes of Health (NIH) Contractor Performance System (CPS)'' and adding in their place the words ''Department of Defense Contractor Performance Assessment Reporting System''.

PART 1522—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 13. The authority citation for part 1522 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

Subpart 1522.1 [Removed]

■ 14. Remove subpart 1522.1.

Subpart 1522.6 [Removed]

■ 15. Remove subpart 1522.6.

1522.804–2 [Amended]

■ 16. Amend section 1552.804–2 by removing the words ''Office of Contract Compliance Programs'' and adding in their place the words ''Office of Federal Contract Compliance Programs''.

PART 1523—ENVIRONMENTAL, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG–FREE WORKPLACE

■ 17. The authority citation for part 1523 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

Subpart 1523.70 [Removed]

■ 18. Remove subpart 1523.70.

PART 1528—BONDS OF INSURANCE

■ 19. The authority citation for part 1528 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

■ 20. The part 1528 heading is revised to read as set forth above.

Subpart 1528.1 [Redesignated as Subpart 1528.3]

■ 21. Redesignate subpart 1528.1 as subpart 1528.3.

1528.101 [Redesignated as 1528.301 and Amended]

■ 22. Redesignate section 1528.101 as 1528.301 and remove the reference ''1552,228–70'' an add ''1552.228–70'' in its place.

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 23. The authority citation for part 1552 continues to read as follows:

Authority: 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

■ 24. Amend section 1552.209–74 by revising Alternate IV, clause heading to read as follows:

1552.209–74 Limitation of future contracting.

* * * * *

LIMITATION OF FUTURE CONTRACTING, ALTERNATE IV (ESS) (SEP 2013)

* * * * *

1552.211–70 [Amended]

■ 25. 1552.211–70 is amended by:

■ a. In two places, removing the word ''contractor'' and adding ''Contractor'' in its place; and

■ b. In two places, removing the words ''with an expiration date of February 28, 2003''.

■ 26. Amend section 1552.211–72 by revising paragraph (g) to read as follows:

1552.211–72 Monthly progress report.

* * * * *

(g) The reports shall be submitted to the following addresses on or before the ____ of each month following the first complete reporting period of the contract. See EPAAR 1552.232–70, Submission of Invoices, paragraph (e), for details on the timing of submittals. Distribute reports as follows:

No. of copies	Addressee	Address (email and/or shipping)
.....	Contracting Officer's Representative.	
.....	Contracting Officer.	

(End of clause)

1552.211–74 [Amended]

■ 27. Section 1552.211–74 is amended by:

■ a. Removing from paragraph (c) the words ''Project Officer'' and adding in their place the words ''Contracting Officer's Representative'';

■ b. Adding in Alternate I, at the end of the clause, ''(End of clause)''; and

■ c. In four places, removing in Alternate II the word ''contractor'' and adding ''Contractor'' in its place.

1552.211–76 [Amended]

■ 28. Amend section 1552.211–76 by removing the words ''Project Officer'' and adding in their place the words ''Contracting Officer's Representative''.

■ 28. Revise 1552.211–77 to read as follows:

1552.211–77 Final reports.

As prescribed in 1511.011–77, insert this contract clause when a contract requires both a draft and a final report.

FINAL REPORTS (SEP 2013)

(a) ''Draft Report''____The Contractor shall submit to the Contracting Officer's Representative ____ copies of the draft final report on or before _____ (date) ____ The Contractor shall furnish to the Contracting Officer a copy of the letter transmitting the draft. The draft shall be double-spaced or space-and-a-half and shall include all pertinent material required in the final report. The Government will review for approval or disapproval the draft and provide a response to the Contractor within ____ calendar days after receipt. If the Government does not provide a response within the allotted review time, the Contractor immediately shall notify the Contracting Officer in writing.

(b) ''Final Report''—The Contractor shall deliver a final report on or before the last day of the period of performance specified in the contract. Distribution is as follows:

No. of copies	Addressee	Address (email and/or shipping)
1	EPA Library.	
1	Contracting Officer.	
1	Contracting Officer's Representative.	

(End of clause)

■ 29. Amend section 1552.211–79 by:

■ a. Revising paragraph (c);

■ b. Removing from the end of paragraph (d), the web link ''*http://epa.gov/docs/irmpoli8/''* and adding in its place the web link ''*http://epa.gov/docs/irmpoli8/policies/index.html''*; and

■ c. Following paragraph (d) add ''(End of clause)''.

The revision reads as follows:

1552.211–79 Compliance with EPA policies for information resources management.

* * * * *

(c) *Section 508 requirements (accessibility).* Contract deliverables are required to be compliant with Section 508 requirements (accessibility for people with disabilities). The Environmental Protection Agency policy for 508 compliance can be found at *www.epa.gov/accessibility.*

* * * * *

1552.211–80 [Removed]

■ 30. Remove section 1552.211–80.

■ 31. Amend section 1552.215–72 by revising paragraph (b) introductory text to read as follows:

1552.215–72 Instructions for the Preparation of Proposals.

* * * * *

(b) *Cost or pricing proposal instructions.* The offeror shall prepare and submit cost or pricing information data and supporting attachments in accordance with Table 15–2 of FAR 15.408. In addition to a hard copy of the information, to expedite review of the proposal, submit an IBM-compatible software or storage device (e.g., USB flash drive or card reader) containing the financial data required, if this information is available using a commercial spreadsheet program on a personal computer. Submit this information using Microsoft Exchange 365, if available. Identify which version of Microsoft Exchange used. If the offeror used another spreadsheet program, indicate the software program used to create this information. Offerors should include the formulas and factors used in calculating the financial data. Although submission of a compatible software or device will expedite review, failure to submit a disk will not affect consideration of the proposal.

* * * * *

■ 32. Amend 1552.216–78, by revising Alternate I paragraph (b) to read as follows:

1552–216.78 Award term incentive plan.

* * * * *

Alternate I * * *

(b) At the conclusion of each contract year, an average contract rating shall be determined by using the numerical ratings entered into the Department of Defense Contractor Performance Assessment Reporting System (CPARS) for this contract. The CPARS is an interactive database located on the Internet which EPA uses to record contractor performance evaluations.

* * * * *

1552.223–70 [Amended]

■ 33. Amend section 1552.223–70 in the second sentence in paragraph (a) by removing ''appliable'' and adding in its place ''applicable''.

1552.223–72 [Amended]

■ 34. Amend section 1552.223–72 in paragraph (c) by removing from the last sentence the words ''by contacting the Senior Veterinary, Animal Care Staff, USDA/APHIS, Federal Center Building, Hyattsville, MD 20782'' and adding in their place the words ''at *http://www.aphis.usda.gov/contact_us/''.*

■ 35. Amend section 1552.228–70 by revising the introductory text to read as follows:

1552.228–70 Insurance liability to third persons.

As prescribed in 1528.301, insert the following clause:

* * * * *

1552.232–70 [Amended]

■ 36. Amend section 1552.23–70 by:

■ a. In two places in paragraph (a) by removing the words ''Project Officer'' and adding in their place the words ''Contracting Officer's Representative''.

■ b. In paragraph (e)(3), separate the last sentence to establish the rest of the section (paragraphs (c)(1) and (2)) as Alternate I.

■ c. Add ''(End of clause)'' following paragraph (e)(3) and before Alternate I.

1552.232–74 [Amended]

■ 37. Amend section 1552.232–74 by removing the words ''project officer'' and adding in their place the words ''Contracting Officer's Representative''.

1552.233–70 [Amended]

■ 38. Amend section 1552.233–70 in the introductory text by removing the word ''clause'' and adding in its place the word ''provision''.

1552.237–70 [Amended]

■ 39. Amend section 1552.237–70 by removing the words ''Project Officer'' and adding in their place the words ''Contracting Officer's Representative'' wherever they appear in paragraphs (b) and (c)(1) and (3).

1552.237–71 [Amended]

■ 40. Amend section 1552.237–71 by removing the words ''contracting officer technical representative'' and adding in their place the words ''Contracting Officer's Representative'' in paragraphs (b) introductory text, (c) introductory text, (d), (e) introductory text, and (g).

1552.237–74 [Amended]

■ 41. Amend section 1552.237–74 in the introductory text and paragraph (a) by removing the words ''Project Officer'' and adding in their place the words ''Contracting Officer's Representative''.

1552.239–70 [Removed]

■ 42. Remove section 1552.239–70.

1552.239–103 [Removed]

■ 43. Remove section 1552.239–103.

1552.245–70 [Amended]

■ 45. Amend section 1552.245–70 in the clause heading by removing the first occurrence of the words ''Government Property'' and to adding ''(SEPT 2009)'' after the second occurrence.

1552.245–71 [Amended]

■ 46. Amend section 1552.245–71 by adding ''(SEPT. 2009)'' after the clause heading.

Appendix I to Chapter 15 [Removed]

■ 47. Remove Appendix I to Chapter 15.

[FR Doc. 2013–18037 Filed 7–30–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 195

Transportation of Hazardous Liquids by Pipeline

CFR Correction

■ In Title 49 of the Code of Federal Regulations, Parts 178 to 199, revised as of October 1, 2012, on page 551, in § 195.2, the words ''related parameters.'' are added at the end of the definition of *Alarm.*

[FR Doc. 2013–18546 Filed 7–30–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130326296–3642–02]

RIN 0648–BD10

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Abbreviated Framework

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement management measures described in an abbreviated framework to the Fishery Management Plans (FMPs) for the Reef Fish Resources of the Gulf of Mexico prepared by the Gulf of Mexico Fishery Management Council (Gulf Council), and Coastal Migratory Pelagic Resources prepared by the Gulf Council and the South Atlantic Fishery Management Council (South Atlantic Council). This final rule eliminates the requirement to submit a current certificate of inspection (COI) provided by the U.S. Coast Guard (USCG) with the application to renew or transfer a Federal Gulf of Mexico (Gulf) coastal migratory pelagic (CMP) or reef fish charter vessel/headboat permit (hereafter referred to as a for-hire permit) and eliminates the restriction on transferring for-hire permits to a vessel of greater authorized passenger capacity than specified on the permit. This final rule also prohibits the harvest or possession of CMP or reef fish species on a vessel with a Gulf for-hire permit that is carrying more passengers than is specified on the permit. The purpose of this final rule is to simplify the passenger capacity requirements for transfers and renewals of Gulf CMP and reef fish for-hire permits to provide more flexibility in the use of these permitted vessels.

DATES: This rule is effective August 30, 2013.

ADDRESSES: Electronic copies of the abbreviated framework, which includes a regulatory impact review, a Regulatory Flexibility Act analysis, and a social impact assessment, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov.*

Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted in writing to Anik Clemens, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; and Office of Management and Budget (OMB), by email at *OIRA_Submission@omb.eop.gov,* or by fax to 202–395–7285.

FOR FURTHER INFORMATION CONTACT: Peter Hood, Southeast Regional Office, telephone 727–824–5305, email *Peter.Hood@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Gulf reef fish and CMP fisheries are managed under their respective FMPs. The Gulf reef fish FMP was prepared by the Gulf Council and the CMP FMP was prepared by the Gulf and South Atlantic Councils and both FMPs are implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On June 21, 2013, NMFS published a proposed rule for the abbreviated framework and requested public comment (78 FR 37500). The proposed rule and abbreviated framework outline the rationale for the actions contained in the final rule. A summary of the actions implemented by this final rule is provided below.

Current regulations limit Gulf for-hire permit transfers and renewals to vessels that have the same passenger capacity or a lower passenger capacity to limit overall fishing effort. Because passenger capacity is currently based on the USCG COI, this limits the ability of the owner of a permitted vessel to transfer the Gulf for-hire permit to a vessel that has a higher passenger capacity listed on the COI or to renew the permit under the higher passenger capacity listed on the COI. Under such scenarios, the only way to renew or transfer a permit is to have the USCG adjust the COI so that it is less than or equal to the passenger capacity identified on the Gulf for-hire permit, which was based on the COI of the vessel when the moratorium Gulf for-hire permit was first issued, even though a vessel could safely carry more passengers, or subsequently has had the COI revised to carry more passengers.

This final rule eliminates the requirement to submit a current USCG COI with the application to renew or transfer a Gulf for-hire permit, eliminates the restriction on transferring for-hire permits to a vessel of greater authorized passenger capacity than specified on the permit, and implements a provision that prohibits the harvest or possession of reef fish or CMP species on a vessel with a Gulf for-hire permit

that is carrying more passengers than specified on the vessel's Gulf for-hire permit. Because the passenger capacity for the Gulf for-hire vessel when fishing will be based on the COI of the vessel when the moratorium Gulf for-hire permit was first issued, the cap on fishing effort, which was the original purpose of the moratorium permits, will be maintained. As a result of this action, the requirements to renew or transfer a Gulf for-hire permit are simplified, for-hire effort control in the reef fish and CMP fisheries will be maintained, and vessel owners will be allowed to carry more passengers for non-fishing activities if their COI is greater than the passenger capacity on their fore-hire permit.

Comments and Responses

NMFS received three comments from individuals on the abbreviated framework and the proposed rule. All three comments were in support of the actions contained in the abbreviated framework and the proposed rule. NMFS agrees with these comments. No changes were made in the final rule based on public comment.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined that this final rule is necessary for the management of the Gulf reef fish and coastal migratory pelagic fisheries and is consistent with the abbreviated framework, the FMP, the Magnuson-Stevens Act and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this rule would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No comments were received regarding the certification and NMFS has not received any new information that would affect its determination. As a result, a final regulatory flexibility analysis was not required and none was prepared.

This final rule contains collection-of-information requirements subject to the requirements of the Paperwork Reduction Act (PRA), which have been approved by OMB under control number 0648–0205. NMFS estimates eliminating the requirement for Gulf for-hire permit holders to submit a current COI to renew or transfer a Gulf reef fish or CMP for-hire permit decreases the overall reporting burden under OMB control number 0648–0205. The requirement to submit a current COI is removed from the instructions on the Federal Permit Application for Vessels Fishing in the EEZ and a COI does not need to be submitted with the application to renew or transfer a permit. NMFS estimates these requirements decrease the reporting burden for Gulf for-hire permit holders who are renewing or transferring a Gulf for-hire permit on average by 1 minute per response. These estimates of the public reporting burden include the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection-of-information. Send comments regarding the burden estimate or any other aspect of the collection-of-information requirement, including suggestions for reducing the burden, to NMFS and to OMB (see **ADDRESSES**).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 622

Certificate of inspection, Fisheries, Fishing, For-Hire, Gulf, Reporting and recordkeeping requirements.

Dated: July 25, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.13, paragraph (g) is added to read as follows:

§ 622.13 Prohibitions—general.

* * * * *

(g) Fail to comply with the passenger capacity related requirements in §§ 622.20(b)(1) and 622.373(b)(1).

■ 3. In § 622.20, paragraphs (b)(1)(i)(A) and (B) are revised and paragraph (b)(1)(iv) is added to read as follows:

§ 622.20 Permits and endorsements.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(A) *Permits without a historical captain endorsement.* A charter vessel/headboat permit for Gulf reef fish that does not have a historical captain endorsement is fully transferable, with or without sale of the permitted vessel.

(B) *Permits with a historical captain endorsement.* A charter vessel/headboat permit for Gulf reef fish that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain and is not otherwise transferable.

* * * * *

(iv) *Passenger capacity compliance requirement.* A vessel operating as a charter vessel or headboat with a valid charter vessel/headboat permit for Gulf reef fish, which is carrying more passengers on board the vessel than is specified on the permit, is prohibited from harvesting or possessing the species identified on the permit.

* * * * *

■ 4. In § 622.373, paragraphs (b)(1) and (2) are revised and paragraph (e) is added to read as follows:

§ 622.373 Limited access system for charter vessel/headboat permits for Gulf coastal migratory pelagic fish.

* * * * *

(b) * * *

(1) *Permits without a historical captain endorsement.* A charter vessel/headboat permit for Gulf coastal migratory pelagic fish that does not have a historical captain endorsement is fully transferable, with or without sale of the permitted vessel.

(2) *Permits with a historical captain endorsement.* A charter vessel/headboat permit for Gulf coastal migratory pelagic fish that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain and is not otherwise transferable.

* * * * *

(e) *Passenger capacity compliance requirement.* A vessel operating as a charter vessel or headboat with a valid charter vessel/headboat permit for Gulf coastal migratory pelagic fish, which is carrying more passengers on board the vessel than is specified on the permit, is prohibited from harvesting or

possessing the species identified on the permit.

[FR Doc. 2013–18434 Filed 7–30–13; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 147
Wednesday, July 31, 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.

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1254

RIN 2590–AA53

Enterprise Underwriting Standards

AGENCY: Federal Housing Finance Agency.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Housing Finance Agency (FHFA) is withdrawing the proposed rule published in the **Federal Register** on June 15, 2012, concerning underwriting standards for the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), (together, the Enterprises) relating to mortgage assets affected by Property Assessed Clean Energy (PACE) programs.

DATES: The proposed rule published June 15, 2012, at 77 FR 3958, is withdrawn as of July 31, 2013.

FOR FURTHER INFORMATION CONTACT: Alfred M. Pollard, General Counsel, (202) 649–3050 (not a toll-free number), Federal Housing Finance Agency, Constitution Center, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

This rulemaking was initiated in response to a preliminary injunction issued by the U.S. District Court for the Northern District of California in 2011. The case challenged actions by FHFA to address certain energy retrofit lending programs administered by state or county governments. The District Court injunction made clear that, during pendency of court review and the ordered rulemaking, the determination of the Agency remained in place, specifically that Fannie Mae and Freddie Mac should take appropriate action to avoid purchasing new or refinanced loans that were encumbered by this retrofit lending program that created a priority ahead of the Enterprise lien priority.

As required by the preliminary injunction, FHFA published an Advanced Notice of Proposed Rulemaking at 77 FR 3958 (January 26, 2012) and received comments from individuals, government entities, businesses and scientific groups. Subsequently, FHFA published a Notice of Proposed Rulemaking at 77 FR 36086 (June 15, 2012) that proposed maintaining the current Agency directive or guidance as well as considering alternatives that might permit some alteration of those Agency actions. On August 9, 2012, the District Court, which had not acted to direct publication of a Final Rule, ordered that the Agency should complete the rulemaking, moving to a Final Rule under a set timeframe; *California ex. Rel. Harris* v. *Federal Housing Finance Agency,* 894 F.Supp.2d 1205 (N.D.Ca. 2012).

FHFA appealed the District Court rulings to the Ninth Circuit Court of Appeals. FHFA objected to the District Court's orders because they interfered with the exercise of Agency powers and authorities as provided by Congress in the Housing and Economic Recovery Act of 2008. Two other circuit courts had ruled in FHFA's favor in similar cases; *see Town of Babylon* v. *FHFA,* 699 F.3d 221 (2nd Cir. 2012) and *Leon County, Florida* v. *FHFA,* 700 F.3d 1273 (11th Cir. 2012). Specifically, in the case of Fannie Mae and Freddie Mac, a bar on judicial review of conservator decisions contained in the Act limited court review. Also, the Agency asserted and the Ninth Circuit agreed that the challenged Agency actions involved the exercise of core conservatorship powers. Therefore, the District Court orders were invalid pursuant to the broad congressional bar against judicial action, such as those taken by the District Court, that would affect the exercise of the Conservator's powers and functions. On March 19, 2013, the Ninth Circuit overturned the District Court, vacated its direction to the Agency and dismissed the case against FHFA; *County of Sonoma* v. *FHFA,* 710 F.3d 987 (9th Cir. 2013). The Ninth Circuit ruling was a final disposition of this case.

II. Withdrawal of Proposed Rule

FHFA is withdrawing the court-ordered rulemaking on this subject. FHFA does not contemplate altering its policy regarding certain lien-priming energy retrofit loan programs at this time, but will continue its policy review of lending programs that would support energy retrofits and might be appropriate for purchase by the regulated entities.

III. Regulatory Classification

Since this notice withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rulemaking and therefore is not within the scope of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735 or the Regulatory Flexibility Act, 5 U.S.C. 601–612.

Dated: July 24, 2013.

Edward J. DeMarco,

Acting Director, Federal Housing Finance Agency.

[FR Doc. 2013–18425 Filed 7–30–13; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No.FAA–2013–0650; Notice No. 23–13–01–SC]

Special Conditions: Eclipse, EA500, Certification of Autothrottle Functions Under Part 23

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Eclipse EA500 airplane. This airplane as modified by Innovative Solutions and Support (IS&S) will have a novel or unusual design feature(s) associated with the autothrottle system (ATS). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: We must receive your comments by August 30, 2013.

ADDRESSES: Send comments identified by docket number [FAA–2013–0650] using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark S. Orr, FAA, Programs and Procedures Branch, ACE–114, Small Airplane Directorate, Aircraft Certification Service, 901 Locust; Kansas City, Missouri 64106; telephone (816) 329–4151; facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On April 15, 2011, Innovative Solutions and Support (IS&S) applied for a supplemental type certificate for an update to the aircraft software to activate the previously installed autothrottle provisions in the EA500. The EA500 is a pressurized monoplane with provisions for up to six persons (standard seating five people) and may be operated as a single or two pilot aircraft (reference Minimum Flight Crew Limitation, AFM 06–122204 Rev 4 section 2–4). The airplane is operated under 14 CFR Part 91 with standard systems installed and under 14 CFR part 135 with additional equipment installed. The Eclipse Model EA500 was certificated under part 23 by the FAA on September 30, 2006 (Type Certificate A00002AC) with autothrottle provisions (i.e., motors and controls) installed yet rendered inactive through ''collaring'' of the ATS motor Electronic Circuit Breaker (ECB). Under the original Type Certification program, no certification credit was received nor the regulatory basis established for the autothrottle functions of the Eclipse Model EA500 aircraft.

Current part 23 airworthiness regulations do not contain appropriate safety standards for autothrottle system (ATS) installations, so special conditions are required to establish an acceptable level of safety. Part 25 regulations contain appropriate safety standards for these systems, so the intent for this project is to apply the language in § 25.1329 for the autothrottle, substituting § 23.1309 and § 23.143 in place of the similar part 25 regulations referenced in § 25.1329.

Type Certification Basis

Under the provisions of § 21.101, IS&S must show that the EA500, as changed, continues to meet the applicable provisions of the regulations incorporated by reference in A00002AC or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations incorporated by reference in A00002AC are as follows:

14 CFR Part 23 through Amendment 55 (except 14 CFR 23.1303, Amendment 23–62), Part 34 through Amendment 34–3, and Part 36 through Amendment 36–26.

Special Conditions:

23–128–SC for Engine Fire Extinguishing System

23–121–SC for Electronic Engine Control System

23–112A–SC for High Intensity Radiated Fields (HIRF) Protection

Equivalent Levels of Safety Findings:

ACE–02–19: 14 CFR §§ 23.777(d) and 23.781 Fuel Cutoff Control

ACE–05–32: 14 CFR §§ 23.1545(a) and 23.1581(d) for IndicatedAirspeeds

ACE–05–34: 14 CFR § 23.181(b), Dynamic Stability

ACE–05–35: 14 CFR § 23.1353(h), Storage Battery Design and Installation

ACE–05–36: 14 CFR § 23.1323(c), Airspeed Indicating System

ACE–06–01: 14 CFR § 23.1545(b)(4), Airspeed Indicator

ACE–06–05: 14 CFR 23, Appendix H, § H23.5, Installation of an Automatic Power Reserve System

ACE–07–04: 14 CFR § 23.1545(b)(4), Airspeed Indicator

ACE–08–12: 14 CFR §§ 23.201(b)(2) Wings Level Stall, and 23.203(a), Turning Flight and Accelerated Turning Stalls for flight into known icing (FIKI)

If the Administrator finds that the applicable airworthiness regulations (i.e., part 23) do not contain adequate or appropriate safety standards for the EA500 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the EA500 must comply with the fuel vent and exhaust emission requirements of part 34 and the noise certification requirements of part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.101.

Novel or Unusual Design Features

The EA500 will incorporate the following novel or unusual design features: Innovative Solutions and Support (IS&S) has applied for a Supplemental Type Certificate (STC) to update the aircraft software for implementation of an autothrottle

function on the EA500 aircraft. Included with the software upgrade is the activation of previously installed autothrottle provisions. Since the current part 23 airworthiness regulations do not contain appropriate safety standards for ATS installations, special conditions are required to establish an acceptable level of safety. Part 25 regulations contain appropriate safety standards for these systems, so the intent for this project is to apply the language in § 25.1329 for the autothrottle, substituting § 23.1309 and § 23.143 in place of the similar part 25 regulations referenced in § 25.1329. In addition, proper function of the ATS must be demonstrated according to § 23.1301 in a manner acceptable to the administrator, as prior evaluations of the system components included in the existing type design did not include demonstration of proper installed function on the ground or in the air.

Discussion

Part 23 at this time does not sufficiently address autothrottle technology and safety concerns. Therefore, special conditions must be developed and applied to this project to ensure an acceptable level of safety has been obtained. For approval to use the ATS during flight, the Eclipse EA500 airplane must demonstrate compliance to the intent of the requirements of § 25.1329, applying the appropriate part 23 references to § 23.1309 (to include performing FHA/SSA to determine the appropriate/applicable Software and Airborne Electronic Hardware assurance levels) and § 23.143 and the following proposed special conditions:

The following special conditions, derived from § 25.1329, are proposed for the Eclipse EA500 airplane:

(a) Quick disengagement controls for the autothrust functions must be provided for each pilot. The autothrust quick disengagement controls must be located on the thrust control levers. Quick disengagement controls must be readily accessible to each pilot while operating the thrust control levers.

(b) The effects of a failure of the system to disengage the autothrust functions when manually commanded by the pilot must be assessed in accordance with the requirements of Sec. 23.1309.

(c) Engagement or switching of the flight guidance system, a mode, or a sensor may not cause the autothrust system to effect a transient response that alters the airplane's flight path any greater than a minor transient, as defined in paragraph (l)(1) of this section.

(d) Under normal conditions, the disengagement of any automatic control function of a flight guidance system may not cause a transient response of the airplane's flight path any greater than a minor transient.

(e) Under rare normal and non-normal conditions, disengagement of any automatic control function of a flight guidance system may not result in a transient any greater than a significant transient, as defined in paragraph (l)(2) of this section.

(f) The function and direction of motion of each command reference control, such as heading select or vertical speed, must be plainly indicated on, or adjacent to, each control if necessary to prevent inappropriate use or confusion.

(g) Under any condition of flight appropriate to its use, the flight guidance system may not produce hazardous loads on the airplane, nor create hazardous deviations in the flight path. This applies to both fault-free operation and in the event of a malfunction, and assumes that the pilot begins corrective action within a reasonable period of time.

(h) When the flight guidance system is in use, a means must be provided to avoid excursions beyond an acceptable margin from the speed range of the normal flight envelope. If the airplane experiences an excursion outside this range, a means must be provided to prevent the flight guidance system from providing guidance or control to an unsafe speed.

(i) The flight guidance system functions, controls, indications, and alerts must be designed to minimize flightcrew errors and confusion concerning the behavior and operation of the flight guidance system. Means must be provided to indicate the current mode of operation, including any armed modes, transitions, and reversions. Selector switch position is not an acceptable means of indication. The controls and indications must be grouped and presented in a logical and consistent manner. The indications must be visible to each pilot under all expected lighting conditions.

(j) Following disengagement of the autothrust function, a caution (visual and auditory) must be provided to each pilot.

(k) During autothrust operation, it must be possible for the flightcrew to move the thrust levers without requiring excessive force. The autothrust may not create a potential hazard when the flightcrew applies an override force to the thrust levers.

(l) For purposes of this section, a transient is a disturbance in the control or flight path of the airplane that is not consistent with response to flightcrew inputs or environmental conditions.

(1) A minor transient would not significantly reduce safety margins and would involve flightcrew actions that are well within their capabilities. A minor transient may involve a slight increase in flightcrew workload or some physical discomfort to passengers or cabin crew.

(2) A significant transient may lead to a significant reduction in safety margins, an increase in flightcrew workload, discomfort to the flightcrew, or physical distress to the passengers or cabin crew, possibly including non-fatal injuries. Significant transients do not require, in order to remain within or recover to the normal flight envelope, any of the following:

(i) Exceptional piloting skill, alertness, or strength.

(ii) Forces applied by the pilot which are greater than those specified in Sec. 23.143(c).

(iii) Accelerations or attitudes in the airplane that might result in further hazard to secured or non-secured occupants.

The applicant must also functionally demonstrate independence between the left and right ATS installation to prove they cannot have a single point failure that is not extremely improbable that inadvertently leads to a loss of thrust, or to substantial uncommanded thrust changes and transients, in both engines simultaneously.

Applicability

As discussed above, these special conditions are applicable to the EA500. Should IS&S apply at a later date for a supplemental type certificate to modify any other model included on A00002AC to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model EA500 of airplanes. It is not a rule of general applicability and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the FAA proposes the following special conditions as part of the type certification basis for Eclipse EA500 airplanes modified by IS&S.

1. Certification of Autothrottle Functions under Part 23.

The following special conditions, derived from § 25.1329, are proposed for the Eclipse EA500 airplane:

(a) Quick disengagement controls for the autothrust functions must be provided for each pilot. The autothrust quick disengagement controls must be located on the thrust control levers. Quick disengagement controls must be readily accessible to each pilot while operating the thrust control levers.

(b) The effects of a failure of the system to disengage the autothrust functions when manually commanded by the pilot must be assessed in accordance with the requirements of Sec. 23.1309.

(c) Engagement or switching of the flight guidance system, a mode, or a sensor may

not cause the autothrust system to effect a transient response that alters the airplane's flight path any greater than a minor transient, as defined in paragraph (l)(1) of this section.

(d) Under normal conditions, the disengagement of any automatic control function of a flight guidance system may not cause a transient response of the airplane's flight path any greater than a minor transient.

(e) Under rare normal and non-normal conditions, disengagement of any automatic control function of a flight guidance system may not result in a transient any greater than a significant transient, as defined in paragraph (l)(2) of this section.

(f) The function and direction of motion of each command reference control, such as heading select or vertical speed, must be plainly indicated on, or adjacent to, each control if necessary to prevent inappropriate use or confusion.

(g) Under any condition of flight appropriate to its use, the flight guidance system may not produce hazardous loads on the airplane, nor create hazardous deviations in the flight path. This applies to both fault-free operation and in the event of a malfunction, and assumes that the pilot begins corrective action within a reasonable period of time.

(h) When the flight guidance system is in use, a means must be provided to avoid excursions beyond an acceptable margin from the speed range of the normal flight envelope. If the airplane experiences an excursion outside this range, a means must be provided to prevent the flight guidance system from providing guidance or control to an unsafe speed.

(i) The flight guidance system functions, controls, indications, and alerts must be designed to minimize flightcrew errors and confusion concerning the behavior and operation of the flight guidance system. Means must be provided to indicate the current mode of operation, including any armed modes, transitions, and reversions. Selector switch position is not an acceptable means of indication. The controls and indications must be grouped and presented in a logical and consistent manner. The indications must be visible to each pilot under all expected lighting conditions.

(j) Following disengagement of the autothrust function, a caution (visual and auditory) must be provided to each pilot.

(k) During autothrust operation, it must be possible for the flightcrew to move the thrust levers without requiring excessive force. The autothrust may not create a potential hazard when the flightcrew applies an override force to the thrust levers.

(l) For purposes of this section, a transient is a disturbance in the control or flight path of the airplane that is not consistent with response to flightcrew inputs or environmental conditions.

(1) A minor transient would not significantly reduce safety margins and would involve flightcrew actions that are well within their capabilities. A minor transient may involve a slight increase in flightcrew workload or some physical discomfort to passengers or cabin crew.

(2) A significant transient may lead to a significant reduction in safety margins, an increase in flightcrew workload, discomfort to the flightcrew, or physical distress to the passengers or cabin crew, possibly including non-fatal injuries. Significant transients do not require, in order to remain within or recover to the normal flight envelope, any of the following:

(i) Exceptional piloting skill, alertness, or strength.

(ii) Forces applied by the pilot which are greater than those specified in Sec. 23.143(c).

(iii) Accelerations or attitudes in the airplane that might result in further hazard to secured or non-secured occupants.

The applicant must also functionally demonstrate independence between the left and right ATS installation to prove they cannot have a single point failure that is not extremely improbable that inadvertently leads to a loss of thrust, or to substantial uncommanded thrust changes and transients, in both engines simultaneously.

Issued in Kansas City, Missouri, on July 24, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–18399 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0629; Directorate Identifier 2012–NM–214–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes. This proposed AD was prompted by a design review, which revealed that under certain failure conditions of the maximum level (Max Level) sensor wiring, a short circuit may develop that causes a hot spot on the wiring conduit, or puncturing of the wiring conduit wall in the center wing fuel tank. This proposed AD would require installing fuses in the Max Level sensor wiring; and revising the airplane maintenance program by incorporating critical design configuration control limitations. We are proposing this AD to prevent an ignition source in the center wing fuel tank vapor space, which could result in a fuel tank explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by September 16, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments

to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0629; Directorate Identifier 2012–NM–214–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0240, dated November 12, 2012 (referred to after this the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Prompted by an accident * * *, the FAA published Special Federal Aviation Regulation (SFAR) 88, and the Joint Aviation Authorities (JAA) published Interim Policy INT/POL/25/12.
>
> The design review conducted by Fokker Services on the Fokker 70 and Fokker 100 in response to these regulations revealed that under certain failure conditions of the maximum level (Max Level) sensor wiring, a short circuit may develop that causes a hot spot on the wiring conduit, or puncturing of the wiring conduit wall in the tank.
>
> This condition, if not corrected, could create an ignition source in the centre tank vapour space, possibly resulting in a fuel tank explosion and consequent loss of the aeroplane.
>
> For the reasons described above, this [EASA] AD requires the installation of fuses in the Max Level sensor wiring and subsequently, the implementation of the associated Critical Design Configuration Control Limitations (CDCCL[s]) [by revising the maintenance program to incorporate the CDCCLs].

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

The FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled ''Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements'' (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 (''SFAR 88,'' Amendment 21–78, and subsequent Amendments 21–82 and 21–83).

Among other actions, SFAR 88 (66 FR 23086, May 7, 2001) requires certain type design (i.e., type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: Single failures, single failures in combination with a latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

The Joint Aviation Authorities (JAA) has issued a regulation that is similar to SFAR 88 (66 FR 23086, May 7, 2001). (The JAA is an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who have agreed to co-operate in developing and implementing common safety regulatory standards and procedures.) Under this regulation, the JAA stated that all members of the ECAC that hold type certificates for transport category airplanes are required to conduct a design review against explosion risks.

We have determined that the actions identified in this AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Relevant Service Information

Fokker Services B.V. has issued Fokker Service Bulletin SBF100–28–073, dated August 10, 2012, including the following attachments (* the issue date is not specified on the drawing) and manual change notification:

- Fokker Drawing W41192, Sheet 052, Issue AS*;
- Fokker Drawing W41192, Sheet 054, Issue AR*;
- Fokker Drawing W59520, Sheet 003, Issue F, dated May 12, 2011; and
- Fokker Manual Change Notification MCNM F100–150, dated August 10, 2012.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

This AD requires revisions to certain operator maintenance documents to include new Critical Design Configuration Control Limitations (CDCCLs). Compliance with these CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j) of this AD. The request should include a description of changes to the required actions that will ensure the continued operational safety of the airplane.

Costs of Compliance

We estimate that this proposed AD affects 10 products of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation and revision of maintenance program.	7 work-hours × $85 per hour = $595	$2,100	$2,695	$26,950

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker Services B.V.: Docket No. FAA–2013–0629; Directorate Identifier 2012–NM–214–AD.

(a) Comments Due Date

We must receive comments by September 16, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes, certificated in any category, equipped with a center wing fuel tank.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by a design review, which revealed that under certain failure conditions of the maximum level (Max Level) sensor wiring, a short circuit may develop that causes a hot spot on the wiring conduit, or puncturing of the wiring conduit wall in the center wing fuel tank. We are issuing this AD to prevent an ignition source in the center wing fuel tank vapor space, which could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Installation of Fuses

Within 24 months after the effective date of this AD: Do the actions specified in paragraphs (g)(1) and (g)(2) of this AD, as applicable.

(1) For Fokker Services B.V. Model F.28 Mark 0070 airplanes having serial numbers 11244 through 11441 inclusive, equipped with a center wing bag tank: Install fuses in the wiring of the Max Level sensors of the center wing fuel tank, in accordance with Parts 1 and 3 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–28–073, dated August 10, 2012, which includes the attachments identified in paragraphs (g)(1)(i) through (g)(1)(iv) of this AD (* the issue date is not specified on the drawing).

(i) Fokker Drawing W41192, Sheet 052, Issue AS*.

(ii) Fokker Drawing W41192, Sheet 054, Issue AR*.

(iii) Fokker Drawing W59520, Sheet 003, Issue F, dated May 12, 2011.

(iv) Fokker Manual Change Notification MCNM F100–150, dated August 10, 2012.

(2) For Fokker Services B.V. Model F.28 Mark 0070 and Mark 0100 airplanes having serial numbers 11442 and up, equipped with an integral center wing tank: Install fuses in the wiring of the Max Level sensors of the center wing fuel tank, in accordance with Parts 2 and 3 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–28–073, dated August 10, 2012, which includes the attachments identified in paragraphs (g)(2)(i) through (g)(2)(iv) of this AD (* the issue date is not specified on the drawing).

(i) Fokker Drawing W41192, Sheet 052, Issue AS*.

(ii) Fokker Drawing W41192, Sheet 054, Issue AR*.

(iii) Fokker Drawing W59520, Sheet 003, Issue F, dated May 12, 2011.

(iv) Fokker Manual Change Notification MCNM F100–150, dated August 10, 2012.

(h) Revision of Maintenance or Inspection Program

After doing any action required by paragraph (g) of this AD, before further flight, revise the airplane maintenance or inspection program, as applicable, by incorporating the CDCCLs specified in paragraph 1.L.(1)(c) of Fokker Service Bulletin SBF100–28–073, dated August 10, 2012, including the drawings specified in paragraphs (h)(1) through (h)(4) of this AD (* the issue date is not specified on the drawing) and manual change notification.

(1) Fokker Drawing W41192, Sheet 052, Issue AS*.

(2) Fokker Drawing W41192, Sheet 054, Issue AR*.

(3) Fokker Drawing W59520, Sheet 003, Issue F, dated May 12, 2011.

(4) Fokker Manual Change Notification MCNM F100–150, dated August 10, 2012.

(i) No Alternative CDCCLs

After the CDCCLs have been incorporated, as required by paragraph (h) of this AD, no alternative CDCCLs may be used unless the CDCCLs are approved as an alternative method of compliance (AMOC) in

accordance with the procedures specified in paragraph (j) of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch; ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1137. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(k) Related Information

(1) Refer to the Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2012–0240, dated November 12, 2012, for related information. The MCAI can be found in the AD docket on the Internet at *http://regulations.gov.*

(2) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425 227–1221.

Issued in Renton, Washington, on July 21, 2013.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–18390 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0631; Directorate Identifier 2012–NM–142–AD]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ series airplanes. This proposed AD was prompted by a report of a cracked pick-up bracket of the forward outboard pylon of the number 1 engine due to stress corrosion. This proposed AD would require repetitive inspections and, depending on findings, repair of the pylon pick-up brackets. We are proposing this AD to detect and correct cracking of the pick-up bracket, which could result in the engine pylon separating from the wing, with consequent damage to the airplane and reduced controllability.

DATES: We must receive comments on this proposed AD by September 16, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425)–1175; fax: (425)–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0631; Directorate Identifier 2012–NM–142–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0136, dated July 20, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

While carrying out a scheduled environmental inspection, an operator found

a cracked number 1 engine forward outboard pylon pick-up bracket. Cracks were present on the upper flange of the bracket running between all 3 attachment bolt holes. Subsequent investigation revealed that the cause of cracking was stress corrosion. Cracking of the pylon pick-up brackets at the top and bottom flanges could reduce the capability of the brackets to support the ultimate sideload, particularly if cracking is present on more than one flange.

This condition, if not detected and corrected, could result in the engine pylon separation from the wing, likely resulting in damage to [and controllability of] the aeroplane and possible injury to persons on the ground.

* * * * *

For reasons described above, this AD requires the inspection and, depending on findings, repair of the affected pylon pick-up brackets.

The inspection includes a special detailed inspection with a videoscope. Corrective actions can include replacing any affected pylon pick-up brackets, and doing any follow-on skin repairs. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

BAE Systems (Operations) Limited has issued Inspection Service Bulletin ISB.57–073, Revision 1, dated January 27, 2012; and Revision 2, dated March 8, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 1 product of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $170, or $170 per product.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

BAE Systems (Operations) Limited: Docket No. FAA–2013–0631; Directorate Identifier 2012–NM–142–AD.

(a) Comments Due Date

We must receive comments by September 16, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to BAE Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A airplanes; and Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A airplanes; certificated in any category, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a report of a cracked pick-up bracket of the forward outboard pylon of the number 1 engine due to stress corrosion. We are issuing this AD to detect and correct cracking of the pick-up bracket, which could result in the engine pylon separating from the wing, with consequent damage to the airplane and reduced controllability.

(f) Compliance

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

(g) Repetitive Inspections

(1) Within the initial compliance time specified in paragraphs (g)(1)(i) and (g)(1)(ii) of this AD, as applicable, and thereafter at intervals not to exceed 24 months: Do a special detailed inspection with a videoscope of the flanges of the Rib 10 forward pylon pick-up bracket of each engine pylon for cracking, corrosion, and other defects, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–073, Revision 1, dated January 27, 2012; or Revision 2, dated March 8, 2012.

(i) Within 6 months after the effective date of this AD, except as provided by paragraph (g)(1)(ii) of this AD.

(ii) For airplanes on which a maintenance records check positively determines that both forward pylon pick-up brackets have been replaced since first flight of the airplane: Within 20 months after the effective date of this AD.

(2) If, during any inspection required by paragraph (g)(1) of this AD, any cracking,

corrosion or other defect of any Rib 10 forward pylon pick-up bracket is found: Before further flight, repair or replace the bracket as specified in paragraph (g)(2)(i) or (g)(2)(ii) of this AD.

(i) Repair a bracket in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–073, Revision 1, dated January 27, 2012; or Revision 2, dated March 8, 2012.

(ii) Replace a bracket using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent).

(3) Repairing or replacing a Rib 10 forward pylon pick-up bracket, as required by paragraph (g)(2) of this AD, does not terminate the repetitive inspections required by paragraph (g)(1) of this AD.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if the actions were performed before the effective date of this AD using BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–073, dated September 6, 2010.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 227–1175; fax: (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information European Aviation Safety Agency Airworthiness Directive 2012–0136, dated July 20, 2012, for related information.

(2) For service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 21, 2013.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–18387 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0630; Directorate Identifier 2012–NM–213–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes. This proposed AD was prompted by a design review, which revealed that, under certain failure conditions, wiring in the main fuel tank could develop a short circuit that might cause a hot spot on the wiring conduit or puncture the wiring conduit wall. This proposed AD would require installing fuses in the power supply wiring and/or return wiring for various components in the fuel system; and revising the airplane maintenance program by incorporating critical design configuration control limitations. We are proposing this AD to prevent an ignition source in the main fuel tank vapor space, which could result in a fuel tank explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by September 16, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0630; Directorate Identifier 2012–NM–213–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://*

www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0241, dated November 12, 2012 (referred to after this the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Prompted by an accident * * *, the FAA published Special Federal Aviation Regulation (SFAR) 88, and the Joint Aviation Authorities (JAA) published Interim Policy INT/POL/25/12.
>
> The design review conducted by Fokker Services on the Fokker 70 and Fokker 100 in response to these regulations revealed that under certain failure conditions of the wiring of the Overflow Valve Reed Switch, or the solenoid of the Level Control Pilot Valve (LCPV), or the solenoid of the Re/De-fueling Shut-Off Valve, or the Collector-Tank Low Level Float-Switch, a short circuit may develop that causes a hot spot on the wiring conduit, or puncturing of the wiring conduit wall in the main fuel tank.
>
> This condition, if not corrected, could create an ignition source in the main fuel tank vapour space, possibly resulting in a fuel tank explosion and consequent loss of the aeroplane.
>
> For the reasons described above, this [EASA] AD requires the installation of fuses in the power supply wiring and/or return wiring for the main tank overflow valve reed-switches, the LCPV solenoid, the Re/De-fuel shut-off valve solenoid and the collector-tank Low Level float switch and subsequently, the implementation of the associated Critical Design Configuration Control Limitations (CDCCL[s]) [and revising the maintenance program to incorporate the CDCCLs].

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

The FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled ''Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements'' (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 (''SFAR 88,'' Amendment 21–78, and subsequent Amendments 21–82 and 21–83).

Among other actions, SFAR 88 (66 FR 23086, May 7, 2001) requires certain type design (i.e., type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: Single failures, single failures in combination with a latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

The Joint Aviation Authorities (JAA) has issued a regulation that is similar to SFAR 88 (66 FR 23086, May 7, 2001). (The JAA is an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who have agreed to co-operate in developing and implementing common safety regulatory standards and procedures.) Under this regulation, the JAA stated that all members of the ECAC that hold type certificates for transport category airplanes are required to conduct a design review against explosion risks.

We have determined that the actions identified in this AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Relevant Service Information

Fokker Services B.V. has issued Fokker Service Bulletin SBF100–28–068, dated August 10, 2012, including the following attachments (* the issue date is not specified on the drawing):

- Fokker Drawing W41192, Sheet 051, Issue AS*;
- Fokker Drawing W41208, Sheet 002, Issue B*;
- Fokker Drawing W59520, Sheet 002, Issue E, dated March 18, 2011; and
- Fokker Manual Change Notification MCNM F100–143, dated August 10, 2012.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

This AD requires revisions to certain operator maintenance documents to include Critical Design Configuration Control Limitations (CDCCLs). Compliance with these CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j) of this AD. The request should include a description of changes to the required actions that will ensure the continued operational safety of the airplane.

Where EASA Airworthiness Directive 2012–0241, dated November 12, 2012, specifies to install a fuse in the wiring of the level control pilot valve, that action is not required by this AD. That action is already required by AD 2011–21–01, Amendment 39–16824 (76 FR 63156, October 12, 2011).

Costs of Compliance

We estimate that this proposed AD affects 10 products of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation and revision of maintenance program.	29 work-hours × $85 per hour = $2,465	$4,600	$7,065	$70,650

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker Services B.V.: Docket No. FAA–2013–0630; Directorate Identifier 2012–NM–213–AD.

(a) Comments Due Date

We must receive comments by September 16, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes, certificated in any category, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by a design review, which revealed that, under certain failure conditions, wiring in the main fuel tank could develop a short circuit that might cause a hot spot on the wiring conduit or puncture the wiring conduit wall. We are issuing this AD to prevent an ignition source in the main fuel tank vapor space, which could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Installation of Fuses

Within 24 months after the effective date of this AD: Install fuses in the power supply wiring and return wiring, as applicable, for the reed-switches in the main fuel tank overflow valve, level control pilot valve solenoid, re/de-fuel shut off valve solenoid, and the collector-tank low level float switch, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–28–068, dated August 10, 2012, which includes the attachments identified in paragraphs (g)(1) through (g)(4) of this AD (* the issue date is not specified on the drawing).

(1) Fokker Drawing W41192, Sheet 051, Issue AS*.

(2) Fokker Drawing W41208, Sheet 002, Issue B*.

(3) Fokker Drawing W59520, Sheet 002, Issue E, dated March 18, 2011.

(4) Fokker Manual Change Notification MCNM F100–143, dated August 10, 2012.

(h) Revision of Maintenance or Inspection Program

After installing the fuses as required by paragraph (g) of this AD, before further flight, revise the maintenance or inspection program, as applicable, by incorporating the CDCCLs specified in paragraph 1.L.(1)(c) of Fokker Service Bulletin SBF100–28–068, dated August 10, 2012, which includes the attachments identified in paragraphs (h)(1) through (h)(4) of this AD (* the issue date is not specified on the drawing).

(1) Fokker Drawing W41192, Sheet 051, Issue AS*.

(2) Fokker Drawing W41208, Sheet 002, Issue B*.

(3) Fokker Drawing W59520, Sheet 002, Issue E, dated March 18, 2011.

(4) Fokker Manual Change Notification MCNM F100–143, dated August 10, 2012.

(i) No Alternative CDCCLs

After the CDCCLs have been incorporated, as required by paragraph (h) of this AD, no alternative CDCCLs may be used unless the CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j) of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch; ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1137. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal

inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2012–0241, dated November 12, 2012, for related information. The MCAI can be found in the AD docket on the Internet at *http://www.regulations.gov.*

(2) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425 227–1221.

Issued in Renton, Washington, on July 21, 2013.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–18389 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0632; Directorate Identifier 2013–NM–045–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A330–200 and –300 series airplanes, and Model A340–200, –300, –500, and –600 series airplanes. This proposed AD results from fuel system reviews conducted by the airplane manufacturer. This proposed AD would require removing bulb type maintenance lights; installing a drain mast on certain airplanes; and installing muffs on connecting bleed elements on certain airplanes. We are proposing this AD to prevent ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by September 16, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0632; Directorate Identifier 2013–NM–045–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0033, dated February 19, 2013 (referred to after this the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> [Subsequent to accidents involving fuel tank system explosions in flight and on ground], the FAA published Special Federal Aviation Regulation (SFAR) 88, and the Joint Aviation Authorities (JAA) published Interim Policy INT/POL/25/12.
>
> In response to these regulations, a global design review conducted by Airbus on the A330 and A340 type design Section 19, which is a flammable fluid leakage zone and a zone adjacent to a fuel tank, highlighted potential deviations. The specific identified cases were that drainage is inefficient in flight on A340–500/–600 aeroplanes, maintenance lights are not qualified explosion proof, and hot surfaces may exist on bleed system during normal/failure operations.
>
> This condition, if not corrected, in combination with a fuel leak generating flammable vapours in the area, could result in a fuel tank explosion and consequent loss of the aeroplane.
>
> For the reasons described above, this [EASA] AD requires removal of bulb type maintenance lights for all aeroplanes, installation of the drain mast between Frame (FR) 80 and FR83 for A340–500/–600, and installation of muffs on connecting bleed elements to minimize hot surfaces on A330 and A340–200/–300.

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

The FAA has examined the underlying safety issues involved in fuel tank explosions on several large

transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled ''Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements'' (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 (''SFAR 88,'' Amendment 21–78, and subsequent Amendments 21–82 and 21–83).

Among other actions, SFAR 88 (66 FR 23086, May 7, 2001) requires certain type design (i.e., type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: Single failures, single failures in combination with a latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

The Joint Aviation Authorities (JAA) has issued a regulation that is similar to SFAR 88 (66 FR 23086, May 7, 2001). (The JAA is an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who have agreed to co-operate in developing and implementing common safety regulatory standards and procedures.) Under this regulation, the JAA stated that all members of the ECAC that hold type certificates for transport category airplanes are required to conduct a design review against explosion risks.

We have determined that the actions identified in this AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Relevant Service Information

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

- Airbus Mandatory Service Bulletin A330–33–3041, Revision 01, dated July 10, 2012.
- Airbus Mandatory Service Bulletin A330–36–3040, Revision 01, dated November 26, 2012.
- Airbus Mandatory Service Bulletin A340–33–4026, Revision 01, dated July 10, 2012.
- Airbus Mandatory Service Bulletin A340–33–5006, dated January 3, 2012.
- Airbus Mandatory Service Bulletin A340–36–4035, dated September 18, 2012.
- Airbus Mandatory Service Bulletin A340–53–5031, Revision 02, dated August 3, 2011.
- Airbus Service Bulletin A330–36–3037, Revision 01, dated January 24, 2013.
- Airbus Service Bulletin A330–36–3038, dated January 16, 2012.
- Airbus Service Bulletin A340–36–4033, Revision 01, dated January 28, 2013.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 43 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation	Up to 21 work-hours × $85 per hour = $1,785.	Up to $5,219	Up to $7,004	Up to $301,172.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2013–0632; Directorate Identifier 2013–NM–045–AD.

(a) Comments Due Date

We must receive comments by September 16, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes, certificated in any category, specified in paragraphs (c)(1) and (c)(2) of this AD, all manufacturer serial numbers.

(1) Airbus Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(2) Airbus Model A340–211, –212, –213, –311, –312, –313, –541, and –642 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection; 33, Lights; 36, Pneumatic; 53, Fuselage.

(e) Reason

This AD results from fuel system reviews conducted by the airplane manufacturer. We are issuing this AD to prevent ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

(f) Compliance

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

(g) Maintenance Light Removal

Except airplanes on which Airbus Modification 56739 has been incorporated in production: Within 26 months after the effective date of this AD, remove the maintenance lights, in accordance with the Accomplishment Instructions of the applicable Airbus service information specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD.

(1) Airbus Mandatory Service Bulletin A330–33–3041, Revision 01, dated July 10, 2012 (for Model A330 series airplanes).

(2) Airbus Mandatory Service Bulletin A340–33–4026, Revision 01, dated July 10, 2012 (for Model A340–200 and –300 series airplanes).

(3) Airbus Mandatory Service Bulletin A340–33–5006, dated January 3, 2012 (for Model A340–500 and –600 series airplanes).

Note to paragraph (g) of this AD: For Model A340–500 and –600 series airplanes, Airbus has issued Airbus Service Bulletin A340–33–5007 to introduce halogen type lights which are qualified as explosion proof and that can be installed (at operators discretion) after removal of the non-explosion proof lights required by paragraph (g) of this AD.

(h) Insulation Muff Installation

For Model A330–200 and –300 series airplanes, and Model A340–200 and –300 series airplanes, except those airplanes on which Airbus Modification 52260 has been incorporated in production: Within 26 months after the effective date of this AD, install insulation muffs on connecting auxiliary power unit bleed air duct, in accordance with the Accomplishment Instructions of the applicable Airbus service information specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD.

(1) Airbus Service Bulletin A330–36–3038, dated January 16, 2012, for Model A330 series airplanes on which Airbus Service Bulletin A330–36–3032 has been incorporated.

(2) Airbus Mandatory Service Bulletin A330–36–3040, Revision 01, dated November 26, 2012, for Model A330 series airplanes on which Airbus Service Bulletin A330–36–3032 has not been incorporated.

(3) Airbus Mandatory Service Bulletin A340–36–4035, dated September 18, 2012, for Model A340 series airplanes.

(i) Alternative Action to Paragraph (h) of This AD

For Model A330 series airplanes on which Airbus service information A330–36–3032 is not incorporated, and for Model A340 series airplanes: Doing the bleed leak detection loop modification of the auxiliary power unit (APU), in accordance with the Accomplishment Instructions of the applicable Airbus Service Bulletin specified in paragraphs (i)(1) and (i)(2) of this AD, is an acceptable alternative to the actions required by paragraph (h) of this AD, provided the modification is accomplished within 26 months after the effective date of this AD.

(1) Airbus Service Bulletin A330–36–3037, Revision 01, dated January 24, 2013.

(2) Airbus Service Bulletin A340–36–4033, Revision 01, dated January 28, 2013.

(j) Drain Mast Installation

For Model A340–500 and –600 series airplanes, except those on which Airbus Modification 54636 or 54637 has been incorporated in production: Within 26 months after the effective date of this AD, install a drain mast between frame (FR) 80 and FR 83, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A340–53–5031, Revision 02, dated August 3, 2011.

(k) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Mandatory Service Bulletin A330–33–3041, dated January 3, 2012; or Airbus Mandatory Service Bulletin A340–33–4026, dated January 3, 2012; as applicable; which are not incorporated by reference in this AD.

(2) This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Airbus Mandatory Service Bulletin A330–36–3040, dated September 18, 2012, which is not incorporated by reference in this AD.

(3) This paragraph provides credit for actions required by paragraph (i) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A330–36–3037, dated September 23, 2011; or Airbus Service Bulletin A340–36–4033, dated September 23, 2011; as applicable; which are not incorporated by reference in this AD.

(4) This paragraph provides credit for actions required by paragraph (j) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A340–53–5031, dated July 31, 2006; or Airbus Service Bulletin A340–53–5031, Revision 01, dated January 10, 2008; as applicable; which are not incorporated by reference in this AD.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. Before using any approved AMOC, notify your appropriate

principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Directive (MCAI) European Aviation Safety Agency Airworthiness Directive 2013–0033, dated February 19, 2013, for related information.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 21, 2013.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–18391 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Docket No. SSA 2013–0011]

Rules of Administrative Finality

AGENCY: Social Security Administration (SSA)

ACTION: Notice and request for comments.

SUMMARY: We are requesting information from the public regarding whether and how we should change our rules of administrative finality. These rules govern when we can reopen and revise a determination or decision that has become final and is no longer subject to administrative or judicial review. We are requesting information about several possible ways to change various aspects of our administrative finality rules. We are interested in obtaining information about issues such as whether and how we should revise the rules that govern the timeframes in which we can reopen a determination or decision, and whether and how we should revise the rules that govern the diligent pursuit of an investigation. We are also interested in obtaining information about whether we should adopt rules that would address our ability to make prospective changes to the amount of an individual's benefits without making changes for months in which the individual has already received payment. We are requesting your comments on several questions that we address below.

DATES: To ensure that your comments are considered, we must receive them no later than September 30, 2013.

ADDRESSES: You may submit written comments by any one of three methods—Internet, fax or mail. Do not submit the same comments multiple times, or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2013–0011, so that we may associate your comments with the correct activity.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

- *Internet:* We strongly recommend this method for submitting your comments. Visit the Federal eRulemaking portal at *http://www.regulations.gov.* Use the Search function of the Web page to find docket number SSA–2013–0011, and then submit your comment. Once you submit your comment, the system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately as we must manually post each comment. It may take up to a week for your comment to be viewable.
- *Fax:* Fax comments to (410) 966–2830.
- *Mail:* Mail your comments to the Office of Regulations and Reports Clearance, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov,* or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Zeenat Kolia, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, 410–965–8629. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Background

An initial determination is a determination we make that is subject to administrative and judicial review. Generally, an initial determination resolves the legal or factual issues affecting your entitlement or eligibility as provided by the Social Security Act (Act). Some examples of initial determinations are determinations about your entitlement to benefits, the benefit amount you receive, the termination of your benefits, and any overpayments or underpayments that may occur. Initial determinations are final and binding unless you request an appeal within the appropriate timeframe or we reopen and revise the initial determination under our rules of administrative finality.

The rules of administrative finality govern whether we may reopen and revise determinations or decisions that are no longer subject to administrative and judicial review. The administrative finality rules that allow us to reopen and revise determinations or decisions only in specific situations and within specific timeframes were first put in place to help ensure that individuals could rely on the determinations and decisions we made in their claims.

Current Rules for Reopening

Our rules of administrative finality are located at 20 CFR 404.987–404.996 for title II claims and at 20 CFR 416.1487–416.1494 for title XVI claims.

Some of the timeframes for reopening are different for title II and title XVI. Currently, for title II claims, we may reopen a determination or decision:

- Within 12 months of the date of the notice of the initial determination for any reason;
- Within 4 years of the date of the notice of the initial determination if we find good cause to reopen the determination or decision; or
- At any time in certain situations, such as when fraud or similar fault is involved.

For title XVI claims, we may reopen a determination or decision:

- Within 12 months of the date of the notice of the initial determination for any reason;
- Within 2 years of the date of the notice of the initial determination if we find good cause to reopen the determination or decision; or
- At any time only if fraud or similar fault is involved.

For both title II and title XVI, after we have reopened a determination or decision, we apply the concept of diligent pursuit on cases where the applicable reopening period ends but we have not completed our investigation. We will presume diligent pursuit to have been met if we conclude the investigation and if needed, revise the determination or decision within 6 months from the date we began the investigation. If we have not diligently pursued the investigation to its conclusion, we will revise the determination or decision only if it will be favorable to you.

In addition, under our current rules of administrative finality, if we cannot reopen the case, we also will not make any prospective changes to the amount of an individual's benefits. For example, if we erroneously entitled you to a larger payment amount than was due, we will continue to pay you the larger benefit amount even though we know it is wrong.

Why are we considering changing our rules of administrative finality?

We are considering changing our rules of administrative finality for a variety of reasons:

1. We take our responsibility as effective stewards of the trust funds very seriously. Modifying our rules would enable us to take corrective action on more cases, and could decrease the amount of improper payments that we make.

2. Our current rules are complex to administer. The fact that our rules under title II and title XVI contain different timeframes for reopening for good cause can result in confusion for our adjudicators and the public, particularly in situations where an individual is concurrently receiving benefits under title II and title XVI of the Act.

3. The current rules may prevent us from making changes regardless of the possible outcome for the individual. For example, if an individual presents or we discover new and material evidence after the time period that would allow us to reopen, we cannot take corrective action and revise the determination or decision. Modifying our rules to change certain timeframes for reopening may enable us to take corrective actions on more cases.

4. The Office of the Inspector General has recommended that we review our rules on administrative finality to find ways that will allow us to correct more erroneous payments.

5. Some of our administrative finality rules have not been revised in sixty years. Over the years, there has been an increase in our workloads and the complexity of our programs. Updating the rules would allow us to reflect these changes.

6. Finally, modifying our current rules would enable us to streamline and simplify our rules on administrative finality. We believe this would allow us to operate more efficiently in a challenging, limited-resource environment.

Request for Comments

We are requesting comments concerning whether and how we should change our rules of administrative finality. We ask that, in preparing comments, you address questions such as:

1. Should the timeframe for reopening for good cause be consistent for both title II and title XVI? If so, what should that timeframe be?

2. Should we extend the timeframe for reopening for any reason under both title II and title XVI? If so, what would a reasonable timeframe be? If not, how would you address concerns that the current 12-month timeframe does not give us adequate time to correct errors in determinations or decisions without applying complex good cause rules?

3. Should we revise our rules to provide that we can change an individual's current and future payments, even if we cannot reopen a determination or decision to correct previously issued payments? If not, what actions would you take to address the Office of the Inspector General's September 2007 report [1] that reviewed our title II administrative finality rules and estimated that we would pay approximately an additional $50 million in incorrect payments in the future because we did not correct ongoing benefits?

4. Should we revise our rules on diligent pursuit? If so, what would be a reasonable timeframe? Or should we eliminate diligent pursuit and instead require that we both reopen and complete any revisions during the applicable reopening timeframe?

5. Are there any other aspects of our administrative finality rules that we should consider revising?

Please see the information under **ADDRESSES** earlier in this document for methods to give us your comments. We will not respond to your comments, but we will consider them as we review our policies and instructions to determine if we should revise or update them.

[1] Social Security Administration, Office of the Inspector General, *Administrative Finality in the Old-Age, Survivors and Disability Insurance Program (Audit No. A–01–07–27029)* (September 2007), at page 3 (available at: *http://oig.ssa.gov/sites/default/files/audit/full/pdf/A–01–07–27029.pdf).*

Dated: July 24, 2013.

Carolyn W. Colvin,

Acting Commissioner of Social Security.

[FR Doc. 2013–18360 Filed 7–30–13; 8:45 am]

BILLING CODE 4191–02–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[PS Docket Nos. 11–153 and 10–255; Report No. 2985]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: In this document, a Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding by CTIA.

DATES: Oppositions to the Petitions must be filed on or before August 15, 2013. Replies to an opposition must be filed on or before August 26, 2013.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Aaron Garza, Public Safety and Homeland Security Bureau, 202–418–1175, *aaron.garza@fcc.gov <mailto:aaron.garza@fcc.gov>.*

SUPPLEMENTARY INFORMATION: This is a summary of Commission's document, Report No. 2985, released June11, 2013. The full text of Report No. 2985 is available for viewing and copying in Room CY–B402, 445 12th Street SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). The Commission will not send a copy of this *Notice* pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this *Notice* does not have an impact on any rules of particular applicability.

Subjects: Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment, FCC 13–64, published at 78 FR 32169, May 29, 2013, in PS Docket No. 11–153 and PS Docket No. 10–255, published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) of the Commission's rules.

Number of Petitions Filed: 1.

Federal Communications Commission.

Marlene H. Dortch,

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

[FR Doc. 2013–18370 Filed 7–30–13; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 78, No. 147
Wednesday, July 31, 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.

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Executive Session Meeting

Meeting: African Development Foundation, Board of Directors Executive Session Meeting
Time: Tuesday, August 6, 2013 8:30 a.m. to 1:00 p.m.
Place: 1400 Eye Street, NW., Suite 1000, Washington, DC 20005
Date: Tuesday, August 6, 2013

Status

1. Open session, Tuesday, August 6, 2013, *8:30 a.m. to 12:00 p.m.*
2. Closed session, Tuesday, August 6, 2013, *12:00 p.m. to 1:00 p.m.*

Doris Mason Martin,

General Counsel, acting on behalf of the President/CEO, USADF.

[FR Doc. 2013–18428 Filed 7–30–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Forest Service

Spruce Beetle Epidemic and Aspen Decline Management Response; Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG), Colorado

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: A large portion of the Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG) has experienced mortality from insects and diseases over the past decade. The purpose of the project is to proactively and adaptively respond to declining forest vegetation conditions. The approach is to actively manage vegetation consistent with the goals outlined in the Western Bark Beetle Strategy (July 2011) including: Promoting recovery from the insect outbreak, improving the resiliency of green stands to future disturbances and providing for human safety. Treatments would be carried out on National Forest System (NFS) Lands within the scope of direction provided in the GMUG Revised Land and Resource Management Plan.

DATES: To be most helpful, comments concerning the scope of the analysis should be received by August 30, 2013. The draft environmental impact statement is expected to be released in during the summer of 2014. Following publication of the availability of the draft environmental impact statement, there will be a 45-day comment period. Only individuals and entities making specific written comments (defined in 36 CFR 218.2) within either official comment period may file objections under 36 CFR 218 Subparts A and B. The final environmental impact statement and draft record of decision is expected to be released in winter 2015.

ADDRESSES: Send written comments to Scott Armentrout, Forest Supervisor, 2250 Highway 50, Delta, CO 81416. Comments may be sent via facsimile to 970–874–6698. Comments may also be sent via email to *scottwilliams@fs.fed.us,* with ''SBEADMR Project'' in the subject line. Electronic comments must be submitted in Word (.doc or docx.), Rich Text (.rtf), or Adobe Acrobat (.pdf) format.

FOR FURTHER INFORMATION CONTACT: Scott Williams, Project Team Leader, USDA Forest Service, P.O. Box 6, Kernville, CA 93238, phone (760) 383–7371, or email at *scottwilliams@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

Across the GMUG, approximately 140,000 acres of spruce-fir and 145,000 acres of aspen forests have experienced substantial mortality from insects and diseases over the past decade. Impacts have rapidly increased in recent years. Based upon patterns of bark beetle kill that have occurred on adjacent Forests, the GMUG expects rapidly increasing mortality. Once attacked by beetles, most trees typically die and eventually fall to the ground, adding dead and dry fuels that increases wildfire hazard.

The purpose of the project is to treat affected stands, improve the resiliency of stands at risk of these large-scale epidemics and reduce the safety threats of falling, dead trees and large-scale wildfires.

The GMUG is located in Colorado on the western slope of the Rockies and into the Colorado Plateau. It covers 3,161,900 acres across diverse vegetation ranging from sagebrush, piñon, juniper and ponderosa pine to Engelmann spruce, subalpine fir, and quaking aspen. Tree ring records and recent weather data indicate that the past decade has been the hottest and driest in centuries. This climate pattern, together with disturbance such as windthrow and vast landscapes of susceptible forest, are supporting huge outbreaks (*Dendroctonus rufipennis*) across the landscape.

Spruce beetles prefer large diameter trees, but will attack smaller trees once most of the larger trees are exhausted within a stand. Beetle outbreaks commonly occur following windthrow events. The ongoing massive spruce beetle outbreak on the San Juan and Rio Grande National Forests for over a decade is now spilling over the Continental Divide and is impacting large portions of the GMUG. Based on aerial survey data from 2012, approximately 311,000 acres of spruce beetle activity were identified in Colorado. Approximately 85,000 of that occurred on the GMUG. Current spruce beetle activity on the GMUG was initiated by windthrow events on the Grand Mesa National Forest, as well as other centers initiated by smaller, localized windthrow events on the Uncompahgre and Gunnison National Forests.

During roughly the same time frame as the growth in the spruce beetle epidemic, aspen dieback and mortality has occurred on a larger scale than previously experienced. Although stand-level episodes of aspen mortality have always occurred, occasionally clustered in time, the speed, pattern, severity, landscape scale, and causes of the mortality in the middle of the last decade were so novel that it was described as a new disease, Sudden Aspen Decline (SAD). Aspen in drier locations are more at risk. The recent

hot and dry climatic pattern in conjunction with insects and disease have led to 1,215,000 acres of SAD in Colorado and 238,000 acres of SAD on the GMUG from 2000–2010. Expected future climatic conditions for this area include recurring drought and high summer temperatures which exacerbate SAD.

Proposed Action

The primary tools for reducing tree mortality, safety threats and fire hazard in stands already experiencing beetle-induced mortality will be the removal of dead and dying trees. In stands which are threatened by the beetle outbreak, forest resiliency will be improved by reducing stand densities by promoting multi-storied stand structure. Pheromone spray treatments may be used in high value areas. Aspen stands where less than 50% of the root system has been affected by decline would be candidates for aspen regeneration treatments. A map showing areas proposed for treatment is available at: *http://www.fs.usda.gov/goto/SSAMap*.

The project is consistent with management direction identified in the amended GMUG National Forest Land and Resource Management Plan (Forest Plan) (1983, amended 1991, 1993, 2008, and 2012). This proposed action responds to goals and objectives described in the Forest Plan and moves the project area towards desired conditions (Forest Plan, 1991, pages III–1 through III–5). Specifically, the Forest Plan goal for vegetation is to ''manage vegetation in a manner to provide and maintain a healthy and vigorous ecosystem resistant to insects, diseases and other natural and human causes.

Based on these conditions and Forest Plan direction, the need for this project is to manage forest vegetation to bring current and foreseeable conditions (i.e., with no action) closer to desired conditions on landscapes available for active management.

This project is unique because of its adaptive and integrated approach to where and what actions will be applied to the landscape. The project will define opportunity areas available for treatments, priorities for treatment, parameters and design features, operating protocols, monitoring, and activity tracking. Both commercial harvest and non-commercial treatments (mechanical and prescribed fire) may be appropriate management tools for use in 250,000 to 350,000 acres. Approximately 118,000 acres of spruce-fir and 140,000 acres of aspen would be analyzed for potential commercial and non-commercial treatments. An additional 60,000 acres of aspen outside of lynx habitat would be analyzed for recovery and resiliency treatments. Focus areas for hazard mitigation include removal of dead and dying trees posing a risk to open roads (approximately 1,600 miles); in and around campgrounds or other administrative facilities (approximately 160 facilities); within ski areas boundaries (12,000 acres within Telluride, Crested Butte and Powderhorn ski areas) and within Western Area Power Administration (WAPA) and Tri-State power transmission lines right-of–way and border zones. Other priority treatment areas may be identified through the analysis and public involvement process. This area totals approximately twenty percent of these cover types across the GMUG.

We estimate a range of 4,000 to 6,000 acres of commercial harvest treatments would occur annually, or a total 40,000 to 60,000 acres over the life of the 10-year project. Another 3,000 to 6,000 acres of non-commercial (mechanical and prescribed fire) treatments could also occur should funding be available. Opportunities to use prescribed fire to meet treatment objectives will also be explored. Areas that are difficult to access and/or have slopes exceeding 35% will not be mechanically treated. This project proposes no mechanical treatments within administratively restricted areas such as Colorado Roadless Areas (CRAs), Research Natural Areas or Special Management Areas managed for Wilderness values.

The approach is to actively manage vegetation consistent with the goals outlined in the Western Bark Beetle Strategy (July 2011, available at: *http://www.fs.fed.us/publications/bark-beetle/bark-beetle-strategy-appendices.pdf*_) including, promoting recovery from the insect outbreak, improving the resiliency of green stands to future disturbances and providing for human safety. These general goals will be adapted to local landscapes where treatments are needed based on governing management direction, foreseeable conditions and local environment, social and economic concerns.

Recovery—An adaptive management treatment approach would include a spectrum of dead and dying tree removal based on extent of tree mortality. Commercial harvest would provide the ability to fund reforestation. Tree planting would follow removal of dead and dying trees and fuels treatments where adequate seed sources are lacking.

Resiliency—Treatments in live stands would increase age class and tree species diversity to create multi-storied stand conditions of spruce-fir and healthy clones of aspen. Removal of single trees or group selections of live trees where bark beetle impacts are light to reduce inter-tree competition and create multi-storied stand conditions. Creating tree age-class and structural diversity across the landscape would also improve overall forest resilience. The primary goal of treatments in spruce-fir is to create/perpetuate a multi-age stand in accordance with the Southern Rockies Lynx Forest Plan Amendment. Treatments in aspen would center on those areas where science and experience have shown successful stand regeneration is most likely, typically in areas of light to moderate decline, or approximately 50% of stand root system impacted.

Human Safety—Trees have died in many areas, some near people and infrastructure, some remote. Dead trees pose a hazard where they have potential to injure or kill people, or to damage property, if they fall. Dead trees along roads and trails could block ingress/egress during emergency operations, such as during wildfire suppression operations. Falling trees can also damage power transmission lines, which can cause wildfires or power disruption to thousands of people. Falling tree hazards continue to increase the longer dead trees remain standing. Hazard tree mitigation treatments would help protect people and community infrastructure from the risk of falling bark trees. Wood products removed in all operations would be used to meet the growing needs of local industry and to provide substantial economic benefits to communities. These activities would be planned where existing strategic plans, laws and policy indicate they are appropriate, and where forest system roads are adequate to meet the needs of access and product removal. Some temporary road construction would likely be needed.

Project Design Features—Each mechanical or prescribed fire treatment would include design features to protect the environment or mitigate affects. Design criteria to be used under specific on-the-ground conditions will be developed as part of the EIS. Some examples include:

- Cultural resource survey and avoidance of important sites if found.
- Best Management Practices for preventing soil erosion, sedimentation, or rutting to protect water quality.
- Validation of treatments by a certified silviculturist who ensures forest health is maintained in the long term.

• Practices to minimize potential spread of non-native invasive species and treatment of high priority populations when found. Practices to minimize effects to threatened, endangered or sensitive wildlife or plant species which may include adjustments to project timing, pre-work surveys in potential habitat, avoiding activities in certain locations, maintaining key parts of the habitat (snags, cavities, rock outcrops are examples), and avoidance of live advanced regeneration in the understory.

• Safety items such as alerting the public of activities, signing roads, ensuring equipment meets operational standards and oversight by Forest Service staff.

Since the decision will be implemented using an adaptive management process, the use of monitoring results to advise Forest Service managers is critical to success of the project. Basic steps used in the adaptive management process are:

• An interdisciplinary team (IDT) will be used to complete all required surveys for a particular project area, complete required layout and marking to the stand, decide the appropriate design features to be applied, and determine how best to implement required monitoring. A project ''checklist'' documenting compliance with requirements of the EIS will be completed. Members of the IDT will sign the checklist documenting compliance.

• Projects will be implemented through timbersale contracts or other appropriate mechanisms. Forest Service employees (e.g. sale adminstrators) will oversee provision of the contract to ensure compliance.

• During and following implementation of vegetation treatment project, monitoring required by the EIS will be completed. Findings will be summarized in an annual monitoring report that will be posted on the Forest Web site and utilized to inform Forest Service Managers.

• Forest Service Managers incorporate ''key findings'' into design of future vegetation treatments within bounds of the EIS decision.

Possible Alternatives

The No Action alternative would not authorize any actions on the project area at this time. Other alternatives may be developed in response to public comments.

Lead and Cooperating Agencies

No cooperating agencies have been identified.

Responsible Official

Scott Armentrout, Forest Supervisor, Grand Mesa, Uncompahgre and Gunnison National Forests is the Responsible Official.

Nature of Decision To Be Made

After considering the proposed action and any alternatives, the environmental analysis, and public comment, the Forest Supervisor will decide whether to conduct treatments to remove dead and dying trees, treat fuels, reforest trees, reduce and slow the progress of the beetle epidemic, and promote regeneration of aspen stands. If an action alternative is selected, the Forest Supervisor will decide where treatments may occur, and what actions are appropriate and may be taken. Finally, the decision will include the scope of monitoring that should occur. No Forest Plan amendment is proposed.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Objection Process

Only those individuals and entities should submit timely and specific written comments (36 CFR 218.2) during official comment periods may file objections during the objection period, which will follow publication of the final environmental impact statement and draft record of decision. Objections filed according to the conditions in 36 CFR 218 Subparts A and B will be reviewed by a Reviewing Officer, who will submit a written response to objections. The final record of decision will be issued only after all the concerns and instructions identified by the reviewing officer have been addressed.

Dated: July 25, 2013.

Scott G. Armentrout,

Forest Supervisor.

[FR Doc. 2013–18361 Filed 7–30–13; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Request for Revision of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice; proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's intention to request an extension for a currently approved information collection in support of the Rural Economic Development Loan and Grant Program.

DATES: Comments on this notice must be received by September 30, 2013, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Director, Specialty Programs Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, STOP 3226, 1400 Independence Ave. SW., Washington, DC 20250–3225, Telephone (202) 720–1400.

SUPPLEMENTARY INFORMATION:

Title: Rural Economic Development Loan and Grant Program.

OMB Number: 0570–0035.

Expiration Date of Approval: December 31, 2013.

Type of Request: Revision of a currently approved information collection.

Abstract: Under this program, loans and grants are provided to electric and telecommunications utilities that have borrowed funds from the Agency. The purpose of the program is to encourage these electric and telecommunications utilities to promote rural economic development and job creation projects such as business start-up costs, business expansion, community development, and business incubator projects. The utilities must use program loan funds to make a pass-through loan to an ultimate recipient such as a business. The utility is responsible for fully repaying its loan to the government even if the ultimate recipient does not repay its loan. The intermediary must use program grant funds, along with its required contribution, to create a revolving loan fund that the utility will operate and administer. Loans to the ultimate recipient are made from the revolving loan fund for a variety of community development projects. The information requested is necessary and vital in order for the Agency to be able to make prudent and financial analysis decisions.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2 hours per response.

Respondents: Rural Utilities Service Electric and Telecommunications Borrowers.

Estimated Number of Respondents: 120.

Estimated Number of Responses per Respondent: 17.

Estimated Number of Responses: 1,955.

Estimated Total Annual Burden on Respondents: 4,545.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Branch, Support Services Division at (202) 692–0040.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of USDA, including whether the information will have practical utility; (b) the accuracy of USDA's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on 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. Comments may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW., Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: July 22, 2013.

Ashli Palmer,

Chief of Staff, Rural Business-Cooperative Service.

[FR Doc. 2013–18365 Filed 7–30–13; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–76–2013]

Foreign-Trade Zone (FTZ) 247—Erie, Pennsylvania, Notification of Proposed Production Activity, GE Transportation (Locomotives, Off-Highway Vehicles and Motors/Engines), Lawrence Park and Grove City, Pennsylvania

GE Transportation submitted a notification of proposed production activity to the FTZ Board for its facilities in Lawrence Park and Grove City, Pennsylvania within FTZ 247. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on July 18, 2013.

Separate applications for subzone status at the GE Transportation facilities are currently pending (Dockets S–69–2013 and S–70–2013) under Section 400.31 of the Board's regulations. The facilities are used for the manufacturing of locomotives; off-highway vehicle wheels, inverters and brake systems; components, spare parts and subassemblies for locomotives and off-highway vehicles; drill equipment; marine equipment; stationary equipment; diesel locomotive engines; engine turbo chargers; power assemblies; other engine assemblies; and, engine components and spare parts. 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 GE Transportation from customs duty payments on the foreign status components used in export production. On its domestic sales, GE Transportation would be able to choose the duty rates during customs entry procedures that apply to: pads; sand fill assemblies; hoses; couplings; arm rest assemblies; sleeves; tube assemblies; pipe assemblies; caps; elbow assemblies; flange assemblies; coupling assemblies; connector assemblies; adapter assemblies; chain assemblies; lock pin assemblies; washer assemblies; adapters; washer plates; retainers; retainer rings; clevis assemblies; adapter plates; plates; cleats; channels; clamps; sheets; angles; covers; connection straps; valve assemblies; cable assemblies; clear scraper I-beams; barrel bolt assemblies; hinge assemblies; keepers; angle assemblies; base assemblies; baffles; brackets; latch assemblies; supports; blocks; bracket assemblies; holders; conduit assemblies; diesel engines; engines; piping; air inlets; crankcase assemblies; cylinder head assemblies; doors; orifices; master rod assemblies; piston rod assemblies; piston crowns; piston pin assemblies; power assemblies; shaft assemblies; strongbacks; water header assemblies; nozzle rings; motors; lube oil pumps; water pump assemblies; pipes; support assemblies; air foil fans; blower motor assemblies; fan and motor assemblies; gear units; radial fans; rotors; compressor assemblies; turbo assemblies; stators and frames; air ducts; barrels; blowers; casing; compressors; diffusers; flanges; hubs; impellers; oil drains; rotor assemblies; shroud assemblies; turbine assemblies; shelf assemblies; bonnet assemblies; core lubes; shell assemblies; cover assemblies; strainer assemblies; oil filter assemblies; air filter assemblies; screen assemblies; filter assemblies; breather assemblies; filter box assemblies; sand trap assemblies; valve stems; brake and check valve assemblies; mag valve assemblies; panel assemblies; pipe assemblies; valve bodies; bearing housings; bearing caps; arm shafts; cam shafts; shafts; crankshafts; drive shafts; roller assemblies; bearing assemblies; gear box assemblies; flywheels; coupling assemblies; drive end assemblies; fans; adapter rings; collars; flingers; gears; pinions; rings; auxiliary generators; blower motors; motorized wheels; AC drills; alternators; armatures; bus rings; armature coils; coils; commutators; dynamic brakes; exciter coils; frame barrels; frame heads; magnetic frames; rewind kits; retainer plates; seal rings; stator assemblies; wheel hubs; retarders; panels; commutator coils; field coils; stator frame barrels; exciters; strip heaters; cards; antenna supports; horn assemblies; capacitor assemblies; resistor assemblies; snubber assemblies; potentiometer assemblies; braking potentiometer assemblies; resistors; potentiometers; EFM mod kits; connector boxes; terminals; contactors; brake/switch assemblies; contactor assemblies; relays; braking switches; pressure switches; lamp assemblies; light assemblies; connection assemblies; receptacles; boxes; connector rings; stator kits; PC cards; box assemblies; control groups; controllers; module lists; reverser switches; auxiliary groups; case weldments; auxiliary weldments; arc chute assemblies; weldments; barrier assemblies; coil assemblies; door assemblies; duct assemblies; dynamic brake assemblies; finger assemblies; interlock assemblies; tape rails; diodes; speed sensors; bearing clamps; sensor

assemblies; cable assemblies; antenna cables; harness assemblies; motor lead assemblies; wire lists; harnesses; jumpers; connector straps; brush holder assemblies; insulations; spacer assemblies; resistor assemblies; locomotives; auxiliary cable assemblies; truck assemblies; axles; shims; sand bracket assemblies; wear plates; air rack welds; tie bar assemblies; gussets; manifold assemblies; spacers; air duct assemblies; auxiliary cab assemblies; battery box assemblies; blower assemblies; cap assemblies; clamp bar assemblies; cleat supports; console assemblies; door panel assemblies; engine cab assemblies; floor assemblies; frame assemblies; gutter assemblies; handrails; heat shield assemblies; hood assemblies; intercoolers; latches; light fab lists; linings; mounting plate assemblies; mounting rings; operator cab assemblies; posts; radiator cab lists; rain guards; sand boxes; seal strips; side sheets; skirts; snubbers; step assemblies; stiffeners; straps; strips; traction pins; walkway assemblies; water connectors; end plates; air turners; bulkheads; dams; deck plates; pans; air diffusers; barrels; torque tubes; transmission assemblies; wheel hub assemblies; ring ends; temperature panels; sensor box assemblies; air gauges; transducer assemblies; oil gauge pipes; cushion assemblies; arm rest assemblies; foot rest assemblies; top plates; and, light box assemblies (duty rate ranges from duty-free to 12.8%) 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: hoses; hose assemblies; fittings; tapes; decals; labels; indicator plates; toilets; USB port plugs; flexible conduits; connectors; elbows; reducers; plastic pipes; O-ring flanges; O-rings; seals; spacers; studs; plastic washers; gaskets; grommets; T-fittings; Y-fittings; stencils; lenses; air ducts; rubber hoses; locomotive parts; rubber tubes; fuel inlets; fuel outlets; vents; rubber fuel hoses; starter motors; rubber cleats; gaskets; boots; neoprene; rubber seals; air duct boots; pads; bushings; flexible couplers; nozzles; sidebearers; cable sleeves; support tubes; cable and motor bushings; cable cleats; couplers; pipe holders; bumpers; pump inlets; pump outlets; rubber pads; mounting pads; nylon bags; tags; locomotive covers; nylon covers; mica insulation/tape; fiberglass tape; insulation; windows; windshields; unframed windows; mirrors; shroud fans; brazing sticks; steel sheet; plate steel; forged rings; pipes; steel bar; tube alloy steel; pipe fittings; flanges; Victaulic pipes; steel non-alloy pipes; pipe assemblies; steel alloy pipes; cast iron plugs; pipe plugs; plugs; adapters; cast iron fittings; stainless steel fittings; flange assemblies; pipe flanges; steel flanges; couplings; coupling caps; cooling couplings; iron fittings; sleeves; nipples; banjo fittings; waste receptacles; water tanks; wrecking cables; water tank assemblies; fuse holders; steel ropes; welded chain links; chains; screws; bolts; capscrews; socket head screws; fasteners; nuts; plates; weld nuts; locknuts; washers; retaining rings; pins; shafts; threaded pins; locking plates; cotter pins; locking rings; rings; keys; leaf springs; helical spring steel; spring coils; springs; spring valves; alternator springs; toilet water tanks; clamps; clevis; hose couplings; steel supports; cover assemblies; clamp assemblies; plastic elbows; bronze thrust washers; copper washers; sealing washers; motor end ring cables; copper sealing rings; nickel alloy hex head bolts; aluminum alloy tubes and elbows; aluminum flanges; aluminum fittings and adapters; door lock cylinders; lock assemblies; side bolts; hinges; mounting flanges; casting; bracket assemblies; support assemblies; brackets; blocks; mounting brackets; door latches; grab handles; handrails; latches; latch assemblies; locking microwave oven bases; tap blocks; bracket assemblies; bracket weldments; bracket castings; flag racks; tissue holders; towel holders; staples; rivets; brazing alloys; diesel engines; frame assemblies; air inlets; filter box air nozzles; end rings; retainer rings; piston rings; fuel lines; exhaust stack outlets; push rods; guide valves; roller pin assemblies; covers; exhaust manifolds; cylinder liners; manifolds; liners; oil pans; connecting rods; piston pins; forgings; oil fill assemblies; cylinder heads; bellows; jacket cylinders; crank cases; water returns; valves; spring seats; clamp rings; valve guides; piston crowns; piston skirts; shrouds; cylinder head gaskets; strongbacks; rockers; master rods; exhaust valves; caps; axles; rocker arms; inlets; forward end castings; fuel lines; jumper lines; pumps; outlet elbows; jumper adapter; inserts; cam followers; fuel pumps; exhaust elbows; piston ring sets; water pumps; wind hydraulic system manifolds; hose fittings; oil pumps; hydraulic system manifolds; housings; impellers; casings; oil pump manifolds; steel rings back plates; adjustment rings; oil pump elbows; water assemblies; water pump housings; water discharge assemblies; blower assemblies; axial fan assemblies; air to air assemblies; fans; blowers; intercooler fans and motor assemblies; air compressors; air inlet blowers; fan supports; fan guards; housing assemblies; hubs; inlet blowers; turbo tubes; turbochargers; transition sections; inlet flange assemblies; seal rings; discs; turbocharger air inlets; cooling tubes; seal blowers; diffusers; inlet flanges; rotor shafts; air inlet blower castings/casings; shroud castings; intercooler assemblies; oil coolers; contravanes; blower inlets; fan shroud supports; hub fans; HVAC units; screen guards; refrigerators; fuel heaters; heat exchangers; exhaust gas coolers; warming ovens; baffles; bonnet lube oil coolers; tubes; oil filters; fuel filters; oil filter assemblies; fuel fill assemblies; fuel filter assemblies; paper inserts; air intake filter boxes; element assemblies; screen assemblies; air intake filter elements; air filters; air cleaners; air filter assemblies; screen filters; filter box assemblies; guards; basket filter assemblies; air filter covers; canister assemblies; filter oil weldments; coalescers; fire extinguishers; fire suppression nozzle fittings; fire suppression nozzles; snow plow assemblies; brake valve assemblies; controllers; pneumatic systems; check valves; relief valves; wiper needle valves; cut out cocks; manual valves; brake valves; top shutters; cut off cocks; shutter assemblies; univalves; injectors; pressure valves; drain valves; fuel injectors; cock valve handles; fuel injector nozzles; bearings; tapered roller bearings; cylindrical roller bearings; cam roller skirts; bearing caps; bearing spacers; frame heads; frame head motors; crankcase thrust rings; camshafts; driveshaft fans; crankcases; journal camshafts; thrust collars; transmission parts; journal bearings; journals; gear boxes; axle bearing assembly kits; bearing housings; carriers; gears; generator gearboxes; flywheel flanges; conical sleeves; coupling shafts; gear cases; gear covers; connecting rod bearings; camshaft sections; drive shaft couplings; carrier assemblies; gear show assemblies; gear cases; bridge caps; collars; flingers; ductile iron gaskets; pinion gears; planet gears; spur gears; brush holders; pinion shafts; ring gears; spiders; bolting rings; crank assemblies; support paddles; pump rings; steel gaskets; turbine end seals; traction motors; DC traction motors; fuel filter motors; AC motors; blower motors; AC generators; alternators; AC generator sets; air baffle DC motors; air deflectors; armature coils; frames; armature shafts; brush holder assemblies; fab frame assemblies; field coil assemblies; frame head assemblies; axle caps; mounting bars; barrels; bobbins; retarder brackets;

traction motor cases; case weldments; stator coils; commutators; exciter coils; end plates; equalizer coils; field coils; coil frames; air outlet housings; air inlet housings; louver assemblies; mica cones; mounting blocks; poles; commutator shells; stators; supports; U-pieces; U-tubes; wear plates; balance weights; weldments; rotor yokes; bail caps; ties; locks; ballast assemblies; transformers; boards; cards; battery chargers; converters; inverters; power supplies; radio charger assemblies; power dividers; ABP panels; inductor irons; 3-phase reactors; inverter cover weldments; heat sink power supply modules; heat sinks; voltage and current monitoring; coils; coil contactors; batteries; battery acid; lead acid batteries; rotor assemblies; spider castings; ring forgings; tie rings; stator hubs; heaters; hot plates; antennas; Ethernet switch boards; switch boards; modems; radios; panels; modules; antenna networks; antenna satellite phones; pick-up coil assemblies; receiver connection boxes; arcnet equipment lockers; serial box weldments; microphones; speakers; operator handsets; radio handsets; antenna diplexer; transceiver radio; satellite phone; receiver unit; cab radio; GPS receiver; antenna mount; alarm indicator; alarm panel; LED display; display module; indicator panel; lamp repeater panel; alarm; event recorder; LED headlight; horn; current indicator; LED tail light; displat; LED module; silicone keypads; capacitors; aluminum electrolytic capacitor; fixed paper dialectric capacitor; fixed capacitor; plastic capacitor cover; resistors; dynamic brake resistor grids; resistor modules; resistor panels; shunts; resistor tubes; potentiometer; bases; stop kits; switch knives; bus bar assemblies; transfer switch assemblies; bus bars; switch assemblies; switches; fuses; circuit breakers; current stabilizers; contactors; relays; pushbuttons; lifting lugs; receptacles; rotor rings; inverter sockets; connection strips; connector kits; copper bars; junction boxes; terminal boxes; connection rings; terminals; diodes; dynamic brake assembly kits; backplane assemblies; backplane panels; cabinets; control boards; wire boards; control radio heads; master controllers; display panels; engine control unit panels; printed wire board assemblies; fire control stations; integrated digital interface operator systems; control units; electric equipment lockers; control group assemblies; panel assemblies; integrated gate driver bi-polar transistors (IGBT); panel covers; case weldments; control weldments; inverter weldments; alcove frame assemblies; angles; doors; armatures; arc chute assemblies; blowout coil assemblies; cleat assemblies; door assemblies; PWB assemblies; channels; cleat cables; PCB input/output/control/CPU; tape rails; roofs; piston rods; voltage attenuator; frequency input boards; remote digital output module; consoles; rails; hinge blocks; enclosures; indicator lenses; shields; plate assemblies; module inputs; module outputs; headlights; rectifiers; suppression modules; gate drivers; thyristors; light assemblies; IGBT housings; trays; erasable programmable read-only memory; flash buttons; pulse generator axles; auxiliary power units; tachometers; speed sensors; event recorders; input/output modules; reactors; engine control units; automatic brake manipulator units; transponders; oil mist detector systems; data logger; winding wires; cables; cable harnesses; jumper cables; speedometers; harnesses; cabling trays; cable assemblies; copper bus bars; copper cables; carbon brushes; insulators; insulated U-piece fittings; trucks; truck assemblies; equalizer arms; A-frame assemblies; journal box adapters; bell crank assemblies; bolster assemblies; crank chain assemblies; pilot guide assemblies; U-tube assemblies; truck frame assemblies; wing plate shear pad assemblies; tees; axle bearings; bogies; axle boxes; journal boxes; traction cap assemblies; center links; center pins; cleat collars; dampers; steerable truck links; suspension mounts; pedestal liners; cover plates; clamping pins; plungers; retainer bushings; sand brackets; shear pads; hydraulic shocks; suspension links; tie rod wheelsets; traction links; wheel axle tubes; wheels; wheelset retaining blocks; yaw dampers; seat springs; slack adjusters; brake racks; choke blocks; brake cylinder mounts; brake—parking/air/lever/service; air brake guard; hanger brake; air brake hook; brake rigging; air brake manifolds; air brake reservoirs; brake shoes; air brake tubes; tread brake units; brake lever wear pads; air brake weldments; hand brakes; hand brake mounts; uncoupling lever bracket; buffers; machined castings; uncoupling levers; automatic diesel fueling adapters; anticlimbers; reservoir vacuum arrangements; ash trays; rad rack assemblies; cab assemblies; cab bracket assemblies; operator cabs; channel assemblies; end sheet assemblies; sand fill assemblies; screen frame assemblies; rain guard assemblies; hose assemblies; rad cab assemblies; sand bracket assemblies; return tube assemblies; spouts; step plate assemblies; ridge support beams; angle bases; steel bases; bell cranks; evo cabs; fuel drain bosses; rad cab filter boxes; auxiliary cabs; radiator cabs; caps; cow catchers; steel clips; air brake compartments; sinks; corner sheets; snow dams; obstacle deflectors; fuel tank drain plugs; toilet enclosers; end sheets; engine cabs; floors; handrail feet; foot rests; steel feet; cab frames; posts; screens; gussets; handles; headliners; lift hatches; first aid kit holders; paper cup holders; fuel tank inserts; woven fiberglass insulation; inverter roofs; stepladders; shock brackets; locking bars; suspension links; lifting lugs; bolster mounts; mounts; mufflers; main cabs; racks; radiators; reservoirs; retention tanks; ring covers; sheets; shocks; skid weldments; sliding windows; steps; door stops; seal strips; sun visors; fuel tanks; tool boxes; helper's consoles; traction pins; tie bars; fuel accumulators; intercoolers; oil pans; exhaust tees; damper mounts; main frames; connections; Teflon® hoses; support brackets; torque tube barrels; retarders; brake retarders; castings; planet pinion gears; housings; pinions; wheel hubs; carrier castings; steel doors; drive shaft plugs; torque tube rings; optical pulse generators; digital tachometers; temperature probes; fuel temperature sensors; oil temperature sensors; water temperature sensors; air temperature sensors; exhaust gas temperature sensors; fire sensors; temperature sensor kits; fuel sensors; sensors; water sensors; thermowell couplings; electronic fuel monitor sensors; oil pressure gauges; air pressure sensors; transducers; gauge panels; fuel gauge covers; bridge panels; speed indicators; axle generators; isolation amplifier panels; ground current measuring monitors; voltage sensors; printed wire boards; test train units; camshaft timing rings; thermostat remotes; input/output controls; digital voltage regulators; regulators; speed controls; current stabilizers; hour meters; seats; seat foot rests; pivotal supports; seat pads; headlight assemblies; LED lights; and, fixture strobe lights (duty rate ranges from duty-free to 20%). The request indicates that inputs classified under HTSUS Subheadings 4202.92, 5911.90 and 6306.12 will be admitted to the zone in privileged foreign status (19 CFR 146.41), thereby precluding inverted tariff benefits on such items.

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 September 9, 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: July 25, 2013.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–18433 Filed 7–30–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People's Republic of China: Initiation of Antidumping Duty New Shipper Reviews; 2012–2013

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

SUMMARY: The Department of Commerce (''Department'') has determined that three requests for new shipper reviews of the antidumping duty order on multilayered wood flooring from the People's Republic of China (''PRC'') meet the statutory and regulatory requirements for initiation. The period of review (''POR'') for two of these new shipper reviews is December 1, 2012, through May 31, 2013. The POR for the other new shipper review is December 1, 2012, through June 30, 2013.

DATES: *Effective Date:* July 31, 2013.

FOR FURTHER INFORMATION CONTACT: Brandon Farlander or Karine Gziryan, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–0182 or 202–482–4081, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the antidumping duty order on multilayered wood flooring from the PRC on December 8, 2011.[1] On June 28, 2013, the Department received timely new shipper review requests from Dalian Huade Wood Product Co., Ltd (''Huade''), Linyi Bonn Flooring Manufacturing Co., Ltd. (''Bonn Flooring'') and Zhejiang Fuerjia Wooden Co., Ltd. (''Fuerjia'') 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).[2]

In their submissions, Huade, Bonn Flooring and Fuerjia certified that they are the exporters of the subject merchandise upon which their respective review requests were based.[3] Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Huade, Bonn Flooring and Fuerjia certified that they did not export multilayered wood flooring to the United States during the period of investigation (''POI'').[4] In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Huade, Bonn Flooring and Fuerjia certified that, since the initiation of the investigation, they have never been affiliated with any producer or exporter that exported multilayered wood flooring to the United States during the POI, including those not individually examined during the investigation.[5] As required by 19 CFR 351.214(b)(2)(iii)(B), Huade, Bonn Flooring and Fuerjia also certified that their export activities were not controlled by the central government of the PRC.[6]

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Huade, Bonn Flooring and Fuerjia submitted documentation establishing the following: (1) The date on which each company first shipped multilayered wood flooring for export to the United States and the date on which the multilayered wood flooring was first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.[7]

The Department conducted U.S. Customs and Border Protection (''CBP'') database queries and confirmed that Huade, Bonn Flooring and Fuerjia's shipments of subject merchandise had entered the United States for consumption and that liquidation of such entries had been properly suspended for antidumping duties. The Department also confirmed by examining CBP data that Bonn Flooring and Fuerjia's entries were made during the POR specified by the Department's regulations and that Huade's entry was made after the POR.[8]

Period of Review

Pursuant to 19 CFR 351.214(c), an exporter or producer may request a new shipper review 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 a new shipper review in the calendar month immediately following the semiannual anniversary month. Further, 19 CFR 315.214(g)(1)(i)(B) states that if the new shipper review 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 multilayered wood flooring was first entered, Bonn Flooring and Fuerija made the requests for new shipper reviews in June, which is the semiannual anniversary month of the *Order.* Therefore, the Secretary must initiate these reviews in July and the POR is December 1, 2012, through May 31, 2013.

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[1] *See Multilayered Wood Flooring from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 76 FR 76690 (December 8, 2011) (''*Order*'').

[2] *See* Huade's June 28, 2013, initiation request submission to the Department (''Huade initiation request''), Bonn Flooring's June 28, 2013, initiation request submission to the Department (''Bonn Flooring initiation request''), and Fuerjia's June 28, 2013, initiation request submission to the Department (''Fuerjia initiation request'').

[3] *See* Huade initiation request, at Exhibit 1; *see also* Bonn Flooring initiation request, at Exhibit 2; *see also* Fuerjia initiation request, at Exhibit 1. Huade, Bonn Flooring and Fuerjia further stated that they were also the producers of the subject merchandise upon which the review requests were based.

[4] *See id.*

[5] *See id.*

[6] *See id.*

[7] *See* Huade initiation request, at 2 and Exhibits 2 and 4; *see also* Bonn Flooring initiation request, at 2 and Exhibit 1; *see also* Fuerjia initiation request, at 3 and Exhibits 2 and 4.

[8] *See* July 17, 2013, memoranda to the file, regarding ''U.S. Customs and Border Protection Data'' for Huade, Bonn Flooring and Fuerjia; *see also* Memorandum to the File entitled, ''Initiation of Antidumping New Shipper Review of Multilayered Wood Flooring from the People's Republic of China: Dalian Huade Wood Product Co., Ltd.'' (''Huade Initiation Checklist'') dated concurrently with this notice; Memorandum to the File entitled, ''Initiation of Antidumping New Shipper Review of Multilayered Wood Flooring from the People's Republic of China: Linyi Bonn Flooring Manufacturing Co., Ltd.'' (''Bonn Initiation Checklist'') dated concurrently with this notice; Memorandum to the File entitled, ''Initiation of Antidumping New Shipper Review of Multilayered Wood Flooring from the People's Republic of China: Zhejiang Fuerjia Wooden Co., Ltd.'' (''Fuerjia Initiation Checklist'') dated concurrently with this notice.

In this instance, Huade's sale of subject merchandise was made during the POR specified by the Department's regulations, but the shipment entered within thirty days after the end of that POR. When the sale of the subject merchandise occurs within the POR specified by the Department's regulations, but the entry occurs after the POR, the specified POR may be extended unless it would be likely to prevent the completion of the review within the time limits set by the Department's regulations.[9] Additionally, the preamble to the Department's regulations states that both the entry and the sale should occur during the POR, and that under ''appropriate'' circumstances the Department has the flexibility to extend the POR.[10] The Department finds that extending the POR to capture this entry would not prevent the completion of the review within the time limits set by the Department's regulations. Therefore, the Department has extended the POR for the new shipper review of Huade by thirty days.

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 the requests submitted by Huade, Bonn Flooring and Fuerjia meet the threshold requirements for initiation of new shipper reviews for the shipments of multilayered wood flooring from the PRC produced and exported by these companies.[11] However, if the information supplied by Huade, Bonn Flooring or Fuerjia is later found to be incorrect or insufficient during the course of this proceeding, the Department may rescind the review or apply adverse facts available pursuant to section 776 of the Act, depending upon the facts on record. The Department intends to issue the preliminary results of these new shipper reviews no later than 180 days from the date of initiation, and the final results no later than 90 days from the issuance of the preliminary results.[12]

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 provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, the Department will issue questionnaires to Huade, Bonn Flooring and Fuerjia, which will include a section requesting information with regard to these companies' export activities for separate rates purposes. The review of each exporter will proceed if the response provides sufficient indication that it is not subject to either *de jure* or *de facto* government control with respect to its export of subject merchandise.

The Department will instruct CBP to allow, until the completion of the review, at the option of the importer, the posting of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from Huade, Bonn Flooring and Fuerjia, in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Huade, Bonn Flooring and Fuerjia certified that they produced and exported the subject merchandise, the Department will apply the bonding privilege only for subject merchandise that the respondent both produced and exported.

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

Revised Factual Information Requirements

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: the definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Please review the final rule, available at *http://ia.ita.doc.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[13] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all segments of any antidumping duty or countervailing duty proceedings initiated on or after March 14, 2011.[14] The formats for the revised certifications are provided at the end of the *Interim Final Rule.* The Department intends to reject factual submissions in any proceeding segments initiated on or after March 14, 2011, if the submitting party does not comply with the revised certification requirements.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 19 CFR 351.221(c)(1)(i).

Dated: July 25, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–18426 Filed 7–30–13; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See* 19 CFR 351.214(f)(2)(ii).

[10] *See* Antidumping Duties; Countervailing Duties; Final Rule, 62 FR 27296, 27319–27320 (May 19, 1997).

[11] *See* Huade Initiation Checklist; *see also* Bonn Initiation Checklist; *see also* Fuerjia Initiation Checklist.

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

[13] *See* section 782(b) of the Act.

[14] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings: Interim Final Rule,* 76 FR 7491 (February 10, 2011) (''*Interim Final Rule*''), amending 19 CFR 351.303(g)(1) and (2).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–843]

Polyethylene Retail Carrier Bags From Taiwan: Initiation of Anti-Circumvention Inquiry on Antidumping Duty Order

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

DATES: *Effective Date:* July 31, 2013.

SUMMARY: In response to a request from The Polyethylene Retail Carrier Bag Committee and its individual members PCL Packaging, Inc., Hilex Poly Co., LLC, and Superbag Corp. (collectively, the petitioners), the Department of Commerce (the Department) is initiating an anti-circumvention inquiry pursuant to section 781(a) of the Tariff Act of 1930, as amended (the Act) to determine whether imports of unfinished polyethylene retail carrier bags (PRCBs) on a roll from Taiwan are circumventing the antidumping duty order on PRCBs from Taiwan.[1]

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3477.

SUPPLEMENTARY INFORMATION:

Background

The Department received from U.S. Customs and Border Protection (CBP) a sample of merchandise that was part of a larger shipment imported into the United States and that resembles a series or roll of unfinished PRCBs. The particular sample measures roughly 42.5 inches by 9 inches and the front surface is printed with multi-color graphics and the words ''Brush,'' ''Floss,'' and ''Smile.'' The sample also shows the location of oval handles that have not yet been die cut out of the bags and the color printing registration marks used to print the bag in Taiwan are contained in the location of the oval handles. The sample resembles in-scope, finished PRCBs on a roll in all respects except that the bottoms are open and they lack handles. The merchandise appears ready to undergo the final processing of cutting the unfinished PRCBs to length, sealing the bottoms, and die-cutting the unfinished PRCBs to create the handles of the finished PRCBs. In addition, the Department received from CBP documentation associated with the shipment of this product.

In April 2013, the Department placed two memoranda on to the record stating that it received this sample unfinished PRCB along with proprietary documentation associated with the shipment, and inviting parties to view the sample and submit comments.[2]

On May 3, 2013, SmileMakers Inc. (SmileMakers) submitted a scope ruling request to the Department regarding certain rolls of unfinished PRCBs that are to be used to ''produce customized bags for dentists' and doctors' offices.'' [3]

On May 20, 2013, the petitioners requested that the Department issue an affirmative anti-circumvention determination, pursuant to section 781(a) of the Act and 19 CFR 351.225(g).[4] The petitioners further state that CBP officials had advised them that the practice of importing unfinished PRCBs is increasing and expanding to multiple ports.[5] The petitioners claim that there is no commercial justification for not completing the PRCB production process at the place of manufacture and instead locating the final minor finishing operation in the United States except to evade imposition of antidumping duties.[6]

After considering the information placed on the record, the Department has determined to conduct one proceeding in the context of an anti-circumvention inquiry. The parties' submissions demonstrate that both requests cover identically described merchandise. For this reason, we find that it is reasonable and practical to address whether the merchandise at issue is subject to the order on PRCBs from Taiwan in the context of an anti-circumvention inquiry, which will provide for the most comprehensive analysis, under section 781(a) of the Act and 19 CFR 351.225(g). As a result of our determination to initiate this inquiry, we are placing SmileMakers' scope ruling request and the information we received from CBP on the record of this anti-circumvention inquiry.

Scope of the Order

The merchandise subject to the antidumping duty order is PRCBs which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm). PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, *e.g.,* grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scope of the order excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, *e.g.,* garbage bags, lawn bags, trash-can liners. Imports of the subject merchandise are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading also covers products that are outside the scope of the order. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Scope of the Anti-Circumvention Inquiry

This anti-circumvention inquiry covers merchandise from Taiwan that appears to be a series or roll of unfinished PRCBs that is ready to undergo the final steps in the production process, *i.e.,* cutting-to-size the merchandise, sealing the bag on one end to form a closure, and creating the handles of a finished PRCB (using a die press to stamp out the opening).[7]

The Petitioners' Request for Initiation of Anti-Circumvention Proceeding

As stated above, the petitioners filed a request for a circumvention determination in which they commented on the relationship of this merchandise to merchandise covered by the scope of the PRCB order from Taiwan. The petitioners allege that

[1] *See Antidumping Duty Order: Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and the Socialist Republic of Vietnam,* 75 FR 23667 (May 4, 2010) (*PRCB Orders*).

[2] *See* Memoranda to the File dated April 18, 2013, and April 24, 2013.

[3] *See* SmileMakers' letter to the Department, ''Polyethylene Retail Carrier Bags from Taiwan (A–583–843): SmileMakers, Inc., Scope Ruling Request: Rolls of Polyethylene Film Tube'' dated May 3, 2013 (SmileMakers' scope ruling request).

[4] *See* the petitioners' letter to the Department, ''Polyethylene Retail Carrier Bags From Taiwan/ Request For An Affirmative Anti-Circumvention Determination'' dated May 20, 2013 (the petitioners' request).

[5] *Id.* at 3.

[6] *Id.*

[7] The unfinished PRCBs, as described by SmileMakers in its scope request, ''are made from polyethylene formed into the shape of a tube that is open (unsealed) on both ends; they do not contain any handles, perforations, seams, or seals; they are imprinted with a variety of pictures and designs, depending on SmileMakers requirements; and they all serve the same purpose (*i.e.,* after importation, they are imprinted with medical practitioners' contact information, cut, punched, and sealed to form small bags that are given out at dentists' and doctors' offices, etc.).''

while the imported unfinished PRCBs are sealed on the sides, the bottom and top are open, and the oval handle has not been die cut. The petitioners contend that completion of these steps would make the bags subject merchandise if they were imported in this condition.[8]

Citing the International Trade Commission (ITC)'s recent sunset review determination of PRCBs from the PRC, the petitioners explain that the PRCB production process can be described as a four-step process consisting of (1) Blending polyethylene resin pellets, color concentrates, and other additives; (2) extrusion and film forming; (3) printing; and (4) PRCB conversion.[9]

The final, normal ''conversion'' step is described in information submitted by the petitioners as follows: ''After the printing process is complete, the large roll of film is then cut to size with hot knives that seam the sides of the bags together when cut. Then, the film is fed into bag manufacturing machines where the top and bottom seals are formed and handles are cut out.'' [10] The petitioners contend that the unfinished PRCBs that are the subject of their request represent an interruption in this continuous production process because, while they have been sealed on their sides, the bottom and top are open and the oval handle has not been die cut.[11] Completion of these steps would make the bags subject of the antidumping duty order if they were imported in this finished condition.[12]

Initiation of Anti-Circumvention Proceeding

Applicable Law

Section 781(a) of the Act and 19 CFR 351.225(g) provide that the Department may find circumvention of an antidumping duty order when merchandise of the same class or kind as merchandise that is subject to the order is completed or assembled in the United States. In conducting anti-circumvention inquiries under section 781(a)(1) of the Act, the Department relies upon the following criteria: (A) Merchandise sold in the United States is of the same class or kind as other merchandise that is produced in a foreign country that is subject to an antidumping duty order; (B) such merchandise sold in the United States is completed or assembled in the United States from parts or components produced in the foreign country with respect to which the antidumping duty order applies; (C) the process of assembly or completion in the United States is minor or insignificant; and (D) the value of the parts or components referred to in (B) is a significant portion of the total value of the merchandise. As discussed below, the petitioners presented evidence with respect to these criteria.

A. Merchandise of the Same Class or Kind

The petitioners state that the merchandise sold in the United States is of the same class or kind as the subject merchandise. The petitioners agree with the Department's statement that the samples ''closely resemble'' a PRCB.[13] Moreover, the merchandise is made of polyethylene film and the dimensions of the finished PRCBs are within those of the scope definition. Finally, the petitioners state, because the bag is completely and exclusively dedicated to use as a Dentist PRCB and has been finished to the point where there can be no doubt of its intended use, the merchandise will be subject merchandise within the order on PRCBs Taiwan scope definition when completed.[14]

B. Completion of Merchandise in the United States

The petitioners cite to the CBP referral and SmileMakers' scope ruling request to support their claim that the imported rolls are completed in the United States from parts and components produced in Taiwan. All the necessary raw materials for a finished PRCB are entered. Performing the final die-cutting operation in the United States simply finishes the PRCB.[15]

C. Minor or Insignificant Process

According to the petitioners, the process of converting this product into a finished PRCB is minor or insignificant, particularly relative to the production process as a whole. The petitioners assert that the sealing and cutting operation is a simple step that occurs only at the very end of the multi-step production process. Specifically, the bottom of the bag is sealed with a hot knife and the handles cut by clamping a die to a press and then pressing on the pillow pack.[16] Consequently, the only equipment that is needed seals the bag and cuts out an oval handle.[17] According to the advertisement provided by the petitioners, the equipment needed to accomplish these tasks can be purchased new for $11,000 to $13,000.[18] In contrast, the operations performed in Taiwan, the petitioners contend, are highly capital-intensive and technologically sophisticated.

The petitioners further argue that no research and development expenditures are required to perform the simple sealing, and die-cutting operations, as the technically complex research and development activities are performed prior to this stage in Taiwan.[19] Similarly, the petitioners state that minor production facilities are required and that the operations could be performed in a small single-story room.[20]

Finally, the petitioners assert that the value of processing performed in the United States represents a negligible proportion of the value of the merchandise sold in the United States. Completion of the PRCB can be performed by a single employee, and the capital and marginal costs of the die-cutting operations in the United States are relatively insignificant in comparison to the manufacturing of the imported merchandise performed in Taiwan.[21] The petitioners further explain that the Department need not collect precise information on the amount of the value added in the United States to conclude that the process is minor or insignificant, but may rather rely on a qualitative assessment to draw this conclusion.[22]

D. Value of Merchandise Produced in the Foreign Country Is a Significant Portion of the Value of the Merchandise Sold in the United States

As stated above, the petitioners contend that the value of the processing performed in the United States represents a minor portion of the value

[8] *See* the petitioners' request at 6.

[9] *Id.* at 4, citing *Polyethylene Retail Carrier Bags from China, Malaysia, and Thailand,* Inv. Nos. 731–TA–1043–1045 (Review), USITC Pub. 4160 (June 2010) at I–17.

[10] *See* the petitioners' request at Exhibit 5.

[11] *Id.* at 6.

[12] *Id.*

[13] *See* Memorandum to the File, dated April 18, 2013.

[14] *Id.* at 10.

[15] *Id.* at 11.

[16] *Id.* at 12.

[17] *Id.* at 11.

[18] *Id.* and Exhibit 10.

[19] *Id.* at 12.

[20] *Id.*

[21] *Id.*

[22] *Id.* at 10 n. 37 (citing *Anti-Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Certain Pasta From Italy: Affirmative Preliminary Determinations of Circumvention of Antidumping and Countervailing Duty Orders,* 68 FR 46571 (August 6, 2003), unchanged in *Anti-Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Certain Pasta from Italy: Affirmative Final Determinations of Circumvention of Antidumping and Countervailing Duty Orders,* 68 FR 54888 (September 19, 2003)).

of the completed merchandise.[23] Therefore, because most of the value of the finished PRCB is created in Taiwan, the value of the merchandise as entered is certainly a significant portion of the total value of the finished PRCB.

E. Factors To Consider in Determining Whether Action Is Necessary

Section 781(a)(3) of the Act identifies additional factors that the Department shall consider in determining whether to include parts or components in an antidumping duty order as part of an anti-circumvention inquiry. Of these, the petitioners argue that importation of the circumventing merchandise represents a change in the pattern of trade.[24] The petitioners assert that prior to imposition of the *PRCB Orders,* no party imported such merchandise for completion into finished PRCBs. The petitioners argue that interrupting the production process prior to completion is neither economical nor rational, and that the only reason not to complete the PRCB in the country of origin is to evade application of antidumping duties upon importation.[25]

Analysis

Section 351.225(f)(1) of our regulations directs that a notice of the initiation of an anti-circumvention inquiry issued under 19 CFR 351.225(e) will include a description of the product that is the subject of the anti-circumvention inquiry and an explanation of the reasons for the Department's decision to initiate an anti-circumvention inquiry.

The product that is subject of this anti-circumvention inquiry covers merchandise from Taiwan that appears to be series or roll of unfinished PRCBs that is ready to undergo the final steps in the production process, *i.e.,* cutting-to-size the merchandise, sealing the bag on one end to form a closure, and creating the handles of a finished PRCB (using a die press to stamp out the opening).

Based on our analysis of the petitioners' request, the Department determines that the criteria under section 781(a) of the Act have been satisfied to warrant the initiation of an anti-circumvention inquiry.

With regard to whether the merchandise sold in the United States is of the same class or kind as the merchandise covered by the antidumping duty order, the petitioners presented information indicating that the merchandise completed and sold in the United States is of the same class or kind as PRCBs from Taiwan which are subject to the order on PRCBs from Taiwan.[26] With regard to whether the process of converting this product into finished PRCBs is a ''minor or insignificant process,'' the petitioners addressed the relevant statutory factors with the best information available to them at the time of their anti-circumvention inquiry request.[27] The petitioners relied on publicly-available information for this purpose, in addition to their own expertise in the production process. Given that the petitioners do not have access to cost or price data of either the Taiwanese producer or the U.S. importer, the petitioners relied on their own knowledge of the production process to draw their conclusions and demonstrate that, qualitatively, the value of the conversion of the imported merchandise into subject merchandise is minor or insignificant.[28]

With respect to the value of the merchandise produced in Taiwan, the petitioners relied on the information and arguments in the ''minor or insignificant process'' portion of their anti-circumvention request to indicate that the value of Taiwan production for unfinished PRCBs is significant relative to the total value of finished PRCBs sold in the United States.[29]

Finally, the petitioners argued that the Department should also consider the pattern of trade as a factor in determining whether to initiate the anti-circumvention inquiry. In particular, the petitioners asserted that no party imported merchandise that must undergo the final step of the production process to be converted into finished PRCBs prior to the imposition of the order on PRCBs from Taiwan, as doing so is irrational and uneconomical.[30]

Based on these allegations, we are initiating an anti-circumvention inquiry concerning the antidumping duty order on PRCBs from Taiwan, pursuant to section 781(a) of the Act and 19 CFR 351.225(g). The Department is initiating this anti-circumvention inquiry with respect to all such merchandise from Taiwan as described above, regardless of producer or exporter. In accordance with 19 CFR 351.225(l)(2), if the Department issues a preliminary affirmative determination, we will then instruct CBP to suspend liquidation and require a cash deposit of estimated duties, at the applicable rate, for each unliquidated entry of the merchandise at issue, entered or withdrawn from warehouse for consumption on or after the date of initiation of the inquiry. In accordance with section 781(e)(1) of the Act and 19 CFR 351.225(f)(7)(i)(A), we intend to notify the ITC in the event of an affirmative preliminary determination of circumvention under section 781(d) of the Act.

This notice serves as an invitation to interested parties to participate in this anti-circumvention inquiry. The Department invites all potential respondents to identify themselves as producers, importers, or further processors of such merchandise and to provide their own evidence and information that may inform the Department's determination. Please contact the official listed under the above heading, **FOR FURTHER INFORMATION CONTACT** for instructions for participating in this inquiry. The Department will, following consultation with interested parties, establish a schedule for questionnaires and comments on the issues. The Department intends to issue its final determination within 300 days of the date of publication of this initiation consistent with section 781(f) of the Act.

This notice is published in accordance with 781(a) of the Act and 19 CFR 351.225(f).

Dated: July 25, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013–18430 Filed 7–30–13; 8:45 am]

BILLING CODE 3510–DS–P

[23] *Id.* at 13.

[24] *Id.*

[25] *Id.*

[26] *Id.* at 10–11.

[27] *Id.* at 11–13.

[28] *Id.*

[29] *Id.* at 13.

[30] *Id.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 130702582–3582–01]

RIN 0648–XC747

Endangered and Threatened Species; 90-Day Finding on Petition To Delist the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon Under the Endangered Species Act

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

ACTION: Notice of 90-day petition finding.

SUMMARY: We, NMFS, announce a 90-day finding on a petition to delist the Southern Oregon/Northern California Coast (SONCC) Evolutionarily Significant Unit (ESU) of coho salmon

(*Oncorhynchus kisutch*) under the Endangered Species Act (ESA). We find that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted.

ADDRESSES: Copies of the petition are available at: *http://www.nmfs.noaa.gov/pr/* or upon request from the Assistant Regional Administrator, Protected Resources Division, NMFS, Southwest Regional Office, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Craig Wingert, NMFS, Southwest Region Office, (562) 980–4021; or Dwayne Meadows, Office of Protected Resources, (301) 427–8403.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the ESA (16 U.S.C. 1533(b)(3)(A)) requires that we make a finding as to whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. The Secretary has delegated the authority for these actions to the NOAA Assistant Administrator for Fisheries. ESA implementing regulations define ''substantial information'' as the ''amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)(1)). In determining whether a petition presents substantial scientific or commercial information to list or delist a species, we take into account information submitted with, and referenced in, the petition and all other information readily available in our files. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, followed by prompt publication in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). ESA implementing regulations state that a species may be delisted only if the best scientific and commercial data available substantiate that it is neither endangered nor threatened for one or more of the following reasons: the species is extinct; the species is recovered; or subsequent investigations show the best scientific or commercial data available when the species was listed, or the interpretation of such data, were in error (50 CFR 424.11(d)).

On May 30, 2013, we received a petition from the Siskiyou County Water Users Association (SCWUA) requesting that we delist the threatened Southern Oregon/Northern California Coast (SONCC) coho salmon Evolutionarily Significant Unit (ESU) pursuant to the ESA. This ESU includes all naturally spawning populations of coho salmon in coastal streams between Cape Blanco, Oregon and Punta Gorda, California, as well as three artificially produced hatchery stocks (70 FR 37160; June 28, 2005). The SCWUA has previously submitted several petitions to us requesting that we delist this ESU. We analyzed each of those petitions and found they did not present substantial scientific or commercial information indicating that delisting of the ESU may be warranted. Negative 90-day findings were published for these petitions on October 7, 2011 (76 FR 62375), January 11, 2012 (77 FR 1668), and September 10, 2012 (77 FR 55458).

SCWUA Petition

In this new petition, the SCWUA asserts that our original listing of the SONCC coho salmon ESU as threatened under the ESA (62 FR 24588; May 6, 1997) was unlawful, arbitrary and capricious because the primary causative factor for the low abundance of coho salmon at the time of listing in 1997 was poor ocean conditions in the North Pacific Ocean, rather than human-caused activities (e.g., dams, agriculture, etc.). The SCWUA petition bases the assertion that our 1997 listing determination for this ESU was in error because it did not consider a 1997 scientific paper (Mantua *et al.,* 1997) that describes an interdecadal climate oscillation pattern in the Pacific Ocean (named by the authors as the Pacific Decadal Oscillation or PDO) and its impact on salmon abundance in the North Pacific. The SCWUA petition does not provide a summary of the actual Mantua *et al.* (1997) paper, but does provide an internet link to an article on our Northwest Fisheries Science Center (NWFSC) Web site that summarizes research conducted by Dr. Nathan Mantua and his colleagues about the PDO and its relationship to the survival and abundance of salmon populations in the Pacific Northwest. A key point made in the NWFSC web article is that the listing of many salmon stocks as threatened and endangered under the ESA in the 1990s coincided with a prolonged period of poor ocean conditions and low salmon abundance. The SCWUA petition simply repeats verbatim the article on the NWFSC Web site with no analysis or interpretation of how ocean conditions or other factors (e.g., habitat degradation, hatchery practices, harvest, etc.) influence the abundance of coho salmon populations, or why the SONCC coho salmon ESU should be delisted. The SCWUA petition implies, however, that we did not consider information about the relationship between ocean conditions and salmon abundance when we listed the SONCC coho salmon ESU as threatened under the ESA in 1997. The SCWUA petition does not provide any information on the status (i.e., past or present information on abundance or distribution) of the SONCC coho salmon ESU, any new information or analysis of the threats to the ESU, or any analysis of why the ESU should be delisted based on a consideration of the ESA section 4(a)(1) listing factors.

Previous Reviews of SONCC Coho Salmon ESU Under the ESA

We have evaluated the status of the SONCC coho salmon ESU under the ESA on three separate occasions (62 FR 24588, May 6, 1997; 70 FR 37160, June 28, 2005; and 76 FR 50447, August 15, 2011). As part of each review, we fully considered the effects of ocean productivity on coho salmon populations in this ESU based on the best available information at the time. The following discussion provides an overview of our past listing decisions for this ESU, with special emphasis on how ocean productivity was considered, including consideration of Mantua *et al.,* 1997.

We published our original determination to list the SONCC coho salmon ESU as threatened on May 6, 1997 (62 FR 24588). In this determination, we concluded that coho salmon populations in this ESU were very depressed from historic levels, that anthropogenic threats to these populations were numerous and varied (e.g., habitat degradation, harvest, and artificial propagation) and that anthropogenic threats likely exacerbated the adverse effects of natural environmental variability caused by drought, flooding and ocean productivity conditions. In our analysis of factors affecting the ESU, we concluded that long-term trends in rainfall and marine productivity associated with atmospheric conditions in the North Pacific Ocean likely had a major influence on coho salmon production, but that it was unclear whether the climactic conditions causing population declines represented a long-term change that would continue to adversely affect coho salmon stocks in the future or whether the conditions were short-term and could be expected to reverse themselves in the near future. Mantua *et al.* (1997), which described the PDO phenomenon and its relationship to abundance of salmon populations in the North Pacific, was published after our review was completed, and so we did not consider it in our analysis of whether the ESU

was threatened or endangered. However, we did consider many other sources of information regarding the relationship between ocean productivity in the North Pacific and salmon population abundance in the analysis of the ESA section 4(a)(1) listing factors that informed our final listing determination. In our review of the effects of ocean productivity and El Nino events on salmon populations, we found that several researchers had suggested mechanisms linking atmospheric and ocean physics and ocean fish populations (e.g., Rogers, 1984; Nickelson, 1986; and several others) and that others had tried to correlate the production and survival of salmon with environmental factors (e.g., Pearcy, 1992; Neeley, 1994). We also cited studies that had reported on the relationship between salmon survival and sea surface temperatures and salinity during the first few months that salmonids are at sea (Vernon, 1958; Holtby and Scrivener, 1989; Holtby *et al.,* 1990) and others that had found relationships between salmon production and sea surface temperatures (Francis and Sibley, 1991; Roger, 1984; Cooney *et al.,* 1993). We also cited studies that had tried to link salmon production to oceanic and atmospheric climate change (Beamish and Bouillon, 1993; Ward, 1993) and reported that Francis and Sibley (1991) and Francis *et al.* (1992) had developed a model linking decadal-scale atmospheric variability and salmon production. Finally, we cited studies by Scarnecchia (1981) that suggested nearshore ocean conditions during the spring and summer along the California coast may dramatically affect year class strength of salmon populations from this area and by Bottom *et al.* (1986) that suggested coho salmon populations along the California and Oregon coasts might be especially sensitive to upwelling patterns because the region lacks extensive bays and estuaries such as those found further north.

In response to the 1991 U.S. District Court decision in the *Alsea Valley Alliance* v. *Evans,* 161 F.Supp.2d 1154 (D. Or. 2001), appeal dismissed, 358 F.3d 1181 (9th Cir. 2004), and several petitions, we conducted updated status reviews of all west coast salmon and steelhead ESUs, including the SONCC coho salmon ESU, in the early 2000s (Good *et al.,* 2005). Following completion of this review and development of a new policy for considering hatchery populations in our listing decisions, we published listing determinations in 2005 for 16 ESUs of west coast salmon, including the SONCC coho salmon ESU (70 FR 37160; June 28, 2005). We determined that this ESU continued to warrant listing as threatened. In the proposed listing determination for west coast salmon and steelhead ESUs (69 FR 33102; June 14, 2004), we specifically reviewed marine productivity and its relationship to the abundance of salmon populations. We concluded there was evidence demonstrating that recurring, decadal scale patterns of ocean-atmosphere climate variability in the North Pacific (Mantua *et al.,* 1997; Zhang *et al.,* 1997) were correlated with salmon population abundance in the Pacific Northwest and Alaska (Hare *et al.,* 1999; Mueter *et al.,* 2002) and that survival rates in the marine environment are strong determinants of salmon and steelhead population abundance. In addition, we recognized that many salmon and steelhead populations in the Pacific Northwest had experienced low ocean survival during a period of unfavorable ocean conditions from approximately 1977–1997 and that there was evidence of an important change in the PDO starting in 1998 that likely resulted in increased salmon survival and population abundance through the early 2000s. Although we found that the relationship between ocean productivity, ocean survival and salmon population abundance appeared to be well established, we concluded that our ability to predict future changes in ocean-climate regimes and their influence on salmon productivity and population abundance was limited. For this reason, we were reluctant to make any assumptions or predictions about the future behavior of ocean-climate regimes or their effects on the distribution and abundance of salmon populations in our listing determinations. Although we recognized that salmon populations would likely respond positively to favorable ocean-climate regimes and increased ocean productivity, we felt such population increases might only be temporary and that they could mask the adverse impacts of underlying threats such as habitat degradation and loss, harvest impacts and adverse hatchery impacts, all of which are recognized as threats to west coast salmon and steelhead ESUs, including the SONCC coho salmon ESU. We concluded our analysis by indicating that our principal concern was not if and how salmon and steelhead populations would respond to favorable ocean conditions, but rather how they would respond during periods of poor ocean survival when their freshwater and estuarine habitat was degraded.

In 2011 we completed a 5-year review of the SONCC coho salmon ESU that concluded its status had worsened because of continued low population abundance levels, ongoing anthropogenic threats, and other factors including poor ocean conditions (Williams *et al.,* 2011; 76 FR 50447, August 15, 2011). Although the 5-year review did not specifically cite Mantua *et al.* (1997), it did cite and rely upon Good *et al.* (2005), which discussed that paper. In addition, we specifically considered the effects of ocean conditions on marine survival and abundance of coho salmon in this ESU as part of our analysis of the ESA section 4(a)(1) listing factors. Our analysis of ocean conditions indicated that marine survival for coho salmon from the Cole Rivers hatchery in Oregon varied substantially between 2000 and 2006. Survival averaged approximately 2.2 percent from 2000 to 2004, but was extremely low for the 2005 and 2006 broodyears (0.05–0.07 percent). We found that strong upwelling in 2007 resulted in better ocean conditions (MacFarlane *et al.,* 2008; Peterson *et al.,* 2010) and that marine conditions were also favorable in 2008 and 2009 (NWFSC, 2011). However, despite the favorable ocean conditions in 2007 and 2008, we also determined that 2005 and 2006 broodyears experienced poor marine survival. We concluded that improved ocean conditions had not resulted in improved marine survival and increased abundance of coho salmon populations as expected, and that poor marine survival had contributed to recent population declines, which were a significant threat to the ESU.

Petition Finding

We carefully analyzed the information in the SCWUA petition and our record associated with past listing determinations for the SONCC coho salmon ESU. Based on this review, we conclude that our listing determinations for the SONCC coho salmon ESU have fully evaluated the relationship between ocean conditions, the PDO, and coho salmon abundance using the best scientific and commercial data available and that the SCWUA petition does not provide any additional substantial scientific or commercial information that we ignored or did not consider in our listing determinations. The SCWUA petition does not present any additional substantial scientific or commercial information related to whether the SONCC coho salmon ESU is recovered; extinct; or the best scientific or commercial data available when the species was listed, or the interpretation

of such data, were in error. Moreover, none of the information in the petition modifies the underlying scientific basis for our original determination to list the SONCC coho salmon ESU or causes us to re-evaluate our analysis of delisting petitions that were previously submitted by the petitioner. Accordingly, we find that the SCWUA petition does not present substantial scientific or commercial information indicating that the petitioned action to delist the SONCC coho salmon ESU may be warranted.

References Cited

A complete list of the references used in this finding is available upon request (see **ADDRESSES**).

Authority: 16 U.S.C. 1531 *et seq.*

Dated: July 26, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, Performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2013–18444 Filed 7–30–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC785

Pacific Fishery Management Council (Pacific Council); Public Meeting

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

ACTION: Notice of public teleconference.

SUMMARY: The Groundfish Subcommittee of the Pacific Council's Scientific and Statistical Committee (SSC) will convene a teleconference, which is open to the public. To attend the SSC Groundfish Subcommittee teleconference, participants need to dial the following toll-free number and, when requested, the access code for the teleconference: telephone: (866) 781–8576; Access code: 67358852

DATES: The SSC Groundfish Subcommittee teleconference will be held beginning at 10:30 a.m., Friday, August 16, 2013 and end at 12 p.m. or as necessary to complete business for the day.

ADDRESSES: Does not apply. No listening stations are specified for the SSC Groundfish Subcommittee teleconference.

Council address: Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Pacific Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the SSC Groundfish Subcommittee teleconference is to discuss analytical approaches for a meta-analysis of elasmobranch harvest rates designed to determine a reasonable proxy harvest rate designed to achieve maximum sustainable yield (F_{MSY}) for elasmobranchs managed in the Pacific Coast Fishery Management Plan. No management actions will be decided by the SSC Groundfish Subcommittee. The Subcommittee's role will be development of analyses used to inform proxy F_{MSY} harvest rates for consideration by the Pacific Council's SSC at its September meeting in Boise, ID. Any proxy F_{MSY} harvest rates recommended for managing elasmobranchs will inform Pacific Council decisions for harvest specifications to be implemented in 2015 and beyond.

Although non-emergency issues not contained in the teleconference agenda may come before the Subcommittee participants for discussion, those issues may not be the subject of formal SSC Groundfish Subcommittee action during this meeting. Subcommittee action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Subpanel participants' intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2280 at least 5 days prior to the teleconference date.

Dated: July 25, 2013.

Tracey L. Thompson,

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

[FR Doc. 2013–18297 Filed 7–30–13; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2013–0025]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is proposing to renew the Office of Management and Budget (OMB) approval for an existing information collection, titled, ''Truth in Savings (Regulation DD) 12 CFR 1030.''

DATES: Written comments are encouraged and must be received on or before August 30, 2013 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail/Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street, NW., Washington, DC 20552. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. In general, all comments received will be posted without change to regulations.gov, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.reginfo.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street, NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov.* Please do not submit comments to this email box.

SUPPLEMENTARY INFORMATION:

Title of Collection: Truth in Savings (Regulation DD) 12 CFR Part 1030.

OMB Control Number: 3170–0004.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Businesses or other for-profits (insured depository institutions with total assets of more than $10 billion and their depository affiliates).

Estimated Number of Respondents: 142.

Estimated Total Annual Burden Hours: 23,000.

Abstract: The Truth in Savings Act (TISA), 12 U.S.C. 4301 *et seq.* was enacted to enhance economic stability, improve competition between depository institutions, and strengthen consumer ability to make informed decisions regarding deposit accounts by requiring uniformity in the disclosure of interest rates and fees. Consumers rely on the disclosures required by TISA and Regulation DD to facilitate informed decision making regarding deposit accounts offered at depository institutions. Without this information, consumers would be severely hindered in their ability to assess the true costs and terms of the deposit accounts offered. Federal agencies and private litigants use the records to ascertain whether accurate and complete disclosures of depository accounts have been provided to consumers. This information also provides the primary evidence of law violations in TISA enforcement actions brought by the CFPB. Without the Regulation DD recordkeeping requirement, the CFPB's ability to enforce TISA would be significantly impaired.

Request for Comments: The Bureau issued a 60-day **Federal Register** notice on May 14, 2013 (78 FR 28204). Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Dated: July 26th, 2013.

Nellisha Ramdass,

Deputy Acting Chief Information Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2013–18512 Filed 7–30–13; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0059]

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by August 30, 2013.

Title, Associated Form and OMB Number: Qualification to Possess Firearms or Ammunition; OMB Control Number 0704–0461.

Type of Request: Extension

Number of Respondents: 50

Responses per Respondent: 300

Annual Responses: 15000

Average Burden per Response: 15 minutes

Annual Burden Hours: 3,750

Needs and Uses: In accordance with DoD Instruction 3020.50, ''Private Security Contractors Operating in Contingency Operations'' written acknowledgement by the contract company and its individual Private Security Contractor (PSC) Personnel, after investigation of background of PSC personnel by the contractor, shall be provided verifying such personnel are not prohibited under 922(g) of title 18, United States Code to possess firearms or ammunition.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: July 26, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–18359 Filed 7–30–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0169]

Proposed Collection: Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Research and Engineering, DoD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Research and Engineering announces a proposed public information collection and seeks public comment on the provisions thereof. 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 30, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive,

East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Assistant Secretary of Defense (Research and Engineering), Basic Research Office, Mark Center 17C08, 4800 Mark Center Dr., Alexandria, VA 22311–1882, ATTN: Dr. Mark Herbst, or call 571–372–6547.

Title; Associated Form; and OMB Number: Title: Research Performance Progress Report (RPPR). OMB Control Number: 0704–TBD.

Needs and Uses: DoD research grants and cooperative agreements require recipients to periodically report on progress made towards achieving the objectives of their awards, and to document accomplishments and identify reasons for failure to meet planned objectives. This periodic reporting is required by section 32.51 of 32 CFR part 32, the DoD implementation of OMB Circular A–110. In April 2010, the Office of Management and Budget (OMB) and Office of Science and Technology (OSTP) issued a policy memorandum to the heads of Executive Departments and Agencies on usage of a new format—the Research Performance Progress Report (RPPR)—for doing interim progress reporting (e.g., annual reports during the award performance period, other than the final report that is due after the end of that period). The information collection requirement under this Notice is part of the Department's implementation of the RPPR, usage of which will consolidate interim progress reporting requirements of the multiple DoD offices that award research grants and cooperative agreements. DoD's implementation of the RPPR will:

- Make DoD research offices' requirements for grants and cooperative agreements more uniform with each other, as each office has historically specified its reporting requirements separately from other awarding offices.
- Make DoD offices' reporting requirements more common with those of other Federal agencies that make research awards, as each of them implements the guidance from OMB and OSTP.
- Enable broadening of RPPR usage to basic research contracts awarded by DoD offices, any of which may adopt the RPPR format for basic research contract progress reporting in lieu of their existing basic research contract reporting requirements. This will benefit entities having both research grant and contract awards, and is consistent with the joint OMB and OSTP policy memorandum.

Affected Public: Colleges and universities, nonprofit organizations, business and industry.

Annual Burden Hours: 72,000.

Number of Respondents: 2,000.

Responses per Respondent: 6.

Average Burden per Response: 6 hours.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The RPPR is a uniform format for use by federal agencies to obtain interim progress reports from recipients of research and research training grants and cooperative agreements. DoD intends to adopt the RPPR in lieu of existing progress reports for interim progress reporting on its research grants and cooperative agreements, and, for some DoD awarding offices, interim progress reporting on basic research contracts. Background information on the RPPR may be found at the National Science Foundation Web site *http://www.nsf.gov/bfa/dias/policy/rppr/.*

The RPPR consists of a required ''Cover Page'' and multiple optional components. For DoD, the ''Cover Page'' and ''Accomplishments'' component will be mandatory, however DoD awarding offices may require recipients to complete fields in one or more of the optional RPPR reporting components, as specified in the terms and conditions of their awards. DoD awarding offices will implement the RPPR through means such as web portals or fillable electronic forms.

Some DoD awarding offices have identified supplemental reporting elements for use within the Cover Page and other RPPR components in addition to the standard RPPR elements. DoD awarding offices will individually determine which optional RPPR fields will be requested from recipients. Therefore, not all of the DoD supplemental data elements will be required for all DoD awards using the RPPR. The following are the supplemental reporting elements that some DoD awarding offices may require for their interim reporting purposes, listed under the applicable RPPR reporting component.

Cover Page—Report Information

- Distribution Statement. A one-character code that indicates what type of limitations there are, if any, on the release of the report to the general public. Required by DoD Instruction 5230.24 ''Distribution Statements on Technical Documents'', dated 23 August 2012.

Accomplishments

- Honors and Awards. A text field where the recipient describes any project-related honors and awards that were received during the reporting period. Project-related honors and awards are often used as markers or indicators of the significance of the research. They are a natural extension of the list of accomplishments that funded research may yield but should be reported separate from the actual research accomplishments.
- Regulatory Protocol and Activity Status. A text field for use in awards involving human and/or animal subjects to describe changes in research protocol or problems. This information is required by DoD Instruction 3216.01, Use of Animals in DoD Programs, or DoD Instruction 3216.02, Protection of Human Subjects and Adherence to Ethical Standards in DoD-Supported Research, so that changes can be reviewed and approved by a DoD Animal Care and Use Review Official or a DoD Human Research Protection Official.

Products—Publications: Journal Articles

- Keywords. A text field to provide keywords related to each publication. Awarding offices will provide public access to these publications by means such as posting on agency Web sites, providing links to other Web sites containing the publications, and/or providing these publications to the Defense Technical Information Center. The use of keywords for categorizing the content of the publication assists members of the public in searching for and finding the document, and relating it to the original research, which helps to ensure the best cross-discipline use of the science.
- Abstract. A text field that summarizes the journal article. Awarding offices will provide public access to these publications by means such as posting on agency Web sites, providing links to other Web sites containing the publications, and/or providing these publications to the Defense Technical Information Center.

An abstract of the article helps members of the public find articles of interest, which helps to ensure the best cross-discipline use of the science.

• Distribution Statement. A text field that describes how distribution of the article should be restricted, if applicable. Required by DoD Instruction 5230.24 dated August 23, 2012.

• Submitted Date. A date field that indicates when the author submitted the article for publication, whether or not publication actually took place. Funded research yields products of many forms. Some are submitted for publication but may not be published. Unpublished articles may be available from the DoD awarding office. The submitted date provides a useful time context for the unpublished research when members of the public are searching for research on DoD public-facing web portals.

Products—Publications: Conference Papers and Presentations

• Publication Date. A date field indicating the publication date of the conference proceedings. If a conference is funded, the proceedings and resulting published records may have dates that are subsequent to the conference. For the fullest use of the funded research, the publication date provides timeframe context for application of the science in the future.

Intellectual Property—Inventions

The following three fields supplement the existing RPPR data fields on invention reporting and will be used only if the awarding office elects to use the RPPR for interim contract reporting. These fields support certain invention reporting requirements for contracts awarded under Federal Acquisition Regulation (FAR) Part 27, Patents, Data, and Copyrights, and Defense FAR Supplement Part 227, Patents, Data, and Copyrights. The RPPR may be used to collect these data fields in lieu of collecting them on other existing reporting mechanisms used for contracts, such as the DD Form 882, Report of Inventions and Subcontracts.

• Name of Employer. A text field indicating the name of the inventor's employer.

• Address of Employer. A text field indicating the address of the inventor's employer.

• Confirmatory Instrument. A Yes/No field indicating if a confirmatory instrument or assignment was forwarded to the DoD Contracting Officer.

Participants

• National Academy Member. A Yes/No field to indicate if a participant on the project is, or became, a National Academy of Science member during the reporting period. This data is used for statistical purposes to determine the number of National Academy members participating in the funded research.

Special Reporting Requirements

• Clinical trial(s) issues. A text field for use in awards involving clinical trials to describe any enrollment issues, retention problems, and adverse event/unanticipated problems involving risks to subjects or others, and actions or plans for mitigation. DoD Instruction 3216.02, Protection of Human Subjects and Adherence to Ethical Standards in DoD-Supported Research, requires that any changes to previously-approved clinical trials be reported for review by the DoD Human Research Protection Official.

The following two fields are for awards to Historically Black Colleges and Universities and Minority-Serving Institutions (HBCU/MI), to help evaluate the outcomes of HBCU/MI investments:

• Number of undergraduate and graduate student Science, Technology, Engineering and Mathematics (STEM) participants. A numeric field to indicate the number of student participants enrolled in STEM disciplines during the reporting period. This data will be useful in assessing the impact of DoD funding on STEM education at HBCU/MI.

• Number of student participants that received a STEM degree. A numeric field to indicate the number of student participants that received a STEM degree during the reporting period. This data will be useful in assessing the impact of DoD funding on STEM education at HBCU/MI.

Dated: July 26, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–18411 Filed 7–30–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–HA–0084]

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by August 30, 2013.

Title, Associated Form and OMB Number: Women, Infants, and Children Overseas Program Eligibility Determination; OMB Control Number 0720–0030.

Type of Request: Extension

Number of Respondents: 15,836

Responses per Respondent: 2

Annual Responses: 31,672

Average Burden per Response: 15 minutes

Annual Burden Hours: 7,918

Needs and Uses: The information collection requirement is necessary for individuals to apply for certification and periodic recertification to received WIC Overseas benefits.

Affected Public: Individuals or households.

Frequency: On occasion, semi-annually

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. John Kraemer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Kraemer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: July 26, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–18355 Filed 7–30–13; 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, August 6, 2013, from 1:00 p.m. to 5:00 p.m. Registration will begin at 12:30 p.m.

ADDRESSES: 2521 South Clark Street, Suite 200, Crystal City, VA 22202.

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: The hearing and meeting on August 6, 2013 includes retired military leaders who have been asked to testify and address 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. The witnesses, among other comments, will discuss ideas to combine reserve components and convert all current Air Force Reserve Command field units to Federally funded dual mission status organizations responsible to both a Federal and state chain of command. Individual Commissioners will also report their activities, information collection, and analyses to the full Commission.

Meeting Notification: Due to difficulties finalizing the meeting agenda for the scheduled meeting of August 6, 2013, of the National Commission on the Structure of the Air Force the requirements of 41 CFR 102–3.150(a) were not met. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

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 building at 2521 South Clark Street, Suite 200, Crystal City, VA 22202 is fully handicap accessible. Several public parking facilities are nearby. All visitors will be asked to show current, picture identification and complete a metal detector scan.

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 the **FOR FURTHER INFORMATION CONTACT** section.

Oral Comments: In addition to written statements, one hour will be reserved for individuals or interested groups to address the Commission on August 6, 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, August 6, 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.

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, Office of the Secretary of Defense. 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 25, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–18353 Filed 7–30–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Public ICWG Announcement—2013

This notice informs the public that the Global Positioning Systems (GPS) Directorate will be hosting a Public Interface Control Working Group (ICWG) meeting for the NAVSTAR GPS public signals in space (SiS) documents and ICD–GPS–870; IS–GPS–200 (Navigation User Interfaces), IS–GPS–705 (User Segment L5 Interfaces), IS–GPS–800 (User Segment L1C Interface), and the Navstar Next Generation GPS Operational Control Segment (OCX) to User Support Community Interfaces (ICD–GPS–870). Dates and times can be found below.

The purpose of this meeting will be twofold: (1) To resolve the comments against the public signals-in-space (SiS) documents with respect to the six issues outlined below, and (2) to collect issues/comments outside the scope of the issues outlined below for analysis and possible integration into the following release. The ICWG is open to the general public. For those who would like to attend and participate in this ICWG meeting, we request that you register no later than August 6, 2013. Please send the registration to *mark.marquez.2.ctr@us.af.mil* or *SMCGPER@us.af.mil* and provide your name, organization, telephone number, address, and country of citizenship.

Please note that the Directorate's primary focus will be the disposition of the comments against the following GPS related topics:

1. L1C Week Number of Operation (WN_{OP})
2. Removal of Obsolete Information from the Public Signals-in-Space (SiS) Documents
3. CNAV Reference Times
4. PRN Mission Assignments 211–1023
5. CNAV Broadcast Intervals
6. Document Baseline for User Community & Zero AOD User Interfaces

All comments must be submitted in Comments Resolution Matrix (CRM) form. These forms along with the Was/Is Matrix, current versions of the documents, and the official meeting notice will be posted at: *http://www.gps.gov/technical/icwg/.*

Comments outside the scope of the above issues will be collected, catalogued, and discussed during the public ICWG as potential inclusions to the version following this release. If accepted, these changes will be processed through the formal Directorate change process for IS–GPS–200, IS–GPS–705, IS–GPS–800, and ICD–GPS–870.

There will also be a special topic that will be discussed at the Public ICWG.

1. Adjacent Band Compatibility (ABC) Study Group Kickoff

Please provide them in the CRM form and submit to the SMC/GPER mailbox at *SMCGPER@us.af.mil* or to Mark Marquez at *mark.marquez.2.ctr@us.af.mil* by August 7, 2013.

Public Interface Control Working Group Meeting (ICWG)

Date(s) and Times: 24–25 Sep 2013 (0800–1700) (Pacific Daylight Time P.D.T)

Dial-in Information and Location: 1–800–366–7242, Code: 1528652

ADDRESSES: SAIC Facility 300 North Sepulveda Blvd., 2nd Floor, Conference Room 2060 El Segundo CA 90245.

Identification will be required at the entrance of the SAIC facility (Passport, state ID, or Federal ID) SAIC Facility phone number: 310–416–8300.

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. 2013–18358 Filed 7–30–13; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF ENERGY

DOE/NSF High Energy Physics Advisory Panel

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF High Energy Physics Advisory Panel (HEPAP). Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, September 5, 2013, 10:00 a.m.–6:00 p.m. Friday, September 6, 2013, 9:00 a.m.–4:00 p.m.

ADDRESSES: The National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

FOR FURTHER INFORMATION CONTACT: John Kogut, Executive Secretary; High Energy Physics Advisory Panel; U.S. Department of Energy; SC–25/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone: (301) 903–1298.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of high energy physics research.

Tentative Agenda: Agenda will include discussions of the following:

September 5–6, 2013

- Discussion of Department of Energy High Energy Physics Program
- Discussion of National Science Foundation Elementary Particle Physics Program
- Reports on and Discussions of Topics of General Interest in High Energy Physics
- Public Comment (10-minute rule)

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact John Kogut, (301) 903–1298 or by email at: *John.Kogut@science.doe.gov.* You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Panel will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Note: Those wishing to attend the HEPAP meeting may do so by emailing their full name and affiliation to Latia Mills at: *lmills@nsf.gov,* no later than September 3, 2013, so a visitor pass can be prepared. Passes may be collected on the day of the meeting by showing a photo ID at the Visitors Desk in the northwest lobby of the NSF building (4201 Wilson Blvd., Arlington, VA; 1 block south of the Ballston Metro station, at the SE corner of 9th and Stuart Street. The meeting will be in Stafford II, Room 555. More information about visiting the NSF can be found at *http://www.nsf.gov/about/visit/.*

Minutes: The minutes of the meeting will be available on the U.S. Department of Energy's Office of High Energy Physics Advisory Panel Web site at: *www.science.energy.gov/hep/hepap/meetings.*

Issued in Washington, DC, on July 23, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–18123 Filed 7–30–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, August 21, 2013 5:00 p.m.

ADDRESSES: Bob Ruud Community Center, 150 N. Highway 160, Pahrump, Nevada 89060.

FOR FURTHER INFORMATION CONTACT: Barbara Ulmer, Board Administrator, 232 Energy Way, M/S 505, North Las Vegas, Nevada 89030. Phone: (702) 630–0522; Fax (702) 295–5300 or Email: *NSSAB@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Overview of the Independent Peer Review for Rainier Mesa—Work Plan Item #3
2. Discussion and recommendation development for Community Environmental Monitoring Program—Work Plan Item #6
3. Discussion and recommendation development for Waste Acceptance Review Panel—Work Plan Item #7

Public Participation: The EM SSAB, Nevada, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Barbara Ulmer at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Barbara Ulmer at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing to Barbara Ulmer at the address listed above or at the following Web site: *http://nv.energy.gov/nssab/MeetingMinutes.aspx.*

Issued at Washington, DC, on July 26, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–18374 Filed 7–30–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Biomass Research and Development Technical Advisory Committee

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

ACTION: Notice of solicitation for member nominations.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, the U.S. Department of Energy is soliciting nominations for candidates to fill vacancies on the Biomass Research and Development Technical Advisory Committee (Committee).

DATES: The deadline for Committee member nominations will be accepted on or before August 30, 2013.

ADDRESSES: The nominations for members must include: nominee's name, resume, biography, and any letters of support and are to be submitted via one of the following methods:

(1) Email to *elliott.levine@ee.doe.gov.*

(2) Overnight delivery service to: Elliott Levine, Designated Federal Officer, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, Mail Stop EE–2E, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Elliott Levine, Designated Federal Officer, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; (202) 586–1476; Email: *elliott.levine@ee.doe.gov.* Committee Web site: *http://biomassboard.gov/committee/committee.html.*

SUPPLEMENTARY INFORMATION: The Biomass Research and Development Act of 2000 (Biomass Act) [Pub. L. 106–224] requires cooperation and coordination in biomass research and development (R&D) between the U.S. Department of Agriculture (USDA) and U.S. Department of Energy (DOE). The Biomass Act was repealed in June 2008 by section 9008 of the Food, Conservation and Energy Act of 2008 (FCEA) [Pub. L. 110–246, 122 Stat. 1651, enacted June 18, 2008, H.R. 6124].

FCEA section 9008(d) established the Biomass Research and Development Technical Advisory Committee and lays forth its meetings, coordination, duties, terms, and membership types. Committee members are paid travel and per diem for each meeting. The Committee must meet quarterly and should not duplicate the efforts of other Federal advisory committees. Meetings are typically two days in duration. Three meetings are held in the Washington DC area and the fourth is held at a site to be determined each year. The Committee advises DOE and USDA points of contact with respect to the Biomass R&D Initiative (Initiative) and priority technical biomass R&D needs as well as makes written recommendations to the Biomass R&D Board (Board). Those recommendations regard whether: (A) Initiative funds are distributed and used consistent with Initiative objectives; (B) solicitations are open and competitive with awards made annually; (C) objectives and evaluation criteria of the solicitations are clear; and (D) the points of contact are funding proposals selected on the basis of merit, and determined by an independent panel of qualified peers.

The committee members may serve up to two three-year terms and must include: (A) An individual affiliated with the biofuels industry; (B) an individual affiliated with the biobased industrial and commercial products industry; (C) an individual affiliated with an institution of higher education that has expertise in biofuels and biobased products; (D) 2 prominent engineers or scientist from government or academia that have expertise in biofuels and biobased products; (E) an individual affiliated with a commodity trade association; (F) 2 individuals affiliated with environmental or conservation organizations; (G) an individual associated with state government who has expertise in biofuels and biobased products; (H) an individual with expertise in energy and environmental analysis; (I) an individual with expertise in the economics of biofuels and biobased products; (J) an individual with expertise in agricultural economics; (K) an individual with expertise in plant biology and biomass feedstock development; (L) an individual with expertise in agronomy, crop science, or soil science; and (M) at the option of the points of contact, other members (REF: FCEA 2008 section 9008(d)(2)(A)). All nominees will be carefully reviewed for

their expertise, leadership, and relevance to an expertise. Appointments will be made for three-year terms as dictated by the legislation.

Nominations this year are needed for the following categories in order to address the Committee's needs: (G) an individual associated with State government who has expertise in biofuels and biobased products; (H) an individual with expertise in energy and environmental analysis; and (M) at the option of the points of contact, other members. Nominations for other categories will also be accepted. Nomination categories H and M are considered special Government employees and require submittal of an annual financial disclosure form.

Nominations are solicited from organizations, associations, societies, councils, federations, groups, universities, and companies that represent a wide variety of biomass research and development interests throughout the country. Nominations for one individual that fits several of the categories listed above *or* for more than one person that fits one category will be accepted. In your nomination letter, please indicate the specific membership category for each nominee. Each nominee must submit their resume and biography along with any letters of support by the deadline above. If you were nominated in previous years but were not appointed to the committee and would still like to be considered, please resubmit your nomination package in response to this notice, with all required materials. All nominees will be vetted before selection.

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure that recommendations of the Committee take into account the needs of the diverse groups served by DOE, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons living with disabilities. Please note that registered Federal lobbyists, individuals already serving another Federal Advisory Committee, and Federal employees are ineligible for nomination.

Appointments to the Biomass Research and Development Technical Advisory Committee will be made by the Secretary of Energy and the Secretary of Agriculture.

Issued in Washington, DC on July 25, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–18400 Filed 7–30–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL13–78–000]

Golden Spread Electric Cooperative, Inc. v. Southwestern Public Service Company; Notice of Complaint

Take notice that on July 19, 2013, Golden Spread Electric Cooperative, Inc. (Golden Spread or Complainant) filed a formal complaint against Southwestern Public Service Company (SPS or Respondent), pursuant to sections 201, 206 and 309 of the Federal Power Act, 16 U.S.C. 824, 824e, and 825e (2013) and Rule 206 of the Federal Energy Regulatory Commission's (FERC or Commission) Rules of Practice and Procedures, 18 CFR 385.206 (2013), alleging that the formula rate Replacement Power Sales Agreement (RPSA) by and between Golden Spread and SPS and the formula rate of the Xcel Joint Energy Open Access Tariff applicable to pricing of transmission service over the facilities of SPS (transmission formula rate) contain an unjust and unreasonable return on equity (ROE), contrary to section 205 of the Federal Power Act. Golden Spread requests a determination that the appropriate base ROE for both the RPSA and the transmission formula rate should be set at 9.15 percent. Golden Spread also seeks consolidation of this complaint with Docket No. EL12–59–000.

The Complainant certifies that copies of the complaint were served on the contacts for the Respondents as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 8, 2013.

Dated: July 24, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–18340 Filed 7–30–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2006–0369; FRL–9840–2]

Proposed Information Collection Request; Comment Request; National Estuary Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''National Estuary Program'' (EPA ICR No. 1500.08, OMB Control No. 2040–0138 to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through January 31, 2014. 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.

DATES: Comments must be submitted on or before September 30, 2013.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2006–0369, online using *www.regulations.gov* (our preferred method), by email to: *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: John McShane, Oceans and Coastal Protection Division, Office of Wetlands, Oceans, and Watersheds, Mail Code 4504T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 566–1381; fax number: (202) 566–1336; email address: *mcshane.john@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The National Estuary Program (NEP) involves collecting information from the state or local agency or nongovernmental organizations that receive funds under Sec. 320 of the Clean Water Act (CWA). The regulation requiring this information is found at 40 CFR Part 35. Prospective grant recipients seek funding to develop or oversee and coordinate implementation of Comprehensive Conservation Management Plans (CCMPs) for estuaries of national significance. In order to receive funds, grantees must submit an annual workplan to EPA which are used to track performance of each of the 28 estuary programs currently in the NEP.

EPA provides funding to NEPs to support long-term implementation of CCMPs if such programs pass a program evaluation process. The primary purpose of the program evaluation process is to help EPA determine whether the 28 programs included in the National Estuary Program (NEP) are making adequate progress implementing their CCMPs and therefore merit continued funding under Sec. 320 of the Clean Water Act. EPA also requests that each of the 28 NEPs receiving Sec. 320 funds report information that can be used in the GPRA reporting process. This reporting is done on an annual basis and is used to show environmental results that are being achieved within the overall NEP Program. This information is ultimately submitted to Congress along with GPRA information from other EPA programs.

Form Numbers: None.

Respondents/Affected Entities: Entities potentially affected by this action are those state or local agencies or nongovernmental organizations in the National Estuary Program (NEP) who receive grants under Section 320 of the Clean Water Act.

Respondent's Obligation to Respond: Required to obtain or retain a benefit (Section 320 of the Clean Water Act).

Estimated Number of Respondents: 28.

Frequency of Response: Annual.

Total Estimated Burden: 6,113 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total Estimated Cost: $409,349 (per year), includes $0 annualized capital or operation and & maintenance costs.

Changes in Estimates: There will likely be a decrease in the total estimated respondent burden hours compared with the ICR currently approved by OMB. This decrease is due to changing the program evaluations from every three years to every five years. Note that these numbers will be updated in the final FR Notice.

Dated: July 22, 2013.

Paul Cough,

Director, Oceans and Coastal Protection Division.

[FR Doc. 2013–18159 Filed 7–30–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0014; FRL–9393–7]

Product Cancellation Order for Certain Pesticide Registrations; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: EPA issued a notice in the **Federal Register** issue of June 26, 2013, concerning EPA's order for the cancellation of certain pesticide registrations. This document is being issued to correct the effective date of the cancellations of only the resmethrin products identified in that June 26, 2013 notice.

FOR FURTHER INFORMATION CONTACT: Katherine St. Clair, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–8778; email address: *stclair.katherine@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

The Agency included in the June 26, 2013 notice a list of those who may be potentially affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2010–0014, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West

Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What does this correction do?

FR Doc. 2013–15320 published in the **Federal Register** issue of June 26, 2013 (78 FR 38326) (FRL–9390–4) is corrected as follows:

1. On page 38326, first column, under the caption **SUMMARY**, in the third sentence, ''November 28, 2013'' is corrected to read: ''November 28, 2012.''

2. On page 38326, second column, the **DATES** caption is corrected to read: ''**DATES:** The cancellations of the product registrations in Table 1a of Unit II. of the **SUPPLEMENTARY INFORMATION** are effective June 26, 2013. The cancellations of the product registrations in Table 1b of Unit II. of the **SUPPLEMENTARY INFORMATION** are effective December 31, 2015.''

3. On page 38327, first column, under Unit IV. Cancellation Order, in paragraph 1, remove the third sentence and add in its place: ''The cancellations of the product registrations in Table 1a of Unit II. are effective June 26, 2013. The cancellations of the product registrations in Table 1b of Unit II. are effective December 31, 2015.''

List of Subjects

Environmental protection, Pesticides and pests.

Dated: July 19, 2013.

Michael Goodis,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2013–18179 Filed 7–30–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012064–002.

Title: Hapag-Lloyd/NYK Mexico-Dominican Republic Slot Exchange Agreement.

Parties: Hapag-Lloyd AG and Nippon Yusen Kaisha.

Filing Party: Wayne Rohde, Esq.; Cozen O'Connor; 1627 I Street NW.; Suite 1100; Washington, DC 20006.

Synopsis: The amendment would increase the amount of space to be exchanged under the agreement and add authority for Hapag-Lloyd to charter space to NYK on a service string not previously covered by the agreement. The amendment would also delete obsolete language and clarify language in the agreement.

Agreement No.: 012214.

Title: Glovis/K-Line Space Charter Agreement.

Parties: Hyundai Glovis Co., Ltd. and Kawasaki Kisen Kaisha, Ltd.

Filing Party: John P. Meade, Esq.; General Counsel; K-Line America, Inc.; 6009 Bethlehem Road; Preston, MD 21655.

Synopsis: The agreement authorizes the parties to charter space to each other in the trade between South Korea on the one hand, and the U.S. East Coast and U.S. West Coast, on the other hand.

Agreement No.: 201217–001.

Title: Port of Long Beach Data Services Agreement.

Parties: Port of Long Beach; PierPass Inc.; Long Beach Container Terminal, Inc.; SSA Terminals, LLC; SSA Terminal (Long Beach), LLC; International Transportation Service, Inc.; Pacific Maritime Services, L.L.C.; and Total Terminals, LLC.

Filing Party: David F. Smith, Esq., Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006–4007.

Synopsis: The amendment would extend the agreement term and adjust the compensation provided for in the agreement. The amendment would also clarify the name of one of the parties to the agreement. The parties have requested expedited review.

By Order of the Federal Maritime Commission.

Dated: July 26, 2013.

Karen V. Gregory,

Secretary.

[FR Doc. 2013–18405 Filed 7–30–13; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 26, 2013.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *First Okmulgee Corporation,* Okmulgee, Oklahoma; to acquire 100 percent of the voting shares of First Wewoka Bancorporation, Inc., and thereby indirectly acquire voting shares of First National Bank of Wewoka, both in Wewoka, Oklahoma.

Board of Governors of the Federal Reserve System, July 26, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–18375 Filed 7–30–13; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Meeting of the Presidential Commission for the Study of Bioethical Issues

AGENCY: Presidential Commission for the Study of Bioethical Issues, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: The Presidential Commission for the Study of Bioethical Issues will conduct its fourteenth meeting on August 19–20, 2013. At this meeting, the Bioethics Commission will continue to discuss the ethical implications of incidental findings. The Bioethics Commission will also discuss the BRAIN Initiative and ongoing work in neuroscience.

DATES: The meeting will take place Monday and Tuesday, August 19–20, 2013.

ADDRESSES: Smilow Center for Translational Research, Perelman School of Medicine at the University of Pennsylvania, Smilow Center for Translational Research Commons, 3400 Civic Center Boulevard, Building 421, Philadelphia, PA 19104.

FOR FURTHER INFORMATION CONTACT: Hillary Wicai Viers, Communications Director, Presidential Commission for the Study of Bioethical Issues, 1425 New York Avenue NW., Suite C–100, Washington, DC 20005. Telephone: 202–233–3960. Email: *Hillary.Viers@bioethics.gov.* Additional information may be obtained at *www.bioethics.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act of 1972, Public Law 92–463, 5 U.S.C. app. 2, notice is hereby given of the fourteenth meeting of the Presidential Commission for the Study of Bioethical Issues (the Bioethics Commission). The meeting will be held from 9 a.m. to approximately 5 p.m. on Monday, August 19, 2013, and from 9 a.m. to approximately 1 p.m. on Tuesday, August 20, 2013, in Philadelphia, PA. The meeting will be open to the public with attendance limited to space available. The meeting will also be webcast at *www.bioethics.gov.*

Under authority of Executive Order 13521, dated November 24, 2009, the President established the Bioethics Commission. The Bioethics Commission is an advisory panel of the nation's leaders in medicine, science, ethics, religion, law, and engineering. The Bioethics Commission advises the President on bioethical issues arising from advances in biomedicine and related areas of science and technology. The Bioethics Commission seeks to identify and promote policies and practices that ensure scientific research, health care delivery, and technological innovation are conducted in a socially and ethically responsible manner.

The main agenda item for the Bioethics Commission's fourteenth meeting is to discuss the ethical implications of incidental findings. The Bioethics Commission will also discuss the BRAIN Initiative and ongoing work in neuroscience.

The draft meeting agenda and other information about the Bioethics Commission, including information about access to the webcast, will be available at *www.bioethics.gov.*

The Bioethics Commission welcomes input from anyone wishing to provide public comment on any issue before it. Respectful debate of opposing views and active participation by citizens in public exchange of ideas enhances overall public understanding of the issues at hand and conclusions reached by the Bioethics Commission. The Bioethics Commission is particularly interested in receiving comments and questions during the meeting that are responsive to specific sessions. Written comments will be accepted at the registration desk and comment forms will be provided to members of the public in order to write down questions and comments for the Bioethics Commission as they arise. To accommodate as many individuals as possible, the time for each question or comment may be limited. If the number of individuals wishing to pose a question or make a comment is greater than can reasonably be accommodated during the scheduled meeting, the Bioethics Commission may make a random selection.

Written comments will also be accepted in advance of the meeting and are especially welcome. Please address written comments by email to *info@bioethics.gov,* or by mail to the following address: Public Commentary, Presidential Commission for the Study of Bioethical Issues, 1425 New York Ave. NW., Suite C–100, Washington, DC 20005. Comments will be publicly available, including any personally identifiable or confidential business information that they contain. Trade secrets should not be submitted.

Anyone planning to attend the meeting who needs special assistance, such as sign language interpretation or other reasonable accommodations, should notify Esther Yoo by telephone at (202) 233–3960, or email at *Esther.Yoo@bioethics.gov* in advance of the meeting. The Bioethics Commission will make every effort to accommodate persons who need special assistance.

Dated: July 10, 2013.

Lisa M. Lee,

Executive Director, Presidential Commission for the Study of Bioethical Issues.

[FR Doc. 2013–18157 Filed 7–30–13; 8:45 am]

BILLING CODE 4154–06–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*Evaluation of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) Quality Demonstration Grant Program: Qualitative Data Collection.''* In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by September 30, 2013.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov*.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Proposed Project

Evaluation of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) Quality Demonstration Grant Program: Qualitative Data Collection

Section 401(a) of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111–3, amended the Social Security Act (the Act) to enact section 1139A (42 U.S.C. 1320b–9a). AHRQ is

requesting approval from the Office of Management and Budget (OMB) for the collection of qualitative data through site visit interviews and focus groups to support a comprehensive, mixed-methods evaluation of the quality demonstration grants authorized under section 1139A(d) of the Act. AHRQ's mission of improving the quality and effectiveness of health care in the United States aligns with evaluating whether, and through what mechanism, projects funded by the CHIPRA demonstration grants improve the quality of care received by children in Medicaid and the Children's Health Insurance Program (CHIP).

CHIPRA included funding for five-year grants so that States can experiment with and evaluate several promising ideas related to improving the quality of children's health care in Medicaid and CHIP. In February 2010, the Centers for Medicare & Medicaid Services (CMS) announced the award of 10 demonstration grants to States that convincingly articulated an achievable vision of what they could accomplish by the end of the five-year grant period, described strategies they would use to achieve the objectives, and explained how the strategies would achieve the objectives. Applicants were encouraged by CMS to address multiple grant categories (described below) and to partner with other States in designing and implementing their projects.

Of the 10 grantee States selected, six are partnering with other States, for a total of 18 demonstration States. The demonstration States are: Colorado (partnering with New Mexico); Florida (with Illinois); Maine (with Vermont); Maryland (with Wyoming and Georgia); Massachusetts; North Carolina; Oregon (with Alaska and West Virginia); Pennsylvania; South Carolina; and Utah (with Idaho). These demonstration States have implemented 51 distinct projects in at least one of five possible grant categories, A to E. Category A grantees are experimenting with and/or evaluating the use of pediatric quality measures, including those in the initial core set of children's health care quality measures (a group of measures developed for state Medicaid and CHIP agencies to report in a standardized fashion to CMS). Category B grantees are promoting health information technologies for improved care delivery and patient outcomes. Category C grantees are implementing the patient-centered medical home (PCMH) model of primary care, working with school-based health centers (SBHCs) to improve care, or using other provider-based service delivery models aimed at improving care quality. Category D grantees will evaluate the impact of a model pediatric electronic health record. Category E grantees are testing other State-designed approaches to quality improvement in Medicaid and CHIP. This phase of the project will use qualitative techniques such as in-depth interviews and focus groups.

The first round of interviews for the project was completed in an earlier phase of the project in August of 2012 under an information collection request approved by OMB on February 17th, 2012 (OMB Control No. 0935–0190). While the first round of interviews focused on demonstration goals and early strategies, the second round of interviews described in this information collection request will focus on demonstration outcomes and lessons learned. These interviews are designed to build on the information gathered in the first round to develop a complete picture of demonstration implementation.

AHRQ's goal in performing this evaluation of the CHIPRA Quality Demonstration Grant Program is to produce insights into how best to implement quality improvement programs as well as information on how successful programs can be replicated to improve children's health care quality in Medicaid and CHIP. The specific goals of this project are as follows:

1. Develop a deep, systematic understanding of how CHIPRA demonstration States carried out their grant-funded projects.
2. Understand why the CHIPRA demonstration States pursued certain strategies.
3. Understand whether and how the CHIPRA demonstration States' efforts affected outcomes related to knowledge and behavior change in targeted providers and/or consumers of health care.
4. Identify CHIPRA State activities that measurably improve the nation's health care, especially as it pertains to children.

This study is being conducted by AHRQ through its contractor, Mathematica Policy Research Inc., and their subcontractors, the Urban Institute and AcademyHealth, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To meet the project goals AHRQ will implement the following data collections:

1. Key Staff Interviews—Key staff members are staff directly involved in the design and oversight of grant-funded activities. The purpose of these interviews is to gain insight into the implementation of demonstration projects, to understand contextual factors, and to identify lessons and implications for the broad application and sustainability of projects. Semi-structured interviews will be conducted with up to 4 key staff members per state.

2. Implementation Staff Interviews—Other implementation staff are staff involved in the day-to-day implementation of grant-funded projects. These staff members include state agency employees, provider trainers or coaches, health IT vendors, and/or project consultants. The purpose of these interviews is to gain insight into the opportunities and challenges related to key technical aspects of project implementation. Semi-structured interviews will be conducted with up to 16 other implementation staff members per state.

3. Stakeholder Interviews—External stakeholders have a direct interest in children's care quality in Medicaid and CHIP. Stakeholders include representatives of managed care organizations, state chapters of the American Academy of Pediatrics, advocacy organizations for children and families, and social service agencies. These stakeholders will be familiar with the CHIPRA projects and may serve on advisory panels or workgroups related to one or more projects. The interviews will gather insight into the opportunities and challenges related to project implementation, stakeholder satisfaction with their project involvement, and contextual factors. Semi-structured interviews will be conducted with up to 8 external stakeholders per State.

4. Health Care Organization Staff Interviews—Depending on the projects a state is implementing, health care organizations participating in demonstration activities can include private practices, public clinics, federally qualified health centers, care management entities, or school based health centers. Interviews will capture information about project-related activities, staff perceptions of outcomes and impacts, and the organizations involvement in other quality-improvement initiatives. Semi-structured interviews will be conducted with up to 12 staff members per state.

5. Parent Focus Groups—We will hold in-person focus groups with parents, guardians, or other caregivers of children who are enrolled in Medicaid or CHIP and are served by the medical

practices involved in the CHIPRA demonstration. There will be four focus groups in four of the twelve states implementing patient-centered medical home demonstration projects. The number of participants per focus group will range from 8 to 10, resulting in a maximum of 160 adults participating. They will be conducted in English, and also in Spanish in states with high proportions of Hispanic individuals covered by Medicaid.

6. Adolescent Focus Groups—We will hold in-person focus groups with adolescents who are enrolled in Medicaid or CHIP and are served by school-based health centers involved in the CHIPRA demonstration. There will be four focus groups in one of the two states implementing school-based health center projects. The number of participants per focus group will range from 8 to 10, resulting in a maximum of 40 adolescents participating.

This evaluation is designed to develop a rich understanding of States' implementation activities (goal 1), document the rationale for the selection of particular strategies (goal 2), document provider and parent reported behavior change (goal 3), and assess the perceived impact of those changes on access, quality, and cost of care (goal 4).

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this evaluation. Key staff interviews will be conducted with up to four persons from each of the 18 CHIPRA demonstration States (72 total) and will last for about 1½ hours. Implementation staff interviews will include up to 16 persons from each of the 18 CHIPRA demonstration States (288 total) and take an hour to complete. Stakeholder interviews will include up to 8 persons from each of the 18 CHIPRA demonstration States (144 total) and also take an hour to complete. Health care provider interviews will be conducted with up to 12 persons from each of the 18 CHIPRA demonstration States and will last 45 minutes (216 total). About 229 parents will be screened to get a maximum of 160 parents to participate in 16 focus groups across 4 States implementing PCMH-focused demonstration projects. The screener takes 25 minutes to complete and the focus group will last one and a half hours; the burden estimate of 2.5 hours includes one hour for travel time to and from the focus group site. About 57 adolescents will be screened to get up to 40 adolescents to participate in four focus groups completed in one State with SBHC demonstration projects. The screener takes 25 minutes to complete and the focus group will last one and a half hours (travel time does not apply because the focus groups will be held on school premises). The total burden for the qualitative evaluation is estimated to be 1,281 hours.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents*	Number of responses per respondent	Hours per response	Total burden hours
Key Staff Interviews	72	1	1.5	108
Implementation Staff Interviews	288	1	1	288
Stakeholder Interviews	144	1	1	144
Health Care Provider Interviews	216	1	45/60	162
Parent Focus Group Screener	**229	1	25/60	95
Parent Focus Groups	160	1	2.5	400
Adolescent Focus Group Screener	**57	1	25/60	24
Adolescent Focus Groups	40	1	1.5	60
Total	1,206	na	na	1,281

*The number of respondents that will be interviewed in each state will vary depending on the number, scope, complexity, and nature of the projects implemented. This table reflects upper-bound estimates of total burden hours and the number of respondents per type per state.
**Based on an expected 70% screen-in rate

Exhibit 2 shows the estimated annualized cost burden associated with the respondent's time to participate in this evaluation. The total cost burden for the interviews and focus groups is estimated to be $43,303.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Key Staff Interviews	72	108	[a] $55.22	$5,964
Implementation Staff Interviews	288	288	[b] 30.99	8,925
Stakeholder Interviews	144	144	[b] 30.99	4,463
Health Care Provider Interviews	216	162	[c] 80.59	13,056
Parent Focus Group Screener	229	95	[d] 22.01	2,091
Parent Focus Groups	160	400	[d] 22.01	8,804
Adolescent Focus Group Screener	57	24	[e] 0	0.00
Adolescent Focus Groups	40	60	[e] 0	0.00
Total	1,206	1,281	na	43,303

*National Compensation Survey: Occupational wages in the United States May 2012, ''U.S. Department of Labor, Bureau of Labor Statistics.''
[a] Based on the mean wages for general and operations manager (11–1021)
[b] Based on the mean wages for social and community service managers (11–9151)
[c] Based on the mean wages for general pediatricians (29–1065)
[d] Based on the mean wages for all occupations
[e] Wage rates for adolescents are assumed to be zero.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: July 23, 2013.

Carolyn M. Clancy,

AHRQ Director.

[FR Doc. 2013–18378 Filed 7–30–13; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Collection of Information for Agency for Healthcare Research and Quality's (AHRQ) Hospital Survey on Patient Safety Culture Comparative Database.'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on May 16th, 2013 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by August 30, 2013.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Collection of Information for Agency for Healthcare Research and Quality's (AHRQ) Hospital Survey on Patient Safety Culture Comparative Database

Request for information collection approval. The Agency for Healthcare Research and Quality (AHRQ) requests that the Office of Management and Budget (OMB) reapprove, under the Paperwork Reduction Act of 1995, AHRQ's collection of information for the AHRQ Hospital Survey on Patient Safety Culture (Hospital SOPS) Comparative Database; OMB NO. 0935–0162, last approved on May 5th, 2010. The Hospital SOPS Comparative Database consists of data from the AHRQ Hospital Survey on Patient Safety Culture. Hospitals in the U.S. are asked to voluntarily submit data from the survey to AHRQ. The database was developed by AHRQ in 2006 in response to requests from hospitals interested in knowing how their patient safety culture survey results compare to those of other hospitals in their efforts to improve patient safety.

Background on the Hospital SOPS. In 1999, the Institute of Medicine called for health care organizations to develop a ''culture of safety'' such that their workforce and processes focus on improving the reliability and safety of care for patients (IOM, 1999; *To Err is Human: Building a Safer Health System*). To respond to the need for tools to assess patient safety culture in health care, AHRQ developed and pilot tested the Hospital Survey on Patient Safety Culture with OMB approval (OMB NO. 0935–0115; Approved 2/4/2003). The survey was designed to enable hospitals to assess staff opinions about patient safety issues, medical error, and error reporting and includes 42 items that measure 12 dimensions of patient safety culture. AHRQ released the survey to the public along with a Survey User's Guide and other toolkit materials in November 2004 on the AHRQ Web site. Since its release, the survey has been voluntarily used by hundreds of hospitals in the U.S.

Rationale for the information collection. The Hospital SOPS survey and the Hospital SOPS Comparative Database are supported by AHRQ to meet its goals of promoting improvements in the quality and safety of health care in hospital settings. The surveys, toolkit materials, and comparative database results are all made publicly available along with technical assistance, provided by AHRQ through its contractor at no charge to hospitals, to facilitate the use of these materials for hospital patient safety and quality improvement.

This study is being conducted by AHRQ through its contractor, Westat, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to: the quality, effectiveness, efficiency, appropriateness and value of healthcare services; quality measurement and improvement; and database development. 42 U.S.C. 299a(a)(1), (2), and (a)(8).

Method of Collection

All information collection for the Hospital SOPS Comparative Database is done electronically, except the Data Use Agreement (DUA) that hospitals sign in hard copy and fax or mail back. Registration, submission of hospital information, and data upload is handled online through a secure Web site. Delivery of confidential hospital survey feedback reports is also done electronically by having submitters enter a username and password and downloading their reports from a secure Web site.

Survey data from the AHRQ Hospital Survey on Patient Safety Culture is used to produce three types of products: (1) An annual Hospital SOPS Comparative Database Report that is made publicly available in the public domain; (2) Individual Hospital Survey Feedback Reports that are confidential, customized reports produced for each hospital that submits data to the database; and (3) Research data sets of individual-level and hospital-level de-identified data to enable researchers to conduct analyses.

Estimated Annual Respondent Burden

Hospitals administer the AHRQ Hospital Survey on Patient Safety Culture every 20 months on average. Therefore, the number of hospital submissions to the database varies because hospitals do not submit data every year. Data submission is typically handled by one point-of-contact (POC) who is either a hospital patient safety manager or a survey vendor. The POC completes a number of data submission steps and forms, beginning with completion of an online Eligibility and Registration Form. The POCs typically submit data on behalf of 3 hospitals, on average, because many hospitals are part of a multi-hospital system that is submitting data, or the POC is a vendor that is submitting data for multiple hospitals. Exhibits 1 and 2 are based on an estimated 304 individual POCs who will complete the database submission steps and forms in the coming years, not based on the number of ''hospitals.'' The Hospital Information Form is completed by all POCs for each of their hospitals. The total annual burden hours are estimated to be 1,793.

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to submit their data. The cost burden is estimated to be $91,297 annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents/ POCs	Number of responses per POC	Hours per response	Total burden hours
Eligibility/Registration Form and Data Submission*	304	1	5.6	1,702
Data Use Agreement	304	1	3/60	15
Hospital Information Form	304	3	5/60	76
Total	912	NA	NA	1,793

*The Eligibility and Registration Form requires 3 minutes to complete; however about 5.5 hours is required to prepare/plan for the data submission. This includes the amount of time POCs and other hospital staff (CEO, lawyer, database administrator) typically spend deciding whether to participate in the database and preparing their materials and data set for submission to the database, and performing the submission.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents/ POCs	Total burden hours	Average hourly wage rate*	Total cost burden
Eligibility/Registration Form and Data Submission	304	1,702	50.95	86,717
Data Use Agreement	304	15	50.33	755
Hospital Information Form	304	76	50.33	3,825
Total	912	1,793	NA	91,297

*Wage rates were calculated using the mean hourly wage based on occupational employment and wage estimates from the Dept of Labor, Bureau of Labor Statistics' May 2012 National Industry-Specific Occupational Employment and Wage Estimates NAICS 622000—Hospitals, located at *http://www.bls.gov/oes/current/naics3_622000.htm.* Wage rate of $50.33 is based on the mean hourly wages for Medical and Health Services Managers (11–9111). Wage rate of $50.95 is the weighted mean hourly wage for: Medical and Health Services Managers (11–9111;$50.33 × 2.6 hours = $130.86), Lawyers (23–1011; $72.71 × 0.5 hours = $36.36), Chief Executives (11–1011($95.36 × 0.5 hours = $47.68), and Database Administrators (15–1141; $35.20 × 2 hours = $70.40) [Weighted mean = ($130.86 + 36.36 + 47.68 + 70.40)/5.6 hours = $285.30/5.6 hours = $50.95/hour].

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: July 23, 2013.

Carolyn M. Clancy,

AHRQ Director.

[FR Doc. 2013–18366 Filed 7–30–13; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–6048–N]

Medicare, Medicaid, and Children's Health Insurance Programs: Announcement of Temporary Moratoria on Enrollment of Ambulances Suppliers and Providers and Home Health Agencies in Designated Geographic Areas

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the imposition of a temporary moratorium on the enrollment of home health agencies in Miami-Dade and Cook counties as well as selected surrounding

areas, and on the enrollment of new ambulance suppliers and providers in Harris County and surrounding counties to prevent and combat fraud, waste, and abuse.

DATES: *Effective Date:* July 30, 2013.

FOR FURTHER INFORMATION CONTACT: August Nemec, (410) 786–0612.

News media representatives must contact our Public Affairs Office at (202) 690–6145 or email them at *press@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. CMS' Authority To Impose Temporary Enrollment Moratoria

Under the Patient Protection and Affordable Care Act (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively known as the Affordable Care Act), the Congress provided the Secretary with new tools and resources to combat fraud, waste, and abuse in Medicare, Medicaid, and the Children's Health Insurance Program (CHIP). Section 6401(a) of the Affordable Care Act added a new section 1866(j)(7) to the Social Security Act (the Act) to provide the Secretary with authority to impose a temporary moratorium on the enrollment of new fee-for-service (FFS) Medicare, Medicaid or CHIP providers and suppliers, including categories of providers and suppliers, if the Secretary determines a moratorium is necessary to prevent or combat fraud, waste, or abuse under these programs. Section 6401(b) of the Affordable Care Act added specific moratorium language applicable to Medicaid at section 1902(kk)(4) of the Act, requiring States to comply with any moratorium imposed by the Secretary unless the state later determines that the imposition of such moratorium would adversely impact Medicaid beneficiaries' access to care. Section 6401(c) of the Affordable Care Act amended section 2107(e)(1) of the Act to provide that all of the Medicaid provisions in sections 1902(a)(77) and 1902(kk) are also applicable to CHIP.

In the February 2, 2011 **Federal Register** (76 FR 5862), CMS published a final rule with comment period titled, ''Medicare, Medicaid, and Children's Health Insurance Programs; Additional Screening Requirements, Application Fees, Temporary Enrollment Moratoria, Payment Suspensions and Compliance Plans for Providers and Suppliers,'' which implemented section 1866(j)(7) of the Act by establishing new regulations at 42 CFR 424.570. Under § 424.570(a)(2)(i) and (iv), CMS, or CMS in consultation with the Department of Health and Human Services Office of Inspector General (HHS–OIG) or the Department of Justice (DOJ), or both, may impose a temporary moratorium on newly enrolling Medicare providers and suppliers if CMS determines that there is a significant potential for fraud, waste, or abuse with respect to a particular provider or supplier type or particular geographic areas or both. At § 424.570(a)(1)(ii), CMS stated that it would announce a temporary moratorium in a **Federal Register** notice that includes the rationale for the imposition of the temporary enrollment moratorium. The rationale will include the factors for imposing a moratorium on a case by case basis. This notice fulfills that requirement.

In accordance with section 1866(j)(7)(B) of the Act, there is no judicial review under sections 1869 and 1878 of the Act, or otherwise, of the decision to impose a temporary enrollment moratorium. However, a provider or supplier may use the existing appeal procedures at 42 CFR Part 498 to administratively appeal a denial of billing privileges based on the imposition of a temporary moratorium, though the scope of any such appeal would be limited solely to assessing whether the temporary moratorium applies to the provider or supplier appealing the denial. Under § 424.570(c), CMS denies the enrollment application of a provider or supplier if the provider or supplier is subject to a moratorium. If the provider or supplier was required to pay an application fee, the application fee will be refunded if the application was denied as a result of the imposition of a temporary moratorium (§ 424.514(d)(2)(v)(C)).

B. Determination of the Need for a Moratorium

In imposing these enrollment moratoria, CMS considered both qualitative and quantitative factors suggesting a high risk of fraud, waste, or abuse. CMS relied on its and law enforcement's longstanding experience with ongoing and emerging fraud trends and activities through civil, criminal, and administrative investigations and prosecutions. Our determination of high risk areas of fraud in these provider and supplier types and geographic areas was then confirmed by our data analysis, which relied on factors CMS identified as strong indicators of fraud risk.

Because fraud schemes are highly migratory and transitory in nature, many of our program integrity authorities and anti-fraud activities are designed to allow the agency to adapt to emerging fraud in different areas. The laws and regulations governing our moratoria authority give us flexibility to use any and all relevant criteria for future moratoria and CMS retains the authority to impose any future moratorium on a case-by-case basis.

1. Application to Medicaid and the Children's Health Insurance Program (CHIP)

The February 2, 2011 final rule also implemented section 1902(kk)(4) of the Act, establishing new Medicaid regulations at § 455.470. Under § 455.470(a)(1) through (3), the Secretary [1] may impose a temporary moratorium, in accordance with § 424.570, on the enrollment of new providers or provider types after consulting with any affected State Medicaid agencies. The State Medicaid agency will impose a temporary moratorium on the enrollment of new providers or provider types identified by the Secretary as posing an increased risk to the Medicaid program unless the state later determines that the imposition of a moratorium would adversely affect Medicaid beneficiaries' access to medical assistance and so notifies the Secretary. The final rule also implemented section 2107(e)(1)(D) of the Act by providing, at § 457.990 of the regulations, that all of the provisions that apply to Medicaid under sections 1902(a)(77) and 1902(kk) of the Act, as well as the implementing regulations, also apply to CHIP.

Section 1866(j)(7) of the Act authorizes imposition of a temporary enrollment moratorium for Medicare, Medicaid and/or CHIP, ''if the Secretary determines such moratorium is necessary to prevent or combat fraud, waste, or abuse under either such program.'' While there may be exceptions, CMS believes that generally, a category of providers or suppliers that poses a risk to the Medicare program also poses a similar risk to Medicaid and CHIP. Many of the new anti-fraud provisions in the Affordable Care Act reflect this concept of ''reciprocal risk'' in which a provider that poses a risk to one program poses a risk to the other programs. For example, section 6501 of the Affordable Care Act titled, ''Termination of Provider Participation under Medicaid if Terminated Under Medicare or Other State Plan,'' which amends section 1902(a)(39) of the Act, requires State Medicaid agencies to terminate the participation of any individual or entity if such individual

[1] The Secretary has delegated to CMS authority to administer Titles XVIII, XIX, and XXI of the Act. For more information see the September 6, 1984 **Federal Register** (49 FR 35247) and the December 16, 1997 **Federal Register** (62 FR 65813).

or entity is terminated under Medicare or any other State Medicaid plan.[2] Additional provisions in title VI, Subtitles E and F of the Affordable Care Act also support the determination that categories of providers and suppliers pose the same risk to Medicaid as to Medicare. Section 6401(a) of the Affordable Care Act required us to establish levels of screening for categories of providers and suppliers based on the risk of fraud, waste and abuse determined by the Secretary. Section 6401(b) of the Affordable Care Act required State Medicaid agencies to screen providers and suppliers based on the same levels established for the Medicare program. This reciprocal concept is also reflected in the Medicare moratorium regulations at § 424.570(a)(2)(ii) and (iii), which permit CMS to impose a Medicare moratorium based solely on a state imposing a Medicaid moratorium. Therefore, CMS has determined that there is a reasonable basis for concluding that a category of providers or suppliers that poses a risk to Medicare also poses a similar risk to Medicaid and CHIP, and that a moratorium in all of these programs is necessary to effectively combat this risk.

2. Consultation With Law Enforcement

In consultation with the HHS–OIG and the Department of Justice (DOJ), CMS identified two provider and supplier types in three geographic areas that warrant temporary enrollment moratoria. CMS reached this determination based in part on the federal government's experience with the Health Care Fraud Prevention and Enforcement Action Team (HEAT), a joint effort between DOJ and HHS to prevent fraud, waste and abuse in the Medicare and Medicaid programs. The Medicare Fraud Strike Force teams are a key component of HEAT and operate in nine cities nationwide.[3] Each Medicare Fraud Strike Force team combines the programmatic and administrative action capabilities of CMS, the analytic and investigative resources of the FBI and HHS–OIG, and the prosecutorial resources of DOJ's Criminal Division's Fraud Section and the United States Attorneys Offices. The Strike Force teams use advanced data analysis techniques to identify high billing levels in health care fraud hotspots so that interagency teams can target emerging or migrating schemes along with chronic fraud by criminals masquerading as health care providers or suppliers. The locations of the Strike Force teams are identified by analyzing where Medicare claims data reveal aberrant billing patterns and intelligence data analysis suggests that fraud may be occurring.

It is important to note that all of the moratoria target areas identified in this notice—Miami, Houston, and Chicago—are Strike Force cities, and each of these areas has experienced intense, sustained criminal prosecution activity with respect to the provider and supplier types subject to these moratoria. In addition, CMS's own administrative investigations and oversight have been equally intense in these areas. Through CMS's own anti-fraud activities, in addition to the federal government's coordinated HEAT efforts, CMS has determined that home health agencies in Miami and Chicago and the surrounding areas, and ambulance companies in Houston and the surrounding area pose a significant risk of fraudulent activity.

As a part of ongoing antifraud efforts, the HHS–OIG and CMS have learned that some fraud schemes are viral, meaning they replicate rapidly within communities, and that health care fraud also migrates—as law enforcement cracks down on a particular scheme, the criminals may redesign the scheme or relocate to a new geographic area.[4] As a result, CMS has determined that it is necessary to extend these moratoria beyond the target counties to bordering counties, unless otherwise noted, to prevent potentially fraudulent providers and suppliers from enrolling their practices in a neighboring county with the intent of providing services in a moratorium-targeted area. CMS will monitor the surrounding counties, as well as the entirety of each affected state, by reviewing claims utilization and activity, for indicia of activity designed to evade these moratoria. Throughout the duration of these moratoria, CMS will continue to consult with law enforcement, to assess and address the spread of any significant risk of fraud beyond the moratorium areas.

3. Data Analysis

The scope of the data analysis included reviewing Medicare and Medicaid enrollment and claims data. CMS identified all counties across the nation with 200,000 or more Medicare beneficiaries (''comparison counties''), and analyzed certain key metrics which we believe to be strong indications of potential fraud risk. These metrics included factors such as: the number of providers or suppliers per 10,000 Medicare FFS beneficiaries; the compounded annual growth rate in provider or supplier enrollments; and the ''churn rate''—the rate of providers entering and exiting the program—as measured by the percent of the target provider or supplier community continuously receiving Medicare payments since 2008. We know that when some providers and suppliers incur a substantial debt to Medicare, they then exit the Medicare program or shut down operations altogether, and attempt to re-enroll through another vehicle or under a new business identity. The moratoria are intended to curtail this churning of providers to new enrollments. CMS also reviewed the 2012 FFS Medicare payments to providers and suppliers in the target areas based on the average amount spent per beneficiary who used services furnished by the targeted provider and supplier types.

The three areas subject to the temporary enrollment moratoria are the only counties that contain Strike Force cities that also consistently ranked near the top for the aforementioned metrics among counties with at least 200,000 Medicare beneficiaries in 2012. This analysis helps confirm the federal government's previously described experience in its HEAT and Strike Force activities, and provides further support for CMS' determination that the moratoria are appropriate in these areas. See Tables 1 and 2 of this notice for a summary of the moratoria areas and some of the metrics examined.

4. Beneficiary Access to Care

Beneficiary access to care in Medicare, Medicaid and CHIP is of critical importance to CMS and our state partners, and CMS carefully evaluated access for the three target moratoria areas. To determine if the moratoria would create an access to care issue for Medicaid and CHIP beneficiaries in the targeted areas and surrounding counties, CMS consulted with the appropriate State Medicaid Agencies and State Departments of Emergency Medical Services. All of our state partners were supportive of our analysis and

[2] Although section 6501 of Affordable Care Act does not specifically state that individuals or entities that have been terminated under Medicare or Medicaid must also be terminated from CHIP, we have required CHIP, through federal regulation, to take similar action regarding termination of a provider that is also terminated or had its billing privileges revoked under Medicare or any State Medicaid plan.

[3] The Medicare Strike Force operates in Miami, FL; Los Angeles, CA: Detroit, MI; Houston, TX; Brooklyn, NY; Baton Rouge, LA; Tampa, FL; Chicago, IL; and Dallas, TX.

[4] Testimony of the Inspector General, ''Preventing Health Care Fraud: New Tools and Approaches to Combat Old Challenges.'' See *http://www.hhs.gov/asl/testify/2011/03/t20110302i.html.*

proposals, and together with CMS, have determined that these moratoria will not create access of care issues for Medicaid or CHIP beneficiaries.

In order to determine if the moratoria would create an access to care issue for Medicare beneficiaries, CMS reviewed its own data regarding the number of providers and suppliers in the target and surrounding counties, and confirmed that there are no reports to CMS of access to care issues for these provider and supplier types. CMS also reviewed recent reports by the Medicare Payment Advisory Commission (MedPAC), an independent Congressional agency established by the Balanced Budget Act of 1997 to advise Congress on issues affecting the Medicare program. MedPAC has a Congressional mandate to monitor beneficiaries' access to care and publishes its review of Medicare expenditures annually. Based on our analysis of each target market and review of MedPAC's March 2013 report (finding no access issues to Medicare home health services [5]), and its June 2013 report (finding no access issues to Medicare ambulance services [6]), CMS does not believe these moratoria will cause an access to care issue for Medicare beneficiaries.

In the March report, MedPAC also recommended that CMS use its authorities under current law to examine providers with aberrant patterns of utilization for possible fraud and abuse. With regard to home health services, MedPAC stated that a moratorium on the enrollment of new HHAs would prevent new agencies from entering markets that may already be saturated.[7] CMS will continuously monitor for reductions in the number of HHA providers and Part B ambulance suppliers, as well as beneficiary complaints, and will continue consultation with the states, for any indication of a potential access to care issue.

5. When a Temporary Moratorium Does Not Apply

Under § 424.570(a)(1)(iii), a temporary moratorium does not apply to changes in practice locations, changes to provider or supplier information such as phone number, address, or changes in ownership (except changes in ownership of HHAs that require initial enrollments under § 424.550). Also, in accordance with § 424.570(a)(1)(iv), the moratorium does not apply to an enrollment application that a CMS contractor has already approved, but has not yet entered into the Provider Enrollment Chain and Ownership System (PECOS) at the time the moratorium is imposed.

6. Lifting a Temporary Moratorium

In accordance with § 424.570(b), these temporary enrollment moratoria will remain in effect for 6 months. If CMS deems it necessary, the moratoria may be extended in 6-month increments. CMS will evaluate whether to extend or lift the moratoria before the end of the initial 6-month period and, if applicable, any subsequent moratorium periods. If one or more of the moratoria are extended, CMS will publish notice of such extensions in the **Federal Register**.

As provided in § 424.570(d), CMS may lift a moratorium at any time if the President declares an area a disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, circumstances warranting the imposition of a moratorium have abated, the Secretary has declared a public health emergency, or in the judgment of the Secretary, the moratorium is no longer needed.

Once a moratorium is lifted, provider or supplier types that were unable to enroll because of the moratorium will be designated to CMS' high screening level under § 424.518(c)(3)(iii) and § 455.450(e)(2) for 6 months from the date the moratorium was lifted.

II. Home Health Moratoria—Geographic Areas

Under its authority at § 424.570(a)(2)(i) and (a)(2)(iv), CMS is implementing a temporary moratorium on the Medicare enrollment of HHAs in the geographic areas discussed in this section. Under regulations at § 455.470 and § 457.990, this moratorium will also apply to the enrollment of HHAs in Medicaid and CHIP.

A. Moratorium on Enrollment of Home Health Agencies in the Florida Counties of Miami-Dade and Monroe

CMS has determined that there are factors in place that warrant the imposition of a temporary Medicare enrollment moratorium for HHAs in Miami-Dade County (which contains the City of Miami), as well as extending the moratorium to one bordering county—Monroe. Florida has divided the state into 11 home health ''licensing districts,'' that prevent a home health agency from providing services outside its own licensing district. Monroe is the only bordering county within the same licensing district as Miami-Dade. CMS has determined that it is necessary to extend this moratorium to Monroe to prevent potentially fraudulent HHAs from enrolling their practices in a neighboring county to avoid the moratorium. In this instance, it is not necessary to extend the moratorium to the other counties that border Miami-Dade because of the state's home health licensing rules that prevent providers enrolling in these counties from serving beneficiaries in Miami-Dade. CMS has also consulted with the State Medicaid Agency and reviewed available data, and determined that the moratorium will also apply to Medicaid and CHIP.

Beginning on the effective date of this notice, no new HHAs will be enrolled into Medicare, Medicaid or CHIP with a practice location in the Florida counties of Miami-Dade or Monroe, unless their enrollment application has already been approved, but not yet entered into PECOS or the State Enrollment System at the time the moratorium is imposed.

1. Consultation With Law Enforcement

Consistent with § 424.570(a)(2)(iv), CMS has consulted with both the HHS–OIG and DOJ regarding the imposition of a moratorium on new HHAs in Miami-Dade and Monroe counties. Both HHS–OIG and DOJ agree that a significant potential for fraud, waste, or abuse exists with respect to HHAs in the affected geographic areas. The HHS–OIG has previously identified Miami-Dade as an HHA fraud-prone area because it is a Strike Force location where individuals have been charged with billing potentially fraudulent home health services, and is located in a state that had a high percentage of HHAs with questionable billing identified by the HHS–OIG.[8] There has also been considerable Strike Force and law enforcement activity in this area of the country. Since 2011, the U.S. Attorney's Office for the Southern District of Florida has filed 41 home health fraud cases and charged 98 individuals that have resulted in 85 guilty pleas and 8 trial convictions. For example, in May 2013, a patient recruiter for a Miami

[5] MedPAC, March 2013, ''Report to Congress: Medicare Payment Policy, Chapter 9 home health services.'' *http://www.medpac.gov/documents/Mar13_entirereport.pdf.*

[6] MedPAC, June 2013, ''Chapter 7, Mandated Report: Medicare payment for ambulance services.'' *http://www.medpac.gov/chapters/Jun13_Ch07.pdf*

[7] MedPAC, March 2013, ''Report to Congress: Medicare Payment Policy, Chapter 9 home health services.'' *http://www.medpac.gov/documents/Mar13_entirereport.pdf.*

[8] Office of Inspector General Report, ''CMS and Contractor Oversight of Home Health Agencies.'' (OEI–04–11–00220). See *https://oig.hhs.gov/oei/reports/oei-04-11-00220.pdf.* The HHS–OIG defines an ''HHA fraud-prone area'' as those that are—(1) Strike Force Cities; (2) Strike Force cities where individuals have been charged with billing potentially fraudulent home health services; and (3) located in a state that had a high percentage of HHAs with questionable billing identified by the HHS–OIG.

health care company was sentenced to serve 37 months in prison for his participation in a $20 million Medicare fraud scheme.[9] In February 2013, the owners and operators of two Miami health care agencies were sentenced to 9 years and more than 4 years in prison, respectively, and ordered to pay millions in restitution for their participation in a $48 million Medicare fraud scheme that billed for unnecessary home health care and therapy services.[10] Also, in August 2012, the owner and operator of a Miami health care agency pleaded guilty for his participation in a $42 million Medicare home health fraud scheme.[11] In April 2012, the U.S. District Court in Miami sentenced the three owners of a Miami home health care agency to 120 months, 87 months, and 87 months, respectively for their participation in a $60 million Medicare home health care fraud scheme. CMS program integrity contractors are also actively investigating home health agencies in this area.

2. Data Analysis

a. Medicare Data Analysis

CMS' data show that in 2012, there were 26 U.S. counties nationally, including Miami-Dade, with at least 200,000 Medicare beneficiaries. CMS excluded Miami-Dade County, and used the remaining 25 counties as ''comparison counties.'' In the comparison counties, there was an average of 1.8 HHAs per 10,000 Medicare FFS beneficiaries.[12] In Miami-Dade County, there were 37.6 HHAs per 10,000 Medicare FFS beneficiaries. This means that the ratio of HHAs to Medicare FFS beneficiaries was 1,960 percent greater in Miami-Dade County than in the comparison counties. Miami-Dade County had the highest ratio of HHAs to Medicare FFS beneficiaries compared to the comparison counties.

CMS' data show that from 2008 through 2012, the total number of operational HHAs in Miami-Dade County increased from 385 to 662. The compounded annual growth rate of HHAs in Miami-Dade County is 15 percent, more than double the national average of 7 percent. In addition, of the 662 HHAs active in Miami-Dade County in 2012, 56 percent of these HHAs have not been billing continuously—a strong indicator of churn—since 2008, while only 32 percent of HHAs in 2012 had not been continuously billing since 2008 in the average comparison county.

CMS' data show that in 2012, HHAs in Miami-Dade County were receiving payments of $10,287 per average Medicare home health user per year, compared to HHAs in the comparison counties, which received payments of $5,783. Payments to HHAs in Miami-Dade were 77 percent greater than the average for the comparison counties. Miami-Dade had the highest payments to HHAs compared to the comparison counties. High outlier payments to Miami-Dade home health agencies have persisted for several years despite CMS' efforts to limit outlier payments through policy changes. In 2010, CMS implemented a home health agency-level cap on outlier payments so that, in any given year, an individual HHA would receive no more than 10 percent of its total home health prospective payment system (HH PPS) payments in outlier payments. Before the policy change, HHAs in Miami-Dade County were receiving average annual Medicare payments per home health beneficiary that were nearly 400 percent greater than the comparison counties in 2008 ($20,801 compared to $5,935). While this policy has been successful in reducing costs in Miami-Dade, CMS believes more needs to be done.

b. Medicaid Data Analysis

As discussed previously in section I.B.1. of this notice, CMS believes that generally, a category of providers or suppliers that poses a risk to the Medicare program also poses a similar risk to Medicaid and CHIP. In addition, the data also show a significantly higher concentration of home health providers per Medicaid beneficiaries in Miami-Dade County than elsewhere in the state. CMS compared Miami-Dade against the entire state because Medicaid policies are not uniform across different states. Specifically, in 2010,[13] Miami-Dade County, which is home to just 16 percent of all Florida Medicaid home health beneficiaries, is nevertheless home to 45 percent of all the home health providers in the state. This disproportionate supply in Miami-Dade County, compared to the rest of the state, is reflected in the number of providers per Medicaid beneficiary: Miami-Dade County has 96 home health providers per 1,000 Medicaid beneficiaries—a provider density rate close to 3 times the Florida-wide provider density of 35 home health providers per 1,000 Medicaid beneficiaries.

2. Beneficiary Access to Care

Based upon CMS' consultation with the State Medicaid agency, CMS has concluded that imposing this temporary moratorium will not create an access to care issue for Medicaid or CHIP beneficiaries in Miami-Dade or the surrounding counties at this time. Accordingly, under § 455.470 and § 457.990, this moratorium will apply to the enrollment of HHAs in Medicaid and CHIP, unless the State later determines that imposition of the moratorium would adversely impact beneficiary access to care and so notifies CMS under § 455.470(a)(3).

CMS reviewed Medicare data for the target and surrounding counties, and found that there are no problems with access to home health agencies in Miami-Dade or surrounding counties. In addition, as described in section I.B.4. of this notice, MedPAC has not reported any problems with Medicare beneficiary access to home health care. While CMS has determined there are no access to care issues for Medicare beneficiaries, nevertheless, the agency will continuously monitor these areas under a moratorium for changes such as an uptick in beneficiary complaints to ensure there is no access to care issue.

As a result of law enforcement consultation and consideration of the factors described previously, CMS has determined that a temporary enrollment moratorium is needed to combat fraud in this area.

B. Moratorium on Enrollment of Home Health Agencies in the Illinois Counties of Cook, DuPage, Kane, Lake, McHenry, and Will

CMS has determined that there are factors in place to warrant the imposition of a temporary enrollment moratorium for HHAs in Cook County (which contains the City of Chicago).

[9] Department of Justice, ''Patient Recruiter of Miami Home Health Company Sentenced to 37 Months in Prison for Role in $20 Million Health Care Fraud Scheme.'' See *http://www.justice.gov/opa/pr/2013/May/13-crm-510.html.*

[10] Department of Justice, ''Owners of Miami Home Health Companies Sentenced to Prison in $48 million Health Care Fraud Scheme.'' See *http://www.justice.gov/opa/pr/2013/February/13-crm-243.html.*

[11] Department of Health and Human Services and Department of Justice, ''Health Care Fraud and Abuse Control Program Annual Report for Fiscal Year 2012.'' See *http://oig.hhs.gov/publications/docs/hcfac/hcfacreport2012.pdf.*

[12] Throughout this notice, the ''comparison counties'' data also excludes New York County, New York because of the unique local conditions, such as that county's high density, compact geography, and high real estate costs, very few HHAs that serve the large number of beneficiaries in the county are located within the county. We believe this outlier would have biased the average to be artificially low, and could potentially over-represent the difference in ratios between the target county and the comparison counties.

[13] CMS used 2010 data from the Medicaid Statistical Information System (MSIS) because it was the most recent data available for all three states in this notice.

CMS has determined that it is necessary to extend this moratorium to the surrounding counties to prevent potentially fraudulent HHAs from enrolling their practices in a neighboring county to avoid the moratorium. To this end, CMS is extending the moratorium to five surrounding counties—DuPage, Kane, Lake, McHenry, and Will.

Beginning on the effective date of this notice, no new HHAs will be enrolled into Medicare, Medicaid or CHIP with a practice location in Illinois counties of Cook, DuPage, Kane, Lake, McHenry, and Will, unless their enrollment application has already been approved, but not yet entered into PECOS or the State Enrollment System at the time the moratorium is imposed.

1. Consultation With Law Enforcement

Consistent with § 424.570(a)(2)(iv), CMS has consulted with both the HHS–OIG and DOJ regarding the imposition of a moratorium on new HHAs in Cook County and the surrounding counties. Both HHS–OIG and DOJ agree that a significant potential for fraud, waste, or abuse exists with respect to HHAs in the affected geographic areas. HHS–OIG has identified Chicago as a Strike Force location where individuals have been charged with billing potentially fraudulent home health services.[14] Since July 2011, the U.S. Attorney's Office for the Northern District of Illinois has filed approximately 11 home health fraud cases and charged 45 individuals that have resulted in 15 trial convictions. For example, in May 2013, two individuals were charged in separate home health fraud schemes in Chicago as part of a Medicare Fraud Strike Force operation.[15] In December 2012, the co-owner of a former home health care business was sentenced to 10 years in federal prison for defrauding Medicare of more than $2.9 million by submitting tens of thousands of false claims annually that misrepresented medical services provided to beneficiaries.[16] In August 2012, a home health care agency in suburban Chicago, two nurses who are part owners of the company and a third nurse affiliated with them, along with two marketers, were indicted on Federal charges for allegedly participating in a conspiracy to pay and receive kickbacks in exchange for the referral of Medicare patients for home health care services.[17] Additionally, CMS program integrity contractors are also actively investigating home health agencies in this area.

2. Data Analysis

a. Medicare Data Analysis

CMS' data show that in 2012, there were 26 U.S. counties nationally, including Cook, with at least 200,000 Medicare beneficiaries. CMS excluded Cook County, and used the remaining 25 counties as ''comparison counties.'' In 2012, there was an average of 1.8 HHAs per 10,000 Medicare FFS beneficiaries. In Cook County, there were 7.7 HHAs per 10,000 Medicare FFS beneficiaries. This means that the ratio of HHAs to Medicare FFS beneficiaries was 327 percent greater in Cook County than in the comparison counties.

CMS' data show that from 2008 through 2012, the total number of operational HHAs in Cook County increased from 301 to 509. Cook County's compounded annual growth rate of HHAs is 14 percent, double the national average of 7 percent. The number of HHAs in Cook County was 280 percent greater than the comparison counties in 2012.

CMS' data show that in 2012, HHAs in Cook County were receiving payments of $6,884 per average Medicare home health user per year, compared to HHAs in the comparison counties, which received payments of $5,900. In 2012, payments to HHAs in Cook County were 17 percent higher than HHAs in the comparison counties. Payments remain some of the highest nationally as compared to the 25 comparison counties, and CMS is taking action through this moratoria to address the potential fraud risk here.

b. Medicaid Data Analysis

As discussed previously in section I.B.1. of this notice, CMS believes that generally, a category of providers or suppliers that poses a risk to the Medicare program also poses a similar risk to Medicaid and CHIP. In addition, the data also show a markedly higher annual utilization of Medicaid home health services in Cook County compared to the entire state. CMS compared Cook County against the entire state because Medicaid policies are not necessarily uniform across different states. In 2010[18] in Cook County, Medicaid spent $2,721 per home health user annually, or 57 percent more than the $1,728 per home health user that Medicaid spent in the state as a whole. On the provider side, the average Medicaid home health provider in Cook County received total annual payments of $92,356, or 51 percent more than the $60,991 the average Illinois provider received.

3. Beneficiary Access to Care

After consulting with the State Medicaid agency and reviewing available data, CMS has concluded that imposing this temporary moratorium will not create an access to care issue for Medicaid or CHIP beneficiaries in Cook County or the surrounding counties at this time. Accordingly, under § 455.470 and § 457.990, this moratorium will apply to the enrollment of HHAs in Medicaid and CHIP, unless the state later determines that imposition of the moratorium would adversely impact beneficiary access to care and so notifies us under § 455.470(a)(3).

CMS reviewed Medicare data for the target and surrounding counties, and found that there are no problems with access to home health agencies in Cook County or surrounding counties. In addition, as described in section I.B.4. of this notice, MedPAC has not reported any problems with Medicare beneficiary access to home health care. While CMS has also determined there are no access to care issues for Medicare beneficiaries, nevertheless, the agency will continuously monitor these areas under a moratorium for changes, such as any uptick in beneficiary complaints, to ensure there is no access to care issue.

As a result of the factors and consultation previously described, CMS has determined that a temporary enrollment moratorium is needed to combat fraud in this area.

III. Ambulance Moratorium—Geographic Area

Under its authority at § 424.570(a)(2)(i) and (a)(2)(iv), CMS is implementing a temporary moratorium on the Medicare Part B enrollment of ambulance suppliers in the geographic area discussed in this section. The moratorium does not apply to provider-based Medicare ambulances, which are owned and/or operated by a Medicare provider (or furnished under arrangement with a provider) such as a

[14] Office of Inspector General Report, ''CMS and Contractor Oversight of Home Health Agencies.'' (OEI–04–11–00220). See *https://oig.hhs.gov/oei/reports/oei-04-11-00220.pdf.*

[15] Federal Bureau of Investigation, ''Federal Medicare Fraud Strike Force Charges Chicago-Area Defendants with Defrauding Medicare and Other Health Insurers.'' See *http://www.fbi.gov/chicago/press-releases/2013/federal-medicare-fraud-strike-force-charges-chicago-area-defendants-with-defrauding-medicare-and-other-health-insurers.*

[16] Department of Justice, ''Owner of Former South Suburban Home Health Care Business Sentenced to 10 Years in Prison for $2.9 million Medicare Fraud.'' See *http://www.justice.gov/usao/iln/pr/chicago/2012/pr1220_01.pdf.*

[17] HHS and DOJ, ''Health Care Fraud and Abuse Control Program Annual Report for Fiscal Year 2012.'' See *http://oig.hhs.gov/publications/docs/hcfac/hcfacreport2012.pdf.*

[18] The most recent data available.

hospital, critical access hospital, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, or hospice program,[19] and are not required to enroll separately as a supplier in Medicare Part B.[20]

Under regulations at § 455.470 and § 457.990, this moratorium will also apply to Medicaid and CHIP. In contrast to Medicare enrollment rules, the Texas Health and Human Service Commission requires provider-based ambulance companies to enroll as ambulance providers,[21] therefore this moratorium applies to both independent and provider-based ambulances attempting to newly enroll in Medicaid and CHIP. The moratorium does not apply to air ambulances attempting to enroll in Medicare, Medicaid or CHIP.

A. Moratorium on Enrollment of Ambulance Suppliers in the Texas Counties of Harris, Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, and Waller

CMS has determined that the imposition of a temporary enrollment moratorium for ambulance suppliers that in enroll in Medicare Part B, and Medicaid or CHIP ambulance providers in Harris County (which contains the City of Houston) is warranted, and is extending the moratorium to seven surrounding counties—Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, and Waller. CMS has determined that it is necessary to extend this moratorium to the surrounding counties to prevent potentially fraudulent ambulance suppliers and providers from enrolling their practices in a neighboring county to avoid the moratorium. CMS has also consulted with the State Medicaid Agency and reviewed available data and has determined that the moratorium will also apply to Medicaid and CHIP.

Beginning on the effective date of this notice, no new ambulance suppliers will be enrolled into Medicare Part B, and no new ambulance providers will be enrolled in Medicaid or CHIP with a practice location in the Texas Counties of Harris, Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, or Waller unless their enrollment application has already been approved, but not yet entered into PECOS or the State Enrollment System at the time the moratorium is imposed. The moratorium does not apply to air ambulance service suppliers and providers attempting to enroll in Medicare, Medicaid and CHIP.

1. Consultation With Law Enforcement

Consistent with § 424.570(a)(2)(iv), CMS has consulted with both the HHS–OIG and DOJ regarding the imposition of a moratorium on new Medicare ambulance suppliers and new Medicaid or CHIP providers in Harris County and surrounding counties. Both the HHS–OIG and DOJ agree that a significant potential for fraud, waste or abuse exists with respect to ambulance companies in the affected geographic areas. Houston is also a Strike Force location. The HHS–OIG previously found that the Medicare ambulance transport benefit may be highly vulnerable to abuse in areas with high utilization, such as Harris County and surrounding areas.[22] There has also been considerable Strike Force and law enforcement activity in this area of the country. Since April 2012, the US Attorney's Office for the Southern District of Texas has filed 6 cases in Houston alleging that the companies submitted fraudulent claims totaling over $9.5 million to Medicare for ambulance transports, and 7 individuals have been charged in connection with these cases resulting in 3 guilty pleas and 1 trial conviction. For example, in March 2013, the owner and operator of a Houston-area ambulance company was convicted by a federal jury in Houston of multiple counts of health care fraud for submitting false and fraudulent claims to Medicare.[23] In October 2012, as part of the Medicare Fraud Strike Force activity in Houston, the administrator of a Houston-based ambulance company, pleaded guilty to charges that he submitted approximately $1,734,550 in fraudulent claims to Medicare.[24] In May 2012, the owners and operators of four different ambulance companies were charged in Houston for billing Medicare for ambulance rides that were medically unnecessary as part of a nationwide Medicare Fraud Strike Force takedown.[25] Additionally, CMS program integrity contractors are also actively investigating ambulance suppliers in this area.

2. Data Analysis

a. Medicare Data Analysis

CMS' data show that in 2012, there were 26 U.S. counties nationally, including Harris, with at least 200,000 Medicare beneficiaries. CMS excluded Harris County, and used the remaining 25 counties as ''comparison counties.'' In the comparison counties in 2012, there was an average of 0.8 ambulance suppliers per 10,000 Medicare FFS beneficiaries. In Harris County, there were 9.5 ambulance suppliers per 10,000 Medicare FFS beneficiaries. This means that the ratio of ambulance suppliers to Medicare FFS beneficiaries was 1,065 percent greater in Harris County than in the 25 comparison counties. Harris County had the highest ratio of ambulance suppliers to Medicare FFS beneficiaries compared to the comparison counties.

The number of ambulance suppliers in Harris County was also 848 percent greater than the comparison counties in 2012. In addition, of the 275 ambulance suppliers active in Harris County, 66 percent have not been continuously billing—a strong indicator of churn—since 2008, compared to the average comparison county where only 19 percent of ambulance suppliers in 2012 had not been continuously billing since 2008. Harris County had the highest number of providers not continuously billing since 2008 compared to all of the comparison counties.

b. Medicaid Data Analysis

As discussed previously in section I.B.1. of this notice, CMS believes that generally, a category of providers or suppliers that poses a risk to the Medicare program also poses a similar risk to Medicaid and CHIP. In addition, the number of Medicaid ambulance providers per Medicaid ambulance patient in Harris County is extraordinarily high, compared to other areas in the state of Texas. Specifically, Harris County has more than twice the number of ambulance providers per Medicaid ambulance patient as the rest of Texas. (Harris County: 19.1 suppliers per 1,000 Medicaid ambulance recipients versus 7.8 suppliers per 1,000 Medicaid ambulance recipients in the rest of Texas).

[19] Medicare Claims Processing Manual, CMS Pub. No. 100–04, Chapter 15, ''Ambulance.'' See *http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/clm104c15.pdf.*

[20] Medicare Program Integrity Manual, Chapter 15, Medicare Enrollment. See *http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/pim83c15.pdf.*

[21] Texas Medicaid Provider Procedures Manual, Ambulance Services Handbook. See *http://www.tmhp.com/tmppm/2011/Vol2_Ambulance_Services_Handbook.pdf.*

[22] Office of Inspector General Report, ''Medicare Payments for Ambulance Transports.'' (OEI–05–02–0590). See *http://oig.hhs.gov/oei/reports/oei-05-02-00590.pdf.*

[23] Department of Justice, ''Owner and Operator of Houston-Area Ambulance Service Convicted in Medicare Fraud Scheme.'' See *http://www.justice.gov/opa/pr/2013/March/13-crm-273.html.*

[24] Department of Justice press release, ''Houston Ambulance Company Pleads Guilty to Fraud,'' See *http://www.justice.gov/opa/pr/2012/October/12-crm-1242.html.*

[25] Department of Justice, ''Medicare Fraud Strike Force Charges 107 individuals for approximately $452 million in False Billing.'' See *http://www.justice.gov/opa/pr/2012/May/12-ag-568.html.*

3. Beneficiary Access to Care

After consulting with the Texas State Medicaid agency and the State Department of Health Emergency Medical Services and reviewing available data, CMS has concluded that imposing this temporary moratorium will not create an access to care issue for Medicaid or CHIP beneficiaries in Harris County or the surrounding counties at this time. Accordingly, under § 455.470 and § 457.990, this moratorium will apply to the enrollment of ambulance providers in Medicaid and CHIP, unless the state later determines that imposition of the moratorium would adversely impact beneficiary access to care and so notifies CMS under § 455.470(a)(3).

CMS reviewed Medicare data for the target and surrounding counties, and found that there are no problems with access to ambulance suppliers in Harris County or surrounding counties. In addition, as described in section I.B.4. of this notice, MedPAC has not reported any problems with Medicare beneficiary access to ambulance services. While CMS has determined that this temporary moratorium will not create an access to care issue for Medicare beneficiaries in Harris County or the surrounding counties at this time, nevertheless, the agency will continuously monitor these areas under a moratorium for changes, such as any uptick in beneficiary complaints, to ensure there is no access to care issue. As a result of the factors and consultation described previously, CMS has determined that a temporary enrollment moratorium is needed to combat fraud in this area.

IV. Summary of the Moratoria Areas

CMS is executing its authority under sections 1866(j)(7), 1902(kk)(4), and 2107(e)(1)(D) of the Act to implement a moratorium in the following counties for these providers and suppliers (see Tables 1 and 2):

TABLE 1—HOME HEALTH AGENCY MORATORIA

Target city and state	Counties	HEAT Strike Force city	Ratio of HHAs to Medicare FFS beneficiaries as compared to comparison counties [1] (2012)	Medicaid data (2010)
Miami, FL	Miami-Dade, Monroe	Yes	1,960 percent higher.	Ratio of HHAs to Medicaid beneficiaries was 3 times higher than rest of state.
Chicago, IL	Cook, Dupage, Kane, Lake, McHenry, Will.	Yes	327 percent higher	Spending per home health users was 57 percent more than the state as a whole.

[1] CMS data shows that in 2012, there were 26 U.S. counties nationally, including Miami-Dade County, Florida, Cook County, Illinois and Harris County, Texas, but excluding New York County, New York, with at least 200,000 Medicare beneficiaries. In the ''comparison counties'' (when either Miami-Dade County or Cook County were excluded) there was an average of 1.8 HHAs per 10,000 Medicare FFS beneficiaries.

TABLE 2—AMBULANCE MORATORIUM

Target City and State	Counties	HEAT Strike Force city	Ratio of ambulance suppliers to Medicare FFS beneficiaries as compared to comparison [1] counties (2012)	Medicaid data (2010)
Houston, TX	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, Waller.	Yes	1,065 percent higher.	Ratio of ambulance providers to Medicaid beneficiaries was 2 times higher than rest of state.

[1] CMS data shows that in 2012, there were 26 U.S. counties nationally, including Miami-Dade County, Florida; Cook County, Illinois; and Harris County, Texas, but excluding New York County, New York, with at least 200,000 Medicare beneficiaries. In the ''comparison counties,'' which also excluded Harris County, there was an average of 0.8 ambulance suppliers per 10,000 Medicare FFS beneficiaries.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

VI. Regulatory Impact Statement

We have examined the impact of this notice as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2).

Executive Orders 12866 and 13563 direct agencies to assess all 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). A regulatory impact analysis (RIA) must be prepared for major regulatory actions with economically significant effects ($100 million or more in any 1 year). This notice will prevent the enrollment of new home health providers and ambulance suppliers in Medicare, and ambulance providers in Medicaid and CHIP. Though savings may accrue by denying enrollments, the monetary amount cannot be quantified. Additionally, CMS is unable to estimate

how many providers and suppliers will submit applications for enrollment during the moratoria, although it anticipates that most providers and suppliers will not submit applications during the moratoria period. Therefore, this notice does not reach the economic threshold and thus is not considered a major action.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $7.0 million to $35.5 million in any 1 year. Individuals and states are not included in the definition of a small entity. CMS is not preparing an analysis for the RFA because it has determined, and the Secretary certifies, that this notice will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if an action may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, CMS defines a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. CMS is not preparing an analysis for section 1102(b) of the Act because it has determined, and the Secretary certifies, that this notice will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any regulatory action whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2013, that threshold is approximately $141 million. This notice will have no consequential effect on state, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed regulatory action (and subsequent final action) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this notice does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 44 U.S.C. Chapter 35; Sec. 1103 of the Social Security Act (42 U.S.C. 1302).

Dated: July 25, 2013

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2013–18394 Filed 7–26–13; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0961]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Environmental Impact Considerations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Environmental Impact Considerations'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–5156, *Daniel.Gittleson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On February 25, 2013, the Agency submitted a proposed collection of information entitled ''Environmental Impact Considerations'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0322. The approval expires on May 31, 2016. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: July 26, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–18410 Filed 7–30–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0853]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices Current Good Manufacturing Practice Quality System Regulation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on recordkeeping requirements related to the medical devices current good manufacturing practice (CGMP) quality system (QS) regulation (CGMP/QS regulation).

DATES: Submit either electronic or written comments on the collection of information by September 30, 2013.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–5156, *Daniel.Gittleson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the 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. ''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 provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Medical Devices Current Good Manufacturing Practice Quality System Regulation—21 CFR Part 820 (OMB Control Number 0910–0073)—Extension

Under section 520(f) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(f)), the Secretary of the Department of Health and Human Services has the authority to prescribe regulations requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a device but not including an evaluation of the safety and effectiveness of a device), packing, storage, and installation of a device conform to CGMP, as described in such regulations, to assure that the device will be safe and effective and otherwise in compliance with the FD&C Act.

The CGMP/QS regulation implementing authority provided by this statutory provision is found under part 820 (21 CFR part 820) and sets forth basic CGMP requirements governing the design, manufacture, packing, labeling, storage, installation, and servicing of all finished medical devices intended for human use. The authority for this regulation is covered under sections 501, 502, 510, 513, 514, 515, 518, 519, 520, 522, 701, 704, 801, and 803 of the FD&C Act (21 U.S.C. 351, 352, 360, 360c, 360d, 360e, 360h, 360i, 360j, 360l, 371, 374, 381, and 383). The CGMP/QS regulation includes requirements for purchasing and service controls, clarifies recordkeeping requirements for device failure and complaint investigations, clarifies requirements for verifying/validating production processes and process or product changes, and clarifies requirements for product acceptance activities quality data evaluations and corrections of nonconforming product/quality problems.

Requirements are compatible with specifications in the international standards ''ISO 9001: Quality Systems Model for Quality Assurance in Design/Development, Production, Installation, and Servicing.'' The CGMP/QS information collections will assist FDA inspections of manufacturers for compliance with QS requirements encompassing design, production, installation, and servicing processes.

Section 820.20(a) through (e) requires management with executive responsibility to establish, maintain, and/or review the following topics: (1) The quality policy, (2) the organizational structure, (3) the quality plan, and (4) the quality system procedures of the organization.

Section 820.22 requires the conduct and documentation of QS audits and re-audits. Section 820.25(b) requires the establishment of procedures to identify training needs and documentation of such training.

Section 820.30(a)(1) and (b) through (j) requires, in respective order, the establishment, maintenance, and/or documentation of the following topics: (1) Procedures to control design of class III and class II devices and certain class I devices as listed therein; (2) plans for design and development activities and updates; (3) procedures identifying, documenting, and approving design input requirements; (4) procedures defining design output, including acceptance criteria, and documentation of approved records; (5) procedures for formal review of design results and documentation of results in the design history file (DHF); (6) procedures for verifying device design and documentation of results and approvals in the DHF; (7) procedures for validating device design, including documentation of results in the DHF; (8) procedures for translating device design into production specifications; (9) procedures for documenting, verifying, and validating approved design changes before implementation of changes; and (10) the records and references constituting the DHF for each type of device.

Section 820.40 requires manufacturers to establish and maintain procedures controlling approval and distribution of required documents and document changes.

Section 820.40(a) and (b) requires the establishment and maintenance of procedures for the review, approval, issuance, and documentation of required records (documents) and changes to those records.

Section 820.50(a) and (b) requires the establishment and maintenance of procedures and requirements to ensure service and product quality, records of acceptable suppliers, and purchasing data describing specified requirements for products and services.

Sections 820.60 and 820.65 require, respectively, the establishment and maintenance of procedures for identifying all products from receipt to distribution and for using control numbers to track surgical implants and life-sustaining or supporting devices and their components.

Section 820.70(a) through (e), (g)(1) through (g)(3), (h), and (i) requires the establishment, maintenance, and/or documentation of the following topics: (1) Process control procedures; (2) procedures for verifying or validating changes to specification, method, process, or procedure; (3) procedures to control environmental conditions and inspection result records; (4) requirements for personnel hygiene; (5) procedures for preventing contamination of equipment and products; (6) equipment adjustment, cleaning, and maintenance schedules; (7) equipment inspection records; (8) equipment tolerance postings, procedures for utilizing manufacturing materials expected to have an adverse effect on product quality; and (9) validation protocols and validation records for computer software and software changes.

Sections 820.72(a), (b)(1), and (b)(2) and 820.75(a) through (c) require, respectively, the establishment, maintenance, and/or documentation of the following topics: (1) Equipment calibration and inspection procedures; (2) national, international, or in-house calibration standards; (3) records that identify calibrated equipment and next calibration dates; (4) validation procedures and validation results for processes not verifiable by inspections and tests; (5) procedures for keeping validated processes within specified

limits; (6) records for monitoring and controlling validated processes; and (7) records of the results of revalidation where necessitated by process changes or deviations.

Sections 820.80(a) through (e) and 820.86, respectively, require the establishment, maintenance, and/or documentation of the following topics: (1) Procedures for incoming acceptance by inspection, test, or other verification; (2) procedures for ensuring that in process products meet specified requirements and the control of product until inspection and tests are completed; (3) procedures for, and records that show, incoming acceptance or rejection is conducted by inspections, tests or other verifications; (4) procedures for, and records that show, finished devices meet acceptance criteria and are not distributed until device master record (DMR) activities are completed; (5) records in the device history record (DHR) showing acceptance dates, results, and equipment used; and (6) the acceptance/rejection identification of products from receipt to installation and servicing.

Sections 820.90(a), (b)(1), and (b)(2) and 820.100 require, respectively, the establishment, maintenance and/or documentation of the following topics: (1) Procedures for identifying, recording, evaluating, and disposing of nonconforming product; (2) procedures for reviewing and recording concessions made for, and disposition of, nonconforming product; (3) procedures for reworking products, evaluating possible adverse rework effect and recording results in the DHR; (4) procedures and requirements for corrective and preventive actions, including analysis, investigation, identification and review of data, records, causes, and results; and (5) records for all corrective and preventive action activities.

Section 820.100(a)(1) through (a)(7) states that procedures and requirements shall be established and maintained for corrective/preventive actions, including the following: (1) Analysis of data from process, work, quality, servicing records, investigation of nonconformance causes; (2) identification of corrections and their effectiveness; (3) recording of changes made; and (4) appropriate distribution and managerial review of corrective and preventive action information. Section 820.120 states that manufacturers shall establish/maintain procedures to control labeling storage/application; and examination/release for storage and use, and document those procedures.

Sections 820.120(b) and (d), 820.130, 820.140, 820.150(a) and (b), 820.160(a) and (b), and 820.170(a) and (b), respectively, require the establishment, maintenance, and/or documentation of following topics: (1) Procedures for controlling and recording the storage, examination, release, and use of labeling; (2) the filing of labels/labeling used in the DHR; (3) procedures for controlling product storage areas and receipt/dispatch authorizations; (4) procedures controlling the release of products for distribution; (5) distribution records that identify consignee, product, date, and control numbers; and (6) instructions, inspection and test procedures that are made available, and the recording of results for devices requiring installation.

Sections 820.180(b) and (c), 820.181(a) through (e), 820.184(a) through (f), and 820.186 require, respectively, the maintenance of records that are: (1) Retained at prescribed site(s), made readily available and accessible to FDA and retained for the device's life expectancy or for 2 years; (2) contained or referenced in a DMR consisting of device, process, quality assurance, packaging and labeling, and installation, maintenance, and servicing specifications and procedures; (3) contained in a DHR and demonstrate the manufacture of each unit, lot, or batch of product in conformance with DMR and regulatory requirements, include manufacturing and distribution dates, quantities, acceptance documents, labels and labeling, control numbers; and (4) contained in a quality system record, consisting of references, documents, procedures, and activities not specific to particular devices.

Sections 820.198(a) through (c) and 820.200(a) through (d), respectively, require the establishment, maintenance, and/or documentation of the following topics: (1) Complaint files and procedures for receiving, reviewing and evaluating complaints; (2) complaint investigation records identifying the device, complainant, and relationship of the device to the incident; (3) complaint records that are reasonably accessible to the manufacturing site or at prescribed sites; (4) procedures for performing and verifying that device servicing requirements are met and that service reports involving complaints are processed as complaints; and (5) service reports that record the device, service activity, and test and inspection data.

Section 820.250 requires the establishment and maintenance of procedures to identify valid statistical techniques necessary to verify process and product acceptability; and sampling plans, when used, which are written and based on valid statistical rationale; and procedures for ensuring adequate sampling methods.

The CGMP/QS regulation added design and purchasing controls, modified previous critical device requirements, revised previous validation and other requirements, and harmonized device CGMP requirements with QS specifications in the international standard ''ISO 9001: Quality Systems Model for Quality Assurance in Design/Development, Production, Installation, and Servicing.'' The rule does not apply to manufacturers of components or parts of finished devices, or to manufacturers of human blood and blood components subject to 21 CFR part 606. With respect to devices classified in class I, design control requirements apply only to class I devices listed in § 820.30(a)(2) of the regulation. The rule imposes burden upon: (1) Finished device manufacturer firms, which are subject to all recordkeeping requirements; (2) finished device contract manufacturers, specification developers; and (3) repacker, relabelers, and contract sterilizer firms, which are subject only to requirements applicable to their activities. In addition, remanufacturers of hospital single-use devices (SUDs) are now to be considered to have the same requirements as manufacturers in regard to the regulation. The establishment, maintenance and/or documentation of procedures, records, and data required by the regulation assists FDA in determining whether firms are in compliance with CGMP requirements, which are intended to ensure that devices meet their design, production, labeling, installation, and servicing specifications and, thus are safe, effective, and suitable for their intended purpose. In particular, compliance with CGMP design control requirements should decrease the number of design-related device failures that have resulted in deaths and serious injuries.

The CGMP/QS regulation applies to approximately 25,986 respondents. A query of the Agency's registration and listing database shows that approximately 15,113 domestic and 10,873 foreign establishments are respondents to this information collection.[1] These recordkeepers consist of manufacturers, subject to all requirements and contract manufacturers, specification developers, repackers, relabelers, and contract sterilizers, subject only to requirements applicable to their activities. Hospital remanufacturers of SUDs are now defined to be manufacturers under guidance issued by FDA's Center for

[1] Based on fiscal year 2012 data.

Devices and Radiological Health, Office of Surveillance and Biometrics. Respondents to this collection have no reporting activities, but must make required records available for review or copying during FDA inspection. Except for manufacturers, not every type of firm is subject to every CGMP/QS requirement. For example, all are subject to Quality Policy (§ 820.20(a)), Document Control (§ 820.40), and other requirements, whereas only manufacturers and specification developers are subject to subpart C, Design Controls. The PRA burden placed on the 25,986 establishments is an average burden.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity/21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Quality policy—820.20(a)	25,986	1	25,986	7	181,902
Organization—820.20(b)	25,986	1	25,986	4	103,944
Management review—820.20(c)	25,986	1	25,986	6	155,916
Quality planning—820.20(d)	25,986	1	25,986	10	259,860
Quality system procedures—820.20(e)	25,986	1	25,986	10	259,860
Quality audit—820.22	25,986	1	25,986	33	857,538
Training—820.25(b)	25,986	1	25,986	13	337,818
Design procedures—820.30(a)(1)	25,986	1	25,986	2	51,972
Design and development planning—820.30(b)	25,986	1	25,986	6	155,916
Design input—820.30(c)	25,986	1	25,986	2	51,972
Design output—820.30(d)	25,986	1	25,986	2	51,972
Design review—820.30(e)	25,986	1	25,986	23	597,678
Design verification—820.30(f)	25,986	1	25,986	37	961,482
Design validation—820.30(g)	25,986	1	25,986	37	961,482
Design transfer—820.30(h)	25,986	1	25,986	3	77,958
Design changes—820.30(i)	25,986	1	25,986	17	441,762
Design history file—820.30(j)	25,986	1	25,986	3	77,958
Document controls—820.40	25,986	1	25,986	9	233,874
Documentation approval and distribution and document changes—820.40(a) and (b)	25,986	1	25,986	2	51,972
Purchasing controls—820.50(a)	25,986	1	25,986	22	571,692
Purchasing data—820.50(b)	25,986	1	25,986	6	155,916
Identification—820.60	25,986	1	25,986	1	25,986
Traceability—820.65	25,986	1	25,986	1	25,986
Production and process controls—820.70(a)	25,986	1	25,986	2	51,972
Production and process changes and environmental control—820.70(b) and (c)	25,986	1	25,986	2	51,972
Personnel—820.70(d)	25,986	1	25,986	3	77,958
Contamination control—820.70(e)	25,986	1	25,986	2	51,972
Equipment maintenance schedule, inspection, and adjustment—820.70(g)(1) to (g)(3)	25,986	1	25,986	1	25,986
Manufacturing material—820.70(h)	25,986	1	25,986	2	51,972
Automated processes—820.70(i)	25,986	1	25,986	8	207,888
Control of inspection, measuring, and test equipment—820.72(a)	25,986	1	25,986	5	129,930
Calibration procedures, standards, and records—820.72(b)(1) to (b)(2)	25,986	1	25,986	1	25,986
Process validation—820.75(a)	25,986	1	25,986	3	77,958
Validated process parameters, monitoring, control methods, and data—820.75(b)	25,986	1	25,986	1	25,986

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

Activity/21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Revalidation—820.75(c)	25,986	1	25,986	1	25,986
Acceptance activities—820.80(a) to (e)	25,986	1	25,986	5	129,930
Acceptance status—820.86	25,986	1	25,986	1	25,986
Control of nonconforming product—820.90(a)	25,986	1	25,986	5	129,930
Nonconforming product review/disposition procedures and rework procedures—820.90(b)(1) to (b)(2)	25,986	1	25,986	5	129,930
Procedures for corrective/preventive actions—820.100(a)(1) to (a)(7)	25,986	1	25,986	12	311,832
Corrective/preventive activities—820.100(b)	25,986	1	25,986	1	25,986
Labeling procedures—820.120(b)	25,986	1	25,986	1	25,986
Labeling documentation—820.120(d)	25,986	1	25,986	1	25,986
Device packaging—820.130	25,986	1	25,986	1	25,986
Handling—820.140	25,986	1	25,986	6	155,916
Storage—820.150(a) and (b)	25,986	1	25,986	6	155,916
Distribution procedures and records—820.160(a) and (b)	25,986	1	25,986	1	25,986
Installation—820.170	25,986	1	25,986	2	51,972
Record retention period—820.180(b) and (c)	25,986	1	25,986	2	51,972
Device master record—820.181	25,986	1	25,986	1	25,986
Device history record—820.184	25,986	1	25,986	1	25,986
Quality system record—820.186	25,986	1	25,986	1	25,986
Complaint files—820.198(a), (c), and (g)	25,986	1	25,986	5	129,930
Servicing procedures and reports—820.200(a) and (d)	25,986	1	25,986	3	77,958
Statistical techniques procedures and sampling plans—820.250	25,986	1	25,986	1	25,986
Total					9,043,128

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 25, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–18351 Filed 7–30–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Trial Designs and Endpoints for Liver Disease Secondary to Nonalcoholic Steatohepatitis; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration's (FDA's) Center for Drug Evaluation and Research in cosponsorship with the American Association for the Study of Liver Diseases (AASLD) is announcing a 2-day public workshop entitled ''Trial Designs and Endpoints for Liver Disease Secondary to Nonalcoholic fatty liver disease (NAFLD).'' There are no approved treatments for NAFLD and its complications of nonalcoholic steatohepatitis (NASH) and liver fibrosis and cirrhosis. This workshop will provide a forum to discuss trial design, including endpoints for clinical trials in NAFLD, to promote efficient drug development in this area and thus improved treatments for patients.

Date and Time: The public workshop will be held on September 5 and 6, 2013, from 8 a.m. to 5 p.m.

Location: The meeting will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, in the Great Room (room 1503), Silver Spring, MD 20993. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Contact Person: Anissa Davis, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–5016, FAX: 301–796–9904, email: *Anissa.Davis@fda.hhs.gov.*

Registration: There is no fee to attend the public workshop, but attendees must register online at *http://www.aasld.org/additionalmeetings/Pages/aasldfdanash.aspx* before September 1, 2013. (FDA has verified this Web site address but is not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register**.) Space is limited, and registration will be on a first-come, first-served basis. Those without Internet access should contact Anissa Davis (see *Contact Person*) to register. Onsite registration will not be available.

If you need special accommodations due to a disability, please contact Anissa Davis (see *Contact Person*) at least 7 days in advance.

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857.

SUPPLEMENTARY INFORMATION: This workshop will provide a forum to discuss the key issues in the design of clinical trials of drugs for the treatment of liver disease secondary to NAFLD. Stakeholders, including industry sponsors, those from academia, patients with NAFLD-associated liver disease, and FDA, will be engaged to address challenging issues related to selection of endpoints and assessment methodologies in clinical trials. Trial design strategies and possible candidates for endpoints will be explored. The state of knowledge of the natural history of NAFLD will also be discussed.

Dated: July 25, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–18352 Filed 7–30–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Announcement of Requirements and Registration for ''Care Counts: Educating Women and Families Challenge''

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

Award Approving Official: Mary K. Wakefield, Ph.D., R.N., Administrator, Health Resources and Services Administration.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration's (HRSA) Office of Women's Health, located within the Department of Health and Human Services (HHS), and in collaboration with the HHS Office on Women's Health, announces the launch of the Care Counts: Educating Women and Families Challenge.

Women are often at the center of healthy and resilient families; they make approximately 80 percent of all family health care decisions and are more likely to be the primary caregivers for children and elderly parents. To help make women aware of the important benefits available to them and their families through the Affordable Care Act, HHS is initiating this Challenge.

The Affordable Care Act is already making a difference in the lives of millions of Americans. Starting October 1, 2013, millions of uninsured Americans will be able to find affordable health insurance that meets their needs at the new Health Insurance Marketplace (Marketplace). The Marketplace is a one stop shop where people can learn about health insurance, get accurate information on different plans, and make apples-to-apples comparisons of private insurance plans. For the first time, comprehensive information about benefits and quality, side-by-side with facts about price, will help each consumer make the best coverage decision. For more information about how the Marketplace will work, including important deadlines and milestones, visit HealthCare.gov (English) or CuidadoDeSalud.gov (Spanish).

This Challenge will allow teams (the ''Contestants'') to create innovative, educational tools (''Tools'') to inform women consumers, particularly women living in medically underserved communities, about enrollment in new health plans, as well as key provisions of the Affordable Care Act to improve their own health and that of their families.

For purposes of this Challenge, the key provision of the Affordable Care Act is coverage of 22 preventive services for women without copayment. See *https://www.healthcare.gov/what-are-my-preventive-care-benefits#part=2.*

The Tool must refer to *two or more* of the 22 covered preventive services for women. The Tool must also direct consumers to HealthCare.gov (English) or CuidadoDeSalud.gov (Spanish), and the toll-free Centers for Medicare and Medicaid (CMS) call centers (1–800–318–2596) (English and Spanish) to promote enrollment in the Marketplace. The Tool must also include the TTY/TTD call center number (1–888–871–6594).

The Tool may be designed to be used within systems of health care. For purposes of this Challenge, a system of health care is defined as the organization of people, institutions, and resources to deliver comprehensive culturally competent, quality, services to meet the health needs of the target audience. Examples include HRSA's Community Health Centers, Healthy Start programs, Ryan White Care service sites, National Health Service Corps sites, and HHS-supported Title X service sites. The Tool may also be designed to be used in community-based settings where women live, work, and purchase goods and services, such as schools, faith-based settings, recreation centers, and shopping centers.

''Tools'' are defined as print, web, or other social media (including Facebook, Twitter, Google+, Apps, and/or other innovative resources) used to educate the target audience to improve knowledge and abilities leading to action. The target audience for the Tools is adult women in the United States and its territories, particularly women living in medically underserved communities or who experience difficulty accessing health care. The Tools shall focus on communicating complex information in understandable, culturally competent, and relevant ways. Reading level, common language, and health literacy of the target audiences should be considered in development of the Tools.

Contestants must also submit a Promotion/Outreach Plan for the tools. The Promotion/Outreach Plan shall: (1) Be no more than two pages in length; (2) demonstrate the Contestants' understanding of the target audience; and (3) demonstrate how they will use the Tools to reach the target audience.

DATES: Contestants can begin submission of tools August 1, 2013. The submission period will be open for approximately 4 weeks and end on August 30, 2013. Judging will take place between September 3, 2013, and October 31, 2013. Winners will be notified and prizes awarded no later than December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Sabrina Matoff-Stepp, Ph.D., Director, HRSA Office of Women's Health, 301–443–8664.

SUPPLEMENTARY INFORMATION:

Eligible Entities

Eligible entities include state, local, Tribal, or other non-governmental organizations. To be eligible to win a prize under this Challenge, a team:

(1) Shall have registered to participate in the Challenge under the Official Rules;

(2) Shall be comprised of at least two (2) persons, preferably with a combination of technical expertise that may include design, social media, public health, and health communications expertise. Multi-disciplinary teams are encouraged to apply;

(3) In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States;

(4) All persons must be at least eighteen (18) years old at the time of entry and a citizen or permanent resident of the United States;

(5) Shall have complied with all the requirements set forth herein; and

(6) May not be a federal entity or federal employee acting within the scope of their employment.

Competition Submission Period and Other Submission Requirements

(1) Submission Period: ends August 30, 2013.

(2) Review for Eligibility (4 weeks).

(3) Public Voting (2 weeks).

(4) Winners Announced—no later than December 31, 2013.

Contest Guidelines

(1) All Tools must be submitted through the Care Counts: Women, Families, and the Affordable Care Act Challenge Contest page on *www.carecounts.challenge.gov.*

(2) All Tools must specify Spanish *or* English audiences. If Spanish, the submission must also include English translation in a separate PDF document.

(3) All Tools must be submitted with a one-paragraph description of the Tool for promotional and public voting purposes. The paragraph should be no more than 100 words, in a PDF document.

(4) All Tools must be submitted with a Promotion/Outreach plan as a PDF document, double-spaced, 12 point Times New Roman, and no longer than two pages in length. The Plan should demonstrate the Contestants' understanding of the target audience and how to reach that audience with the Tool.

(5) Endorsement of private products, services, or enterprises is prohibited.

(6) References to Congress, legislation, or tools that otherwise suggest or promote lobbying are prohibited.

(7) Tools that contain obscene or offensive information will be disqualified.

(8) All Tools must refer to two or more of the 22 covered preventive services for women. See *https://www.healthcare.gov/what-are-my-preventive-care-benefits#part=2*

(9) All Tools must direct consumers to HealthCare.gov (English) or CuidadoDeSalud.gov (Spanish), to promote enrollment in the Marketplace.

(10) All Tools must mention the toll-free Centers for Medicare and Medicaid Services (CMS) call centers (1–800–318–2596) and 1–888–871–6594 (TTY/TTD).

(11) Mention of Web sites other than HealthCare.gov (English), CuidadoDeSalud.gov (Spanish), or HRSA.gov is not permitted.

(12) Tools should not include any personal identification information (i.e. name, address, Social Security number).

(13) Contestants may submit an entry in each language category, for a limit of two (2) entries per Contestant. Contestants may also submit their Tools in multiple formats, for example, a print tool that can also be formatted for the web, but this is not a requirement of the Challenge.

(14) Contestants may build upon or tailor existing Tools to integrate the Affordable Care Act key provisions noted under the Contest Guidelines above.

(15) Both color and black/white submissions are acceptable.

(16) Video submissions must be 3 minutes or less in length.

(17) All submissions must be 508 compliant. See *http://www.hhs.gov/web/508/checklists/index.html* for more information.

Categories for Submissions

(1) English print, web-based, or social media.

(2) Spanish print, web-based, or social media.

Formatting Requirements

(1) For photos, please use 300 dpi or higher.

(2) For videos, please use MP4 format.

(3) For videos, please upload to YouTube first; then link to your video in the submission form. Helpful links for YouTube:

How to Upload Your Video

Supported YouTube formats

(4) For print materials, please upload a PDF document. Please format print materials for 8½ by 11 or 8½ by 14 size paper.

Winner Selection and Judges

There will be two (2) First Place Winners (one for each category of submission) and two (2) Second Place Winners (one for each category of submission), which will be selected by a panel of judges.

The First Place Winners will be awarded prize dollars in the amount of $7,500 each and receive a signed certificate from the HRSA Administrator. The First Place Winners' Tools will be posted to the HRSA Web site and will be broadly disseminated through the U.S. Department of Health and Human Services distribution channels.

The Second Place Winners will be awarded prize dollars in the amount of $5,000 each, receive a signed certificate from the HRSA Administrator, and their Tools will be posted to the HRSA Web site.

HHS will review the submissions for eligibility and merit according to the challenge criteria, and the public may be asked to vote for their favorite entries in each category. An expert panel comprised of federal employees will recommend the First and Second Place winners in each category. Judges will be fair and impartial; may not have a personal or financial interest in, or be an employee, officer, director, or agent of any entity that is a registered participant in the competition, and may not have a familial or financial relationship with an individual who is a registered Contestant. The panel will provide expert advice on the merits of each submission to HRSA officials responsible for final selections for award. Winners will receive cash prizes and recognition from the HRSA Administrator, as well as have their promotion material featured on the Health Resources and Services Administration's Web site and distributed across HHS.

Judging Criteria

(1) Design and ease of use (35%)

(2) Clarity of ACA-related information (35%)

(3) Promotion/Outreach plan (30%)

Special Considerations

Contestants must direct consumers to HealthCare.gov (English) or CuidadoDeSalud.gov (Spanish), and the toll-free Centers for Medicare and Medicaid Services (CMS) call centers (1–800–318–2596) (English and Spanish) in their Tools. Contestants will create relevant, timely, culturally competent educational Tools for reaching adult women as consumers and family health care decision makers.

Winners and Recognition

Winners will be identified and notified prior to the date of public announcement and promotion of winners. All winning tools will be featured on HRSA.Gov and disseminated via social media channels, including but not limited to HHS and HRSA Facebook, Twitter, and YouTube pages.

Intellectual Property Rights

Each contestant grants the Challenge (HRSA) and others acting on behalf of the Challenge an irrevocable, royalty-free, non-exclusive worldwide license to use, copy for use, distribute, display publicly, perform publicly, create derivative works, and license others to do so for the purpose of the Challenge and/or for the purpose of raising awareness of ACA provisions for adult women consumers.

Publicity

Except where prohibited, participation in the Challenge constitutes the winning Contestants' consent to use of its name, likeness, photograph, voice, opinions, and/or hometown and state by HRSA and/or HHS for promotional purposes in any media, worldwide, without further payment or consideration.

Copyright

Contestants warrant that they are the sole author and owner of the Challenge submission and that the contest submission completely originates with the Contestants, that it does not infringe upon any copyright or any other rights of any third party of which the Contestants is aware, and is free of malware.

Liability

By entering, each Contestant team agrees to: (a) Comply with and be bound by these Official Rules and the decisions of the Challenge and judges which are binding and final in all matters relating to this Challenge; (b) Assume any and all risks and waive claims against the federal government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property (including any damage that may result from a virus, malware, etc. to HRSA systems), revenue, or profits, whether direct, indirect, or consequential, arising from the Contestant's participation in the Challenge, whether the injury, death, damage, or loss arises through negligence or otherwise. The Contestant/Submitter shall be liable for, and shall indemnify and hold harmless the government against, all actions or claims for any claim, demand, judgment, or other allegation arising from alleged violation of an individual's trademark, copyright, or other legally protected interest in tools submitted to HRSA—provided, however, that Contestants are not required to waive claims arising out of the unauthorized use or disclosure by the Sponsor and/or Administrator of the intellectual property, trade secrets, or confidential business information of the Contestant; (c) Be responsible for obtaining their own liability insurance to cover claims by any third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in the Challenge, and claims by the federal government for damage or loss to government property resulting from such an activity; and (d) Indemnify the federal government against third party claims for damages arising from or related to Challenge activities.

Privacy Policy

Challenge Sponsor collects personal information from contestants when they enter the Challenge. The information collected is subject to the privacy policy located at *www.challengepost.com/privacy*.

General Conditions

HRSA reserves the right to cancel, suspend, and/or modify the Contest, or any part of it, for any reason, at HRSA's sole discretion. Participation in this Contest constitutes a contestant's full and unconditional agreement to abide by the Contest's Official Rules found at *www.carecounts.challenge.gov*.

Authority: 15 U.S.C. 3719.

Dated: July 25, 2013.

Mary K. Wakefield,

Administrator.

[FR Doc. 2013–18383 Filed 7–30–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (''the Program''), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place, NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857; (301) 443–6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated her responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table

lists for each covered childhood vaccine the conditions which may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on June 3, 2013, through June 28, 2013. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

(a) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Table but which was caused by'' one of the vaccines referred to in the Table, or

(b) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading ''For Further Information Contact''), with a copy to HRSA addressed to Director, Division of Vaccine Injury Compensation Program, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C–26, Rockville, Maryland 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Dated: July 25, 2013.

Mary K. Wakefield,

Administrator.

List of Petitions Filed

1. Lauren Genshaft, Woodbury, New York, Court of Federal Claims No: 13–0370V
2. Shelly Crane-McDonald, Cary, North Carolina, Court of Federal Claims No: 13–0371V
3. Michael Berglund, Huntington, Vermont, Court of Federal Claims No: 13–0372V
4. Katherine Brooks, Indianapolis, Indiana, Court of Federal Claims No: 13–0373V
5. Matthias and Annika Nikolakopulos on behalf of A.N., Torrance, California, Court of Federal Claims No: 13–0374V
6. Joseph A. Gomes, M.D., New York, New York, Court of Federal Claims No: 13–0375V
7. William Oberle, Brimley, Michigan, Court of Federal Claims No: 13–0381V
8. Karen G. Schmidt, Post Falls, Idaho, Court of Federal Claims No: 13–0382V
9. David Tomaso, Des Plaines, Illinois, Court of Federal Claims No: 13–0387V
10. Amaryllis R. Munoz-Colon, San Juan, Puerto Rico, Court of Federal Claims No: 13–0388V
11. Elizabeth Johnson, Boston, Massachusetts, Court of Federal Claims No: 13–0389V
12. Lori L. Sweeney on behalf of Luella A. Garlanger, Deceased, St. Joseph, Michigan, Court of Federal Claims No: 13–0392V
13. Katelin B. Arnold, Baraboo, Wisconsin, Court of Federal Claims No: 13–0395V
14. Jasmin Rost, Haworth, New Jersey, Court of Federal Claims No: 13–0397V
15. Aaron P. Wyatt on behalf of J. A. W., Fairhope, Alabama, Court of Federal Claims No: 13–0398V
16. Kenneth R. McClelland, Fresno, California, Court of Federal Claims No: 13–0399V
17. Merit Adams on behalf of Gwendolyn D. Adams, Deceased, Phenix City, Alabama, Court of Federal Claims No: 13–0400V
18. Nancy Skow on behalf of Avery Skow, Rice Lake, Wisconsin, Court of Federal Claims No: 13–0405V
19. Dalan and Elizabeth Dahl on behalf of Lexi Dahl, Deceased, Mesa, Arizona, Court of Federal Claims No: 13–0409V
20. Robert L. Pirrello, Greenwich, Connecticut, Court of Federal Claims No: 13–0411V
21. John and Debra Dwornikoski on behalf of Hanna Dwornikoski, Columbia, New Jersey, Court of Federal Claims No: 13–0412V
22. Patricia Egroff, Jamestown, New York, Court of Federal Claims No: 13–0415V
23. Christina Corrigan, Concord Township, Ohio, Court of Federal Claims No: 13–416V
24. Irene and Allen Rayner on behalf of K.R., Boston, Massachusetts, Court of Federal Claims No: 13–0417V
25. Carol Dorn on behalf of Haley Dorn, Auburn, Alabama, Court of Federal Claims No: 13–0420V
26. Lorena Mora on behalf of Genesis Grace Mora, Baldwin Park, California, Court of Federal Claims No: 13–0421V
27. Sean and Kelly Vanyo on behalf of Carson Vanyo, Greensburg, Pennsylvania, Court of Federal Claims No: 13–0422V
28. Lora Anne Zimmer, Reno, Nevada, Court of Federal Claims No: 13–0423V
29. Billy W. Harden, Daytona Beach, Florida, Court of Federal Claims No: 13–0425V
30. Patricia Hercik, Wadsworth, Ohio, Court of Federal Claims No: 13–0429V
31. Tina Noonan, Decatur, Illinois, Court of Federal Claims No: 13–0430V
32. Robert M. Curry, Temple, Texas, Court of Federal Claims No: 13–0432V
33. Scott Schlosser, Meadville, Pennsylvania, Court of Federal Claims No: 13–0433V
34. Margaret Whitlow, Louisville, Kentucky, Court of Federal Claims No: 13–0436V

[FR Doc. 2013–18381 Filed 7–30–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Arsenical Compounds as Therapeutics for Inflammatory Diseases

Description of Technology: FDA approved Arsenic trioxide (Trisenox or As_2O_3) and other arsenical compounds for treatment of acute inflammatory conditions have been shown to be anti-inflammasome therapies. Inflammasomes are large cytoplasmic multi-protein complexes that form in response to intracellular danger signals and play a key role in many infections by controlling the innate immune response. Inflammasome activation has been implicated in metabolic disorders, such as diabetes, and inflammatory diseases, such as gout, arthritis, and cholesterol-associated atherosclerosis. The technology relates to arsenical compounds that inhibit a number of inflammasomes, including the Nlrpl, Nlrp3 and Naip5/Nlrc4, primarily by acting as an inhibitor of caspase-1 activity in innate immune cells (macrophages). It was shown that arsenical compounds induce a cellular condition which inhibits both the autoproteolytic activity of caspase-1, as well as its ability to cleave cytokine substrates. Further, it was shown that the inhibition does not occur through direct modification or inhibition of the caspase-1 enzyme, but rather through induction of a cellular environment inhibitory to its activity. Efficacy in inhibiting immune cell recruitment in a mouse model of gout has been demonstrated. The arsenicals have potential as treatment for a variety of inflammatory conditions.

Potential Commercial Applications: Therapeutics for rheumatoid arthritis, gout, colitis and various inflammatory skin diseases.

Competitive Advantages: These FDA-approved compounds have potential off-target use for treatment of acute inflammatory conditions shown to be responsive to anti-inflammasome therapies.

Development Stage:

- Early-stage
- Pre-clinical
- In vitro data available
- In vivo data available (animal)

Inventors: Mahtab Moayeri, Nolan K. Maier, Stephen H. Leppla (all of NIAID)

Intellectual Property: HHS Reference No. E–112–2013/0—U.S. Provisional Application No. 61/784,138 filed March 14, 2013

Licensing Contact: Suryanarayana (Sury) Vepa, Ph.D., J.D.; 301–435–5020; *vepas@mail.nih.gov.*

A Novel HIV–1 Drug Resistant Integrase Inhibitor

Description of Technology: The subject invention describes a novel and highly potent inhibitor of HIV–1 integrase (IN) that has high efficacy against the major forms of Raltegravir-resistant mutant forms of IN. Thus, this IN inhibitor can be developed as a therapeutic for patients who have developed resistance to current IN inhibitors, such as Raltegravir and Elvitegravir.

Potential Commercial Applications: HIV therapeutic.

Competitive Advantages:

- High efficacy against the major forms of Raltegravir-resistant mutant forms of IN in *in vitro* and whole cell assays.
- An HIV therapeutic for patients resistant to current IN inhibitors.

Development Stage:

- Early-stage
- In vitro data available

Inventors: Xue Zhi Zhao, Steven Smith, Mathieu Metifiot, Barry Johnson, Christophe Marchand, Stephen Hughes, Yves Pommier, Terrence Burke (all of NCI)

Publications:

1. Marchand C, *et al.* HIV–1 IN inhibitors: 2010 update and perspectives. Curr Top Med Chem. 2009;9(11):1016–37. [PMID 19747122].

2. Liao C, *et al.* Authentic HIV–1 integrase inhibitors. Future Med. Chem. 2010 Jul;2(7):1107–22. [PMID 21426159].

Intellectual Property: HHS Reference No. E–093–2013/0—U.S. Provisional Patent Application No. 61/824,306 filed May 16, 2013.

Related Technology: PCT, WO2008010964 (A1), Merck.

Licensing Contact: Sally Hu, Ph.D., MBA; 301–435–5606; *hus@mail.nih.gov.*

Potent and Selective Analogues of Modafinil and Uses Thereof

Description of Technology: This invention describes novel analogues of modafinil, a wake-promoting agent that has been used to treat narcolepsy and other sleep disorders.

Modafinil has attracted attention for the treatment of cognitive dysfunction in disorders such as attention-deficit/hyperactivity disorder (ADHD) as well as cocaine and methamphetamine dependence. However, modafinil has relatively low affinity for binding to the dopamine transporter (DAT) to block dopamine reuptake, and is water-insoluble, thus requiring large doses to achieve pharmacological effects.

Investigators at the National Institute of Drug Abuse have synthesized a series of modafinil analogues that have higher affinity for the dopamine (DAT), serotonin (SERT) and/or norepinephrine (NET) transporters and improved water solubility. These novel analogues present the advantage of higher potency, which may translate into lower effective doses and better bioavailability over modafinil.

Potential Commercial Applications:

- Therapeutic agent for substance abuse (such as nicotine, cocaine, methamphetamine, opioids)
- Therapeutic agent for attention/cognitive disorders (such as ADHD)
- Therapeutic agent for sleep disorders

Competitive Advantages:

- Higher affinity for monoamine transporters (DAT, SERT, and NET)
- Lower effective doses
- Better bioavailability,
- Improved water solubility

Development Stage: Early-stage

Inventors: Amy H. Newman, Oluyomi M. Okunola-Bakare, Jianjing Cao, Jonathan Katz (all of NIDA)

Intellectual Property: HHS Reference No. E–073–2013/0—U.S. Provisional Application No. 61/774,878 filed March 8, 2013

Related Technologies:

- HHS Reference No. E–251–2002—U.S. Provisional Application No. 60/410,715.

• HHS Reference No. E–128–2006—PCT Application No. PCT/US2007/071412.

Licensing Contact: Charlene Sydnor, Ph.D.; 301–435–4689; *sydnorc@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute on Drug Abuse is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Potent and Selective Analogues of Modafinil and Uses Thereof. For collaboration opportunities, please contact Michelle Kim Leff, MD, MBA at *mleff@mail.nih.gov.*

Translocator Protein 18 kDa PET Radioligands With High Affinities Regardless of Genotype

Description of Technology: This technology relates to a group of Translocator protein 18 kDa (TSPO) radioligands for Positron Emission Tomography (PET) that are specific and accurate, regardless of genotype. TSPO is a mitochondrial protein expressed in inflammatory cells, which is a marker for neuroinflammation. Neuroinflammation is symptomatic of many neuropsychiatric and neurodegenerative disorders, such as multiple sclerosis, stroke, epilepsy, dementia, and traumatic brain injuries. Monitoring and quantifying TSPO 18 kDa with radioligands in PET may have clinical application in understanding, diagnosing and treating many neuropsychiatric disorders. However, current TSPO 18 kDa radioligands either lack specificity or, due to TSPO polymorphisms, have highly variable inter-subject sensitivities depending on genotype. These new ligands are specific and accurate, regardless of genotype, allowing simplified interpretation and quantification of the binding signal.

Potential Commercial Applications: Biomarker or diagnostic for neuroinflammation

Competitive Advantages: Specific and accurate, regardless of genotype

Development Stage:

• Early-stage
• Pre-clinical
• In vivo data available (animal)

Inventors: Robert B. Innis, Victor W. Pike, Sam S. Zoghbi, Yi Zhang (NIMH); Sabrina Castellano (University of Salerno, Italy); Giorgio Stefancich (University of Trieste, Italy); Sabrina Talia, Federico Da Settimo, Claudia Martini (University of Pisa, Italy)

Publications:

1. Oh U, *et al.* Translocator protein PET imaging for glial activation in multiple sclerosis. J Neuroimmune Pharmacol. 2011 Sep;6(3):354–61. [PMID 20872081]

2. Kreisl WC, *et al.* Stroke incidentally identified using improved positron emission tomography for microglial activation. Arch Neurol. 2009 Oct;66(1):1288–9. [PMID 19822787]

3. Hirvonen J, *et al.* Increased in vivo expression of an inflammatory marker in temporal lobe epilepsy. J Nucl Med. 2012 Feb;53(2):234–40. [PMID 22238156]

4. Kreisl WC, *et al.* In vivo radioligand binding to translocator protein correlates with severity of Alzheimer's disease. Brain. 2013 Jul;136(Pt 7):2228–38. [PMID 23775979]

Intellectual Property: HHS Reference No. E–262–2012/0—U.S. Provisional Patent Application No. 61/777, 542 filed March 12, 2013

Licensing Contact: Edward (Tedd) Fenn, J.D.; 424–500–2005; *Tedd.fenn@nih.gov.*

Collaborative Research Opportunity: The National Institute of Mental Health is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize TSPO radioligands for monitoring inflammation. For collaboration opportunities, please contact Suzanne Winfield at *winfiels@mail.nih.gov.*

Dated: July 25, 2013.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2013–18329 Filed 7–30–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious 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 Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01).

Date: August 26, 2013.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Betty Poon, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, (301) 402–6891, *poonb@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 25, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–18327 Filed 7–30–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the teleconference meeting of the National Cancer Institute Board of Scientific Advisors *ad hoc* Subcommittee on HIV/AIDS Malignancy, August 08, 2013, 10:30 a.m. to 12:00 p.m., National Cancer Institute, NIH, Building 10, Room 10S255, 10 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on July 24, 2013, 78FR44577.

This meeting notice is amended to provide a change in location for the public. The location for the public is National Cancer Institute Shady Grove, 9609 Medical Center Drive, Seventh Floor, West Tower, Room 7W034, Rockville, MD 20850. As previously indicated, members of the public may also dial-in to the teleconference using the following number: 866–492–1791. The meeting is open to the public.

Dated: July 25, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–18326 Filed 7–30–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Prevention Therapeutics.

Date: August 21, 2013.

Time: 1:00 p.m. to 3:30 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: Careen K Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–3504, *tothct@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cognition and Perception.

Date: August 28–29, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Mark Lindner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, 301–435–0913, *mark.lindner@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: July 24, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–18325 Filed 7–30–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, NIDDK Central Repositories Non-Renewable Sample Access (X01): Kidney, Urology and Hepatitis C.

Date: August 16, 2013.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Time-Sensitive Obesity Research.

Date: August 21, 2013.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 24, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–18328 Filed 7–30–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2002–11602]

Extension of Agency Information Collection Activity Under OMB Review: Security Programs for Foreign Air Carriers

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-day Notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0005, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on May 22, 2013, (78 FR 30319). This information collection is mandatory for foreign air carriers and must be submitted prior to entry into the United States.

DATES: Send your comments by August 30, 2013. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974. or when OMB back to accepting mail: [Mail your comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: DHS–TSA Desk Officer.]

FOR FURTHER INFORMATION CONTACT: Susan L. Perkins, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security

Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–3398; email *TSAPRA@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Security Programs for Foreign Air Carriers.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652–0005.

Form(s): N/A.

Affected Public: Foreign air carriers.

Abstract: OMB Control Number 1652–0005; Security Programs for Foreign Air Carriers, 49 CFR part 1546. TSA uses the information collected to determine compliance with 49 CFR part 1546 and to ensure passenger safety by monitoring foreign air carrier security procedures. Foreign air carriers must carry out security measures to provide for the safety of persons and property traveling on flights provided by the foreign air carrier against acts of criminal violence and air piracy, and the introduction of explosives, incendiaries, or weapons aboard an aircraft. This information collection is mandatory for foreign air carriers and must be submitted prior to entry into the United States. The information TSA collects includes identifying information on foreign air carriers' flight crews and passengers. Specifically, TSA requires foreign air carriers to submit the following information: (1) A master crew list of all flight and cabin crew members flying to and from the United States; (2) the flight crew list on a flight-by-flight basis; (3) passenger information on a flight-by-flight basis; and (4) total amount of cargo screened. Foreign air carriers are required to provide this information via electronic means. Foreign air carriers with limited electronic systems may need to modify their current systems or develop a new computer system in order to submit the requested information. Additionally, foreign air carriers must maintain these records, as well as training records for crew members and individuals performing security-related functions, and make them available to TSA for inspection upon request. TSA will continue to collect information to determine foreign air carrier compliance with other requirements of 49 CFR part 1546.

Number of Respondents: 170.

Estimated Annual Burden Hours: An estimated 1,029,010 hours annually.

Dated: June 24, 2013.

Susan L. Perkins,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2013–18344 Filed 7–30–13; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs And Border Protection

Accreditation and Approval of Pan Pacific Surveyors, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Pan Pacific Surveyors, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Pan Pacific Surveyors, Inc., has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of July 19, 2012.

DATES: *Effective Dates:* The accreditation and approval of Pan Pacific Surveyors, Inc., as commercial gauger and laboratory became effective on July 19, 2012. The next triennial inspection date will be scheduled for July 2015.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Pan Pacific Surveyors, Inc., 444 Quay Ave., Suite #7, Wilmington, CA 90744, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf*

Dated: July 24, 2013.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2013–18357 Filed 7–30–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–65]

30-Day Notice of Proposed Information Collection: Federal Labor Standards Payee Verification and Payment Processing

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* August 30, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 28, 2013.

A. Overview of Information Collection

Title of Information Collection: Federal Labor Standards Payee Verification and Payment Processing.

OMB Approval Number: 2501–0021.

Type of Request: This is a reinstatement, without change collection.

Form Number: HUD–4734.

Description of the need for the information and proposed use: The information collected by HUD is used to issue refunds to depositors where labor standards discrepancies have been resolved, and to issue wage restitution payments on behalf of construction and maintenance workers who have been underpaid for work performed on HUD-assisted projects subject to prevailing wage requirements.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 5 hours per year. The number of respondents is 50, the number of responses is 50, the frequency of response is on occasion, and the burden hour per response is 5.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 26, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–18422 Filed 7–30–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–64]

30-Day Notice of Proposed Information Collection: Request Voucher for Grant Payment and Line of Credit Control System (LOCCS) Voice Response System Access

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* August 30, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 28, 2013.

A. Overview of Information Collection

Title of Information Collection: Request Voucher for Grant Payment and Line of Credit Control System (LOCCS) Voice Response System Access.

OMB Approval Number: 2535–0102.

Type of Request: Extension of a previously approved collection.

Form Number: HUD–27054, HUD–27053.

Description of the need for the information and proposed use: Payment request vouchers for distribution of grant funds using the automated Voice Response System (VRS). An authorization form is submitted to establish access to the voice activated payment system.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD–27053, ...	2,420	115	278,300	0.17	47,311	$20	$946,220
HUD–27054	2,420	1	2,420	0.17	411	20	8,220

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Total	.....	.....	.....	.....	47,722	20	954,440

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 26, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–18424 Filed 7–30–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–FHC–2013–N169; FXFR1334088TWG0W4–123–FF08EACT00]

Trinity Adaptive Management Working Group; Public Meeting, Teleconference and Web-Based Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce a joint meeting between the Trinity Adaptive Management Working Group (TAMWG) and Trinity Management Council (TMC).

DATES: *Public meeting, Teleconference, and web-based meeting:* TAMWG and TMC will meet Tuesday, August 27, 2013, from 9:30 a.m. to 3:30 p.m. Pacific time. *Deadlines:* For deadlines and directions on registering or to listen to the meeting by phone, listening and viewing on the Internet, and submitting written material, please see ''Public Input'' under **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will start at the North Fork Grange Hall, Dutch Creek Road, Junction City, CA 96048. We will have lunch and the meeting will resume at the Indian Creek Lodge, 59741 California 299, Douglas City, CA 96024. You may participate in person or by teleconference or web-based meeting from your home computer or phone.

FOR FURTHER INFORMATION CONTACT: Elizabeth W. Hadley, Redding Electric Utility, 777 Cypress Avenue, Redding, CA 96001; telephone: 530–339–7327; email: *ehadley@reupower.com*.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., this notice announces a joint meeting of the TAMWG and TMC.

Background

The TAMWG affords stakeholders the opportunity to give policy, management, and technical input concerning Trinity River (California) restoration efforts to the TMC. The TMC interprets and recommends policy, coordinates and reviews management actions, and provides organizational budget oversight.

Meeting Agenda

- How are we doing at TMC/TAMWG communication? What can we do to improve?,
- Phase 1 Restoration Evaluation,
- Decision Support System, and
- Update on 2013 fall flows.

The final agenda will be posted on the Internet at *http://www.fws.gov/arcata*.

Public Input

If you wish to	You must contact Elizabeth Hadley (**FOR FURTHER INFORMATION CONTACT**) no later than
Listen to the teleconference/web-based meeting via telephone or Internet	August 20, 2013.
Submit written information or questions for the TAMWG to consider during the teleconference	August 20, 2013.

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for the TAMWG to consider during the meeting. Written statements must be received by the date listed in ''Public Input,'' so that the information may be available to the TAMWG for their consideration prior to this teleconference. Written statements must be supplied to Elizabeth Hadley in one of the following formats: One hard copy with original signature, and one electronic copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, PowerPoint, or rich text file).

Registered speakers who wish to expand on their oral statements, or those who wished to speak but could not be accommodated on the agenda, may submit written statements to Elizabeth Hadley up to 7 days after the meeting.

Meeting Minutes

Summary minutes of the meeting will be maintained by Elizabeth Hadley (see **FOR FURTHER INFORMATION CONTACT**). The draft minutes will be available for public inspection within 15 days after the meeting, and will be posted on the TAMWG Web site at *http://www.fws.gov/arcata*.

Dated July 25, 2013.

Joseph C. Polos,

Supervisory Fish Biologist, Arcata Fish and Wildlife Office, Arcata, California.

[FR Doc. 2013–18356 Filed 7–30–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX13EF00CDACQ00]

Information Collection Sent to the Office of Management and Budget (OMB) for Approval; National Geospatial Program: The National Map

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of an extension of an Information Collection (1028–0092).

SUMMARY: We (the U.S. Geological Survey) have sent an Information Collection Request (ICR) to OMB for review and approval. The ICR, which is summarized below, describes the nature of the collection and the estimated burden and cost. As required by the Paperwork Reduction Act of 1995 (PRA) we 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.

DATES: You must submit comments on or before August 30, 2013.

ADDRESSES: Please submit written comments on this information collection directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior via email: (*OIRA_SUBMISSION@omb.eop.gov*); or by fax (202) 395–5806; and identify your submission with OMB Control Number 1028–0092. Please also send a copy of your comments and suggestions on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7195 (fax); or *dgovoni@usgs.gov* (email). Please reference OMB Information Collection 1028–0092.

FOR FURTHER INFORMATION CONTACT: To request additional information please contact Teresa Dean by telephone at (703) 648–4825 or *tdean@usgs.gov* (email). You may also find information about this ICR at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The USGS will provide funding for the collection of orthoimagery and elevation data. We will accept applications from State, local, or tribal governments; nonprofit, nongovernmental organizations; and academic institutions to advance the development of *The National Map* and other national geospatial databases. This effort will support our need to supplement ongoing data collection activities to respond to an increasing demand for more accurate and current elevation data and orthoimagery. Respondents will submit applications and project narratives via Grants.gov. Grant recipients must complete quarterly reports and a final technical report at the end of the project period. All application instructions and forms are available on the Internet through Grants.gov (*www.grants.gov*). Hard/paper submissions and electronic copies submitted via email will not be accepted under any circumstances. All reports will be accepted electronically via email.

II. Data

OMB Control Number: 1028–0092.

Title: National Geospatial Program: The National Map.

Type of Request: Extension of a currently approved collection.

Respondent Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Applications are submitted in response to a NOFA; reports are submitted quarterly and at the end of the project period.

Description of Respondents: State, local, and tribal governments; private and non-profit firms; and academic institutions.

Estimated Number of Annual Responses: 175 (75 applications, 80 quarterly reports and 20 final reports).

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 4,980 hours. We expect to receive approximately 75 applications. It will take each applicant approximately 60 hours to complete the narrative and prepare supporting documents. This includes the time for project conception and development, proposal writing, reviewing, and submitting the proposal application through Grants.gov (totaling 4,500 burden hours). We anticipate awarding 20 grants per year. The award recipients must submit quarterly and final reports during the project. Within 7 days of the beginning of each quarter, a report must be submitted summarizing the previous quarter's progress. The quarterly report will take approximately 1 hour to prepare (totaling 80 burden hours). A final report must be submitted within 90 calendar days of the end of the project period. We estimate that it will take approximately 20 hours per grantee to complete a final report (totaling 400 burden hours).

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are no ''non-hour cost'' burdens associated with this collection of information.

III. Request for Comments

On April 29, 2013, we published a **Federal Register** notice (78 FR 25095) announcing that we would submit this ICR to OMB for approval and soliciting comments. The comment period closed on June 28, 2013. We did not receive any comments in response to that notice.

We again invite comments concerning this ICR on: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) ways to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 24, 2013.

Julia Fields,

Deputy Director, National Geospatial Program.

[FR Doc. 2013–18298 Filed 7–30–13; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[134A2100DD.AAK4004601.A0N5A2020]

Renewal of Agency Information Collection for Grazing Permits

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for Grazing Permits authorized by OMB Control Number

1076–0157. This information collection expires July 31, 2013.

DATES: Interested persons are invited to submit comments on or before August 30, 2013.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an email to: *OIRA_Submission@omb.eop.gov*. Please send a copy of your comments to David Edington, Office of Trust Services, 1849 C Street NW., Mail Stop 4637 MIB, Washington, DC 20240; facsimile: (202) 219–0006; email: *David.Edington@bia.gov*.

FOR FURTHER INFORMATION CONTACT: David Edington, (202) 513–0886. You may review the information collection request online at *http://www.reginfo.gov*. Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of Indian Affairs (BIA) is seeking renewal of the approval for the information collection conducted under 25 CFR part 166, Grazing Permits, related to grazing on tribal land, individually-owned Indian land, or government land. This information collection allows BIA to obtain the information necessary to determine whether an applicant is eligible to acquire, modify, or assign a grazing permit on trust or restricted lands and to allow a successful applicant to meet bonding requirements. Some of this information is collected on forms. No third party notification or public disclosure burden is associated with this collection.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personally identifiable 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.

III. Data

OMB Control Number: 1076–0157.

Title: Grazing Permits, 25 CFR 166.

Brief Description of Collection: Submission of this information allows individuals or organizations to acquire or modify a grazing permit on tribal land, individually-owned Indian land, or government land and to meet bonding requirements. Some of this information is collected on the following forms: Form 5–5423—Performance Bond, Form 5–5514—Bid for Grazing Privileges, Form 5–5515—Grazing Permit, Form 5–5516—Grazing Permit for Organized Tribes, Form 5–5517—Free Grazing Permit, Form 5–5519—Cash Penal Bond, Form 5–5520—Power of Attorney, Form 5–5521—Certificate and Application for On-and-Off Grazing Permit, Form 5522—Modification of Grazing Permit, Form 5–5523—Assignment of Grazing Permit, Form 5–5524—Application for Allocation of Grazing Privileges, Form 5–5525—Authority to Grant Grazing Privileges on Allotted Lands, Form 5–5528—Livestock Crossing Permit, and Form 5–5529—Removable Range Improvement Records. Response is required to obtain or retain a benefit.

Form 5–5527—Stock Counting Record is still in use but not considered to be an information collection as the program has determined the information for these forms to be available from other forms, found in existing records, or generated by BIA staff.

Type of Review: Revision of currently approved collection.

Respondents: Tribes, tribal organizations, individual Indians, and non-Indian individuals and entities.

Number of Respondents: 2,700 individual Indian allottee landowners, tribes, tribal organizations, and other individuals and entities.

Number of Responses: 5,715.

Estimated Time per Response: 20 minutes to 1 hour, on average.

Estimated Total Annual Hour Burden: 1,983 hours.

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: July 25, 2013.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2013–18401 Filed 7–30–13; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L51010000.FX0000.LVRWB09B2600. LLCAD06000]

Notice of Availability of the Draft Supplemental Environmental Impact Statement for the Palen Solar Electric Generating System and Draft California Desert Conservation Area Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) has prepared a Draft Supplemental Environmental Impact Statement (EIS) and Draft California Desert Conservation Area (CDCA) Plan Amendment for the Palen Solar Electric Generating System (PSEGS). This Draft Supplemental EIS supplements the Final EIS prepared for the Palen Solar Power Project (PSPP), Riverside County, California. This notice announces the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft Supplemental EIS within 90 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. The BLM will announce 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 PSEGS project by any of the following methods:

- *Web site: http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/palen_solar_electric.html.*
- *Email: fmcmenimen@blm.gov.*
- *Fax:* 760–833–7199.
- *Mail:* Frank McMenimen, Project Manager, BLM Palm Springs—South

Coast Field Office, 1201 Bird Center Drive, Palm Springs, CA 92262.

Copies of the PSEGS Draft Supplemental EIS and the PSPP Final EIS are available from the Palm Springs—South Coast Field Office at the above address.

FOR FURTHER INFORMATION CONTACT: Frank McMenimen, BLM Project Manager, telephone 760–833–7150, address 1201 Bird Center Drive, Palm Springs, CA 92262; email *fmcmenimen@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 PSEGS project is approximately 10 miles east of Desert Center in Riverside County, California, on BLM-administered land. The BLM published a Final EIS analyzing the original PSPP on May 13, 2011 (76 FR 28064); a record of decision was never signed. BrightSource Energy (BSE) took over the project in 2012. BSE and its project partner, Abengoa, through the project holding company, Palen Solar III, LLC, have filed with the BLM a revised Plan of Development (POD) that proposes a change from the PSPP solar thermal parabolic trough technology to a solar thermal power tower technology. The revised project would generate approximately 500 megawatts (MW) of electricity and would encompass 3,896 acres.

The proposed project consists of the construction of two power plant units with a net generating capacity of up to 250MWs each, consisting of two 750-foot tall power tower solar receivers that would be driven by a field of heliostats, whereas the PSPP Final EIS proposed parabolic trough receivers. The PSEGS would be developed entirely within the facility footprint previously analyzed by the PSPP Final EIS, with the exception of a slight modification in the westernmost portion of the generation tie-line to accommodate the relocation of the Red Bluff Substation and to align the transmission corridors of the project with existing transmission generation tie-lines from other approved generation projects. Additional infrastructure would include an electrical switchyard, a natural gas pipeline and an access road.

The CDCA Plan, while recognizing the potential compatibility of solar generation facilities with other uses on public lands, requires that all sites proposed for power generation or transmission generation tie-lines greater than 161 kilovolts (kV), not already identified in the CDCA Plan be considered through the plan amendment process. This Draft Supplement EIS incorporates and supplements the analysis of the plan amendment contained in the Final EIS. If the BLM decides to grant a ROW, the BLM would amend the CDCA Plan as required based on guidance in the BLM Land Use Planning Handbook (H–1601–1).

Palen Solar III, LLC, is anticipating construction to begin in early 2014 and take approximately 34 months in order to meet the PSEGS delivery obligations under existing approved power purchase agreements with California utilities. The PSEGS facility has an anticipated operational life of 25 to 30 years. Accordingly, Palen Solar III, LLC, is requesting a right-of-way grant from the BLM for an initial period of 30 years.

The 2011 PSPP Final EIS considered solar power tower technology but did not analyze it in detail. The Draft Supplemental EIS analyzes in detail an alternative to utilize this technology, including additional site-specific impacts resulting from the change in technology and additional ancillary facilities or relocation of facilities. This includes impacts to air quality, biological resources, cultural resources, water resources, geological resources and hazards, hazardous materials handling, noise, paleontological resources, public health, socioeconomics, soils, traffic and transportation, visual resources, waste management, worker safety and fire protection, as well as facility design engineering, efficiency, reliability, transmission system engineering and transmission line safety and nuisance.

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: 43 CFR 1610.2, 40 CFR 1506.6 & 1506.10.

Cynthia Staszak,

Associate Deputy State Director.

[FR Doc. 2013–18386 Filed 7–30–13; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–CACO–13444; PPNECACOS0, PPMPSD1Z.YM0000]

Notice of September 9, 2013, Meeting for Cape Cod National Seashore Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: This notice sets forth the date of the Two Hundred Ninetieth Meeting of the Cape Cod National Seashore Advisory Commission.

DATES: The public meeting of the Cape Cod National Seashore Advisory Commission will be held on Monday, September 9, 2013 at 1:00 p.m. (EASTERN).

ADDRESSES: The Commission members will meet in the meeting room at Park Headquarters, 99 Marconi Site Road, Wellfleet, Massachusetts 02667.

The two-hundred and ninetieth meeting of the Cape Cod National Seashore Advisory Commission will take place on Monday, September 9, 2013, at 1:00 p.m., in the meeting room at Headquarters, 99 Marconi Station, in Wellfleet, Massachusetts to discuss the following:

1. Adoption of Agenda
2. Approval of Minutes of Previous Meeting (May 13, 2013)
3. Reports of Officers
4. Reports of Subcommittees
   - Update of Pilgrim Nuclear Plant Emergency Planning Subcommittee
5. Superintendent's Report
   - Herring Cove Bathhouse
   - Update on Sequestration/FY 13 budget
   - Update on Dune Shacks
   - Improved Properties/Town Bylaws
   - Herring River Wetland Restoration
   - Wind Turbines/Cell Towers
   - Storm Damage
   - Shorebird Management Planning
   - Highlands Center Update
   - Alternate Transportation funding
   - Ocean stewardship topics—shoreline change
   - Climate Friendly Parks
6. Old Business
7. New Business
8. Date and agenda for next meeting
9. Public comment and
10. Adjournment

FOR FURTHER INFORMATION CONTACT: Further information concerning the meeting may be obtained from the Superintendent, George E. Price, Jr., Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667, at (508) 771–2144.

SUPPLEMENTARY INFORMATION: The Commission was reestablished pursuant to Public Law 87–126 as amended by Public Law 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or her designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members. Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent prior to the meeting. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 25, 2013.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2013–18372 Filed 7–30–13; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–CEBE–13504; PPNECEBE00, PPMPSAS1Z.Y00000]

Notice of Public Meetings for Cedar Creek and Belle Grove National Historical Park Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of public meetings.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, National Park Service, Cedar Creek and Belle Grove National Historical Park Advisory Commission will hold quarterly meetings to discuss park projects and the implementation of the Park's general management plan.

DATE: September 19, 2013.

Location: Strasburg Town Hall Council Chambers, 174 East King Street, Strasburg, VA 22657.

Date: December 19, 2013.

Location: Middletown Town Council Chambers, 7875 Church Street, Middletown, VA 22645.

Date: March 20, 2014.

Location: Warren County Government Center, 220 North Commerce Avenue, Front Royal, VA 22630.

Date: June 19, 2014.

Location: Strasburg Town Hall Council Chambers, 174 East King Street, Strasburg, VA 22657.

Agenda: Committee meetings will consist of the following:

1. General Introductions
2. Review and approval of Commission Meeting Notes
3. Reports and Discussions
4. Old Business
5. New Business
6. Closing Remarks

All meetings are open to the public and begin at 8:30 a.m.

FOR FURTHER INFORMATION CONTACT: Further information concerning the meetings may be obtained from Amy Bracewell, Site Manager, Cedar Creek and Belle Grove National Historical Park, P.O. Box 700, Middletown, Virginia 22645, telephone (540) 868–9176.

SUPPLEMENTARY INFORMATION: All meetings are open to the public. Topics to be discussed include: visitor services and interpretation—including directional and interpretive signage and visitor facilities, land protection planning, historic preservation, and natural resource protection.

The Park Advisory Commission was designated by Congress to provide advice to the Secretary of the Interior on the preparation and implementation of the park's general management plan and to advise on land protection. Individuals who are interested in the Park, the implementation of the plan, or the business of the Commission are encouraged to attend the meetings. Interested members of the public may present, either orally or through written comments, information for the committee to consider during the public meeting. Attendees and those wishing to provide comment are strongly encouraged to preregister through the contact information provided. Scheduling of public comments during the Commission meeting will be determined by the chairperson of the Commission.

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 view, we cannot guarantee that we will be able to do so.

Dated: July 23, 2013.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2013–18369 Filed 7–30–13; 8:45 am]

BILLING CODE 4310–AR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[G63–0982–9832–100–96–76, 84–55000]

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and are new, modified, discontinued, or completed since the last publication of this notice. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities consistent with section 9(f) of the Reclamation Project Act of 1939. Additional announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Michelle Kelly, Water and Environmental Resources Division, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2888.

SUPPLEMENTARY INFORMATION: Consistent with section 9(f) of the Reclamation Project Act of 1939, and the rules and regulations published in 52 FR 11954, April 13, 1987 (43 CFR 426.22), Reclamation will publish notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to

contract execution. Please use the first quarter notice, 78 FR 21969, dated April 12, 2013, as a reference.

Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act, as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his or her designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to, (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. At a minimum, the regional director will furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Definitions of Abbreviations Used in the Reports

ARRA American Recovery and Reinvestment Act of 2009
BCP Boulder Canyon Project
Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District
LCWSP Lower Colorado Water Supply Project
M&I Municipal and Industrial
NMISC New Mexico Interstate Stream Commission
O&M Operation and Maintenance
P–SMBP Pick-Sloan Missouri Basin Program
PPR Present Perfected Right
RRA Reclamation Reform Act of 1982
SOD Safety of Dams
SRPA Small Reclamation Projects Act of 1956
USACE U.S. Army Corps of Engineers
WD Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5344.

Modified contract action:

8. Three irrigation water user entities, Rogue River Basin Project, Oregon: Long-term contracts for exchange of water service with three entities for the provision of up to 292 acre-feet of stored water from Applegate Reservoir (a USACE project) for irrigation use in exchange for the transfer of out-of-stream water rights from the Little Applegate River to instream flow rights with the State of Oregon for instream flow use.

Completed contract action:

11. Prineville Reservoir Water Users, Crooked River Project, Oregon: Repayment agreements with spaceholder contractors for reimbursable cost of SOD modifications to Arthur R. Bowman Dam.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

New contract action:

57. Fresno County Waterworks No. 18, Friant Division, CVP, California: Execution of an agreement to provide for the O&M of select Federal facilities by Fresno County Waterworks No. 18.

Completed contract actions:

21. Oro Loma WD, CVP, California: Proposed partial assignment of 4,000 acre-feet of the District's CVP supply to Westlands WD for irrigation and M&I use. Assignment executed on March 1, 2012.

39. Tea Pot Dome WD and Saucelito ID, CVP, California: Partial assignment of 300 acre-feet of Tea Pot Dome's current Friant Division contract class 1 water supply to Saucelito ID. Assignment executed on April 14, 2013.

40. Lewis Creek WD and Hills Valley ID, CVP, California: Partial assignment of 250 acre-feet of Lewis Creek's current Friant Division contract class 1 water to Hills Valley ID. Assignment executed on April 12, 2013.

41. Porterville ID and Hills Valley ID, CVP, California: Partial assignment of 1,000 acre-feet of Porterville's class 1 water to Hills Valley ID. Assignment executed on April 14, 2013.

42. Exeter ID and Tri-Valley WD, CVP, California: Partial assignment of 400 acre-feet of Exeter's class 1 water to Tri-Valley WD. Assignment executed on April 15, 2013.

49. Virginia L. Lempesis Separate Property Trust, CVP, California: Contract for the adjustment and settlement of certain claimed water rights in the Fresno Slough tributary to the San Joaquin River in fulfillment of such rights pursuant to contract No. I1r-1145 for the purchase of Miller & Lux Water Rights, dated July 27, 1939. Contract executed on April 6, 2013.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8192.

Completed contract action:

10. Gila River Indian Community and Apache Junction, CAP, Arizona: Approve a CAP water lease for 1,000 acre-feet per year which will end on the 100th anniversary of the option effective date as described in the lease. Lease executed on May 24, 2013.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone 801–524–3864.

Modified contract actions:

3. Various Contactors, San Juan-Chama Project, New Mexico: The United States proposes to continue leasing water from various project contractors to stabilize flows in a critical reach of the Rio Grande in order to meet the needs of irrigators and preserve habitat for the silvery minnow. Reclamation expects to lease approximately 20,000 acre-feet of water from willing lessors in 2013.

4. Individual Irrigators, Carlsbad Project, New Mexico: The United States proposes to continue entering into forbearance contracts and lease agreements with individuals who have privately held water rights to divert nonproject water either directly from the Pecos River or from shallow/artesian wells in the Pecos River Watershed. Reclamation is in negotiations with Fort Sumner ID for partial and full-season fallowing. This action will result in additional water in the Pecos River to make up for the water depletions caused by changes in operations at Sumner Dam which were made to improve conditions for a threatened species, the Pecos Bluntnose Shiner.

17. Contracts with various water user entities responsible for payment of O&M costs for Reclamation projects in Arizona, Colorado, New Mexico, Texas, Utah, and Wyoming: Contracts for extraordinary maintenance and replacement funded pursuant to Subtitle G of Pub. L. 111–11 to be executed as project progresses.

27. Weber Basin Project, Utah: The North Summit Pressurized Irrigation Company has requested a carriage contract for up to 7,000 acre-feet of nonproject water through Wanship Dam and outlet works, Weber Basin Project. Negotiations are anticipated to begin shortly.

28. Blue Cut Mitigation Project and Emery County Project, Utah: Reclamation has proposed an exchange under which it would provide an augmentation to flows in the San Rafael River to the Fish and Wildlife Service in exchange for the Fish and Wildlife Service transferring water right No. 93–2241 to Reclamation, Emery County Project. Reclamation will enter into a water service contract with the Cottonwood Creek Consolidated Irrigation Company for approximately 2,300 acre-feet of water.

2. San Juan-Chama Project, New Mexico: The United States and the Town of Taos, with passage of The Taos Indian Water Rights Settlement legislation by the Congress, entered into a new contract, No. 12–WC–40–462, for an additional 366 acre-feet annually of project water. The settlement legislation provided for a third repayment contract for 40 acre-feet of project water to be delivered to the El Prado Water and Sanitation District, contract No. 12–WC–40–463. The United States is holding the remaining 369 acre-feet of project water for potential use in Indian water rights settlements in New Mexico.

Completed contract actions:

2. San Juan-Chama Project, New Mexico: With passage of The Taos Indian Water Rights Settlement legislation by the Congress, the United States, entered into repayment contract No. 12–WC–40–462 with the Town of Taos for an additional 366 acre-feet annually of project water and repayment contract No. 12–WC–40–463 for 40 acre-feet of project water to be delivered to the El Prado Water and Sanitation District. Both contracts were executed on July 3, 2012.

8. State of Colorado, Animas-La Plata Project, Colorado and New Mexico: Cost-sharing/repayment contract for up to 10,440 acre-feet per year of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554). Contract executed on June 18, 2012.

29. Jensen Unit, CUP, Utah: Temporary water service contract with the Uintah Water Conservancy District for use of the 3,300 acre-feet of Jensen Unit M&I water during drought years. Contract executed on June 30, 2012.

Great Plains Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 2021 4th Avenue North, Billings, Montana 59101, telephone 406–247–7752.

New contract action:

49. Harlan County Dam and Reservoir, Bostwick Division, P–SMBP, Nebraska and Kansas: Consideration of a contract with Bostwick ID in Nebraska and Kansas-Bostwick ID No. 2 for repayment of extraordinary O&M at Harlan County Dam and Reservoir.

Modified contract actions:

4. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Proposed repayment contracts for the remaining water from the regulatory capacity of Ruedi Reservoir.

19. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Consideration of a request for a long-term contract for municipal-recreational purposes.

20. Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: Supplement to contract No. 9–07–70–W0020 to allow Northern Colorado Water Conservancy District to contract for delivery of 5,412.5 acre-feet of water annually out of Lake Granby to the 15-Mile Reach.

Completed contract actions:

14. Big Horn Canal ID, Boysen Unit, P–SMBP, Wyoming: Intent to enter into a long-term water service contract. Contract executed on May 1, 2013.

15. Hanover ID, Boysen Unit, P–SMBP, Wyoming: Intent to enter into a long-term water service contract with the District. Contract executed May 1, 2013.

29. Republican River Basin, P–SMBP, Kansas/Nebraska: Consideration of short-term contract(s) for use of Reclamation facilities during non-irrigation season. Contract executed on May 10, 2013.

Dated: June 20, 2013.

Roseann Gonzales,

Director, Policy and Administration.

[FR Doc. 2013–18354 Filed 7–30–13; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Docket No. 2969]

Certain Laundry and Household Cleaning Products and Related Packaging; Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Laundry and Household Cleaning Products and Related Packaging,* DN 2969; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *EDIS*,[1] and 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

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *USITC*.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *EDIS*.[3] 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 has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of the Clorox Company on July 25, 2013. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain laundry and household cleaning products and related packaging. The complaint names as respondents Industrias Alen, S.A. de C.V. of Mexico; and Alen USA, LLC of TX. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing products during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) Identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) Indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) Explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 2969'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *Electronic Filing Procedures*[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on *EDIS*.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: July 25, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–18343 Filed 7–30–13; 8:45 am]

BILLING CODE 7020–02–P

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov*.

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov*.

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*.

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov*.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–830]

Certain Dimmable Compact Fluorescent Lamps and Products Containing Same; Termination of an Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant motions to terminate the above-captioned investigation as to the two remaining respondents on the basis of settlement and withdrawal of the complaint, resulting in termination of the investigation in its entirety.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2532. 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 on a complaint filed by Andrzej Bobel and Neptun Light, Inc., both of Lake Forest, Illinois (collectively, ''Neptun''). 77 *FR* 11587 (Feb. 27, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. 1337, by reason of the infringement of certain claims of United States Patent

Nos. 5,434,480 (''the '480 patent'') and 8,035,318 (''the '318 patent''). The complaint named numerous respondents, many of whom have been terminated from the investigation on the basis of settlement agreement, consent order, or withdrawal of the complaint. By the time of the Administrative Law Judge's final Initial Determination (''ID''), the remaining respondents were: Technical Consumer Products, Inc. of Aurora, Ohio; Shanghai Qiangling Electronics Co., Ltd. of Shanghai, China; Zhejiang Qiang Ling Electronic Co. Ltd. of Zhenjiang, China (collectively, ''TCP''); U Lighting America Inc. of San Jose, California (''ULA''); and Golden U Lighting Manufacturing (Shenzhen) of Shenzhen, China (''Golden U''). Claim 9 of the '480 patent has been asserted against ULA and Golden U, and claims 1 and 12 of the '318 patent have been asserted against TCP.

On February 27, 2013, the ALJ issued his final Initial Determination (''ID''). The ID found Golden U in default, but found no violation of section 337 as to all remaining respondents on the basis of Neptun's failure to satisfy the economic prong of the domestic industry requirement of section 337. The ALJ also found that respondent TCP's accused products do not infringe the asserted claims of the '318 patent.

On March 12, 2013, Neptun filed a petition for review of the ID; TCP and ULA each filed a contingent petition for review of the ID. On March 20, 2013, Neptun opposed TCP's and ULA's petitions, and TCP and ULA each opposed Neptun's petition. On April 3, 2013, the Commission extended the whether-to-review deadline and the target date by approximately six weeks. Notice (Apr. 3, 2013).

On June 10, 2013, Neptun and TCP filed an unopposed joint motion to terminate the investigation as to TCP on the basis of a settlement agreement between Neptun and TCP. On June 12, 2013, the Commission issued a notice terminating the investigation as to TCP. That notice also determined to review, *inter alia,* the ALJ's finding that Neptun did not demonstrate the existence of a domestic industry. On June 25, 2013, Neptun and ULA filed briefs in response to the Commission notice. Neptun and ULA subsequently requested extensions of time for the filing of replies in order to enable them to submit a motion terminating the investigation against ULA.

On July 10, 2013, Neptun and ULA moved to terminate the investigation against ULA on the basis of a settlement agreement. On July 15, 2013, Neptun moved to terminate the investigation against Golden U on the basis of withdrawal of the complaint. Termination against these two respondents results in termination of the investigation. The Commission has determined that termination as to the remaining respondents is in the public interest, and the Commission has determined to grant both motions. The Commission thereby terminates the investigation.

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 210.21 and 210.42–46 of the Commission's Rules of Practice and Procedure (19 CFR 210.21, 210.42–46).

By order of the Commission.
Issued: July 26, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–18392 Filed 7–30–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On July 23, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Texas in the lawsuit entitled *United States and State of Texas* v. *San Antonio Water System,* Civil Action No. 5:13–cv–00666.

This civil action for injunctive relief and civil penalties was initiated pursuant to Sections 301 and 309 of the Clean Water Act (''CWA''), 33 U.S.C. §§ 1311 and 1319, and provisions of the Texas Water Code (''TWC'') against the San Antonio Water System (''SAWS''), San Antonio, Bexar County, Texas, for: (a) Discharges of pollutants, including discharges from unpermitted point sources, in violation of Section 301 of the CWA, 33 U.S.C. § 1311, and provisions of the TWC; and (b) violations of effluent limitations and other conditions established in National Pollutant Discharge Elimination System (also known as Texas Pollutant Discharge Elimination System or TPDES) permits issued to SAWS. Under the proposed Consent Decree, SAWS has agreed to implement comprehensive injunctive relief measures designed to address and eliminate illegal discharges or sanitary sewer overflows and violations of effluent limits. SAWS will pay a $2.6 million civil penalty, which will be split between the United States and the State.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Texas* v. *San Antonio Water System,* D.J. Ref. No. 90–5–1–1–09215. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Acting Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $21.50 (25 cents per page reproduction cost) payable to the United States Treasury for a copy of the Consent Decree without the Appendices, or a check or money order for $39.00 for a copy of the Consent Decree with Appendices A–H.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–18404 Filed 7–30–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application; Research Triangle Institute

Pursuant to Title 21 Code of Federal Regulations 1301.34 (a), this is notice that on March 20, 2013, Research Triangle Institute, Poonam G. Pande, Ph.D. RPH, RAC, Hermann Building, East Institute Drive, P.O. Box 12194, Research Triangle Park, North Carolina 27709, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of

the following basic classes of controlled substances:

Drug	Schedule
AM–2201 (7201)	I
AM–694 (7694)	I
JWH–018 (7118)	I
JWH–073 (7173)	I
JWH–200 (7200)	I
JWH–250 (6250)	I
JWH–019 (7019)	I
JWH–081 (7081)	I
SR–19 and RCS–4 (7104)	I
JWH–122 (7122)	I
JWH–203 (7203)	I
JWH–398 (7398)	I
1-(1-Phenylcyclohexyl)pyrrolidine (7458).	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470).	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine (7473).	I
1-Methyl-4-phenyl-4-propionoxypiperidine (9661).	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine (9663).	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).	I
2,5-Dimethoxy-4-ethylamphetamine (7399).	I
2,5-Dimethoxyamphetamine (7396).	I
2C–D (7508)	I
2C–E (7509)	I
2C–H (7517)	I
2C–N (7521)	I
2C–P (7524)	I
2C–T–2 (7385)	I
2C–T–7 (7348)	I
2C–I (7518)	I
2C–C (7519)	I
2C–T–4 (7532)	I
3,4,5-Trimethoxyamphetamine (7390).	I
3,4-Methylenedioxyamphetamine (7400).	I
3,4-Methylenedioxymethamphetamine (7405).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3-Methylfentanyl (9813)	I
3-Methylthiofentanyl (9833)	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Bromo-2,5-dimethoxyphenethylamine (7392).	I
4-Methyl-2,5-dimethoxyamphetamine (7395).	I
4-Methylaminorex (cis isomer) (1590).	I
4-Methoxyamphetamine (7411)	I
CP–47497 C8 Homologue (7298)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401).	I
5-Methoxy-N,N-dimethyltryptamine (7431).	I
5-Methoxy-N,N-diisopropyltryptamine (7439).	I
Acetorphine (9319)	I
Acetyl-alpha-methylfentanyl (9815).	I
Acetyldihydrocodeine (9051)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603).	I
Alpha-ethyltryptamine (7249)	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Alpha-methylfentanyl (9814)	I
Alpha-methylthiofentanyl (9832)	I
Alpha-methyltryptamine (7432)	I
Aminorex (1585)	I
Benzethidine (9606)	I
Benzylmorphine (9052)	I
Betacetylmethadol (9607)	I
Beta-hydroxy-3-methylfentanyl (9831).	I
Beta-hydroxyfentanyl (9830)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Bufotenine (7433)	I
CP–47497 (7297)	I
Cathinone (1235)	I
Clonitazene (9612)	I
Codeine methylbromide (9070)	I
Codeine-N-Oxide (9053)	I
Cyprenorphine (9054)	I
Desomorphine (9055)	I
Dextromoramide (9613)	I
Diampromide (9615)	I
Diethylthiambutene (9616)	I
Diethyltryptamine (7434)	I
Difenoxin (9168)	I
Dihydromorphine (9145)	I
Dimenoxadol (9617)	I
Dimepheptanol (9618)	I
Dimethylthiambutene (9619)	I
Dimethyltryptamine (7435)	I
Dioxaphetyl butyrate (9621)	I
Dipipanone (9622)	I
Drotebanol (9335)	I
Ethylmethylthiambutene (9623)	I
Etonitazene (9624)	I
Etorphine except HCl (9056)	I
Etoxeridine (9625)	I
Fenethylline (1503)	I
Furethidine (9626)	I
Gamma Hydroxybutyric Acid (2010).	I
Heroin (9200)	I
Hydromorphinol (9301)	I
Hydroxypethidine (9627)	I
Ibogaine (7260)	I
Ketobemidone (9628)	I
Levomoramide (9629)	I
Levophenacylmorphan (9631)	I
Lysergic acid diethylamide (7315)	I
MDPV (7535)	I
Marihuana (7360)	I
Mecloqualone (2572)	I
Mephedrone (1248)	I
Mescaline (7381)	I
Methaqualone (2565)	I
Methcathinone (1237)	I
Methyldesorphine (9302)	I
Methyldihydromorphine (9304)	I
Methylone (7540)	I
Morpheridine (9632)	I
Morphine methylbromide (9305)	I
Morphine methylsulfonate (9306)	I
Morphine-N-Oxide (9307)	I
Myrophine (9308)	I
N,N-Dimethylamphetamine (1480)	I
N-Benzylpiperazine (7493)	I
N-Ethyl-3-piperidyl benzilate (7482).	I
N-Ethylamphetamine (1475)	I
N-Ethyl-1-phenylcyclohexylamine (7455).	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
Nicocodeine (9309)	I
Nicomorphine (9312)	I
N-Methyl-3-piperidyl benzilate (7484).	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Normorphine (9313)	I
Norpipanone (9636)	I
Para-Fluorofentanyl (9812)	I
Parahexyl (7374)	I
Peyote (7415)	I
Phenadoxone (9637)	I
Phenampromide (9638)	I
Phenomorphan (9647)	I
Phenoperidine (9641)	I
Pholcodine (9314)	I
Piritramide (9642)	I
Proheptazine (9643)	I
Properidine (9644)	I
Propiram (9649)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Racemoramide (9645)	I
SR–18 and RCS–8 (7008)	I
Tetrahydrocannabinols (7370)	I
Thebacon (9315)	I
Thiofentanyl (9835)	I
Tilidine (9750)	I
Trimeperidine (9646)	I
1-Phenylcyclohexylamine (7460)	II
1-Piperidinocyclohexanecarbonitrile (8603).	II
4-Anilino-N-phenethyl-4-piperidine (8333).	II
Alfentanil (9737)	II
Alphaprodine (9010)	II
Amobarbital (2125)	II
Amphetamine (1100)	II
Anileridine (9020)	II
Bezitramide (9800)	II
Carfentanil (9743)	II
Coca Leaves (9040)	II
Cocaine (9041)	II
Codeine (9050)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Dihydrocodeine (9120)	II
Dihydroetorphine (9334)	II
Diphenoxylate (9170)	II
Ecgonine (9180)	II
Ethylmorphine (9190)	II
Etorphine HCl (9059)	II
Fentanyl (9801)	II
Glutethimide (2550)	II
Hydrocodone (9193)	II
Hydromorphone (9150)	II
Isomethadone (9226)	II
Levo-alphacetylmethadol (9648)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Lisdexamfetamine (1205)	II

Drug	Schedule
Meperidine (9230)	II
Meperidine intermediate-A (9232)	II
Meperidine intermediate-B (9233)	II
Meperidine intermediate-C (9234)	II
Metazocine (9240)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Metopon (9260)	II
Moramide intermediate (9802)	II
Morphine (9300)	II
Nabilone (7379)	II
Opium, raw (9600)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium poppy/Poppy Straw (9650)	II
Oripavine (9330)	II
Poppy Straw Concentrate (9670)	II
Opium, granulated (9640)	II
Oxycodone (9143)	II
Oxymorphone (9652)	II
Pentobarbital (2270)	II
Phenazocine (9715)	II
Phencyclidine (7471)	II
Phenmetrazine (1631)	II
Phenylacetone (8501)	II
Piminodine (9730)	II
Powdered opium (9639)	II
Racemethorphan (9732)	II
Racemorphan (9733)	II
Remifentanil (9739)	II
Secobarbital (2315)	II
Sufentanil (9740)	II
Tapentadol (9780)	II
Thebaine (9333)	II

The company plans to import small quantities of the listed controlled substances for the National Institute on Drug Abuse (NIDA) for research activities.

Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (2007).

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances listed in schedule I or II, which fall under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)) may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR § 1301.43 and in such form as prescribed by 21 CFR § 1316.47.

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than August 30, 2013.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR § 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745–46, all applicants for registration to import a basic class of any controlled substances in schedule I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: July 23, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–18330 Filed 7–30–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration; Meda Pharmaceuticals, Inc.

By Notice dated February 8, 2013, and published in the **Federal Register** on February 21, 2013, 78 FR 12101, Meda Pharmaceuticals, Inc., 705 Eldorado Street, Decatur, Illinois 62523, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Nabilone (7379), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance as a finished drug product in dosage form for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a), and determined that the registration of Meda Pharmaceuticals Inc., to import the basic class of controlled substance is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Meda Pharmaceuticals Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: July 23, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–18332 Filed 7–30–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration; Almac Clinical Services, Inc.

By Notice dated April 10, 2013, and published in the **Federal Register** on April 19, 2013, 78 FR 23594, Almac Clinical Services, Inc., (ACSI), 25 Fretz Road, Souderton, Pennsylvania 18964, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substances:

Drug	Schedule
Oxycodone (9143)	II
Hydromorphone (9150)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to import small quantities of the listed controlled substances in dosage form to conduct clinical trials.

The import of the above listed basic classes of controlled substances will be granted only for analytical testing and clinical trials. This authorization does not extend to the import of a finished FDA approved or non-approved dosage forms for commercial distribution in the United States.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a), and determined that the registration of Almac Clinical Services, Inc., (ACSI) to import the basic classes of controlled substances is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Almac Clinical Services, Inc., (ACSI) to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and

local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: July 23, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–18331 Filed 7–30–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application; Ampac Fine Chemicals, LLC.

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 6, 2013, AMPAC Fine Chemicals, LLC., Highway 50 and Hazel Avenue, Building 05001, Rancho Cordova, California 95670, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Methylphenidate (1724)	II
Thebaine (9333)	II
Poppy Straw Concentrate (9670)	II
Tapentadol (9780)	II

The company is a contract manufacturer. In reference to Poppy Straw Concentrate the company will manufacture Thebaine intermediates to sale to its customers for further manufacture. No other activity for this drug code is authorized for this registration.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than September 30, 2013.

Dated: July 23, 2013.

Joseph T. Rannazzisi

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–18337 Filed 7–30–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application; Apertus Pharmaceuticals

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 14, 2013, Apertus Pharmaceuticals, 331 Consort Drive, St. Louis, Missouri 63011, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled substances to make reference standards for distribution to their customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR § 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than September 30, 2013.

Dated: July 23, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–18339 Filed 7–30–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration; Research Triangle Institute

By Notice dated April 16, 2013, and published in the **Federal Register** on April 23, 2013, 78 FR 23958, Research Triangle Institute, Poonam G. Pande, Ph.D., RPH, RAC, Hermann Building, East Institute Drive, P.O. Box 12194, Research Triangle Park, North Carolina 27709, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Marihuana (7360)	I
Cocaine (9041)	II

The Institute will manufacture marihuana, and cocaine derivatives for use by their customers in analytical kits, reagents, and reference standards as directed by the National Institute on Drug Abuse.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a), and determined that the registration of Research Triangle Institute to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Research Triangle Institute to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR § 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: July 23, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–18336 Filed 7–30–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration; Johnson Matthey Pharmaceutical Materials, Inc.

By Notice dated March 20, 2013, and published in the **Federal Register** on March 28, 2013, 78 FR 19017, Johnson Matthey Pharmaceutical Materials, Inc., Pharmaceutical Services, 25 Patton Road, Devens, Massachusetts 01434, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Amphetamine (1100)	II
Methylphenidate (1724)	II
Nabilone (7379)	II
Hydrocodone (9193)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II

The company plans to utilize this facility to manufacture small quantities of the listed controlled substances in bulk and to conduct analytical testing in support of the company's primary manufacturing facility in West Deptford, New Jersey. The controlled substances manufactured in bulk at this facility will be distributed to the company's customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Johnson Matthey Pharmaceutical Materials, Inc., to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Johnson Matthey Pharmaceutical Materials, Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: July 23, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–18333 Filed 7–30–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Domestic Agricultural In-Season Wage Report

ACTION: Notice.

SUMMARY: On July 31, 2013, the Department of Labor (DOL) will submit the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Domestic Agricultural In-Season Wage Report,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

DATES: Submit comments on or before August 30, 2013.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201305-1205-002* (this link will only become active on August 1, 2013) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: The ETA needs prevailing wage rate information in order to determine the appropriate minimum wage an agricultural employer utilizing the H–2A program, allowing temporary employment of alien agricultural and logging workers in the United States, must pay to foreign and domestic farmworkers. State Workforce Agencies are charged with collecting the data from agricultural employers and submitting reports to the ETA. The wage rates cover crop and livestock as well as logging activities. Domestic migrant and local seasonal as well as foreign H–2A farmworkers are hired for these jobs.

This ICR has been classified as a revision, because the Agency seeks OMB approval to streamline the information collection process by removing outdated questions on Forms ETA–232 and ETA–232A. In addition, the Agency seeks approval to move the instructions on how to respond and calculate a prevailing wage determination from ETA Handbook 385 into the instructions for the forms to make them easier to find. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 30, 2013 (78 FR 32460).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0017. The current approval is scheduled to expire on July 31, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval.

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0017. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Domestic Agricultural In-Season Wage Report.

OMB Control Number: 1205–0017.

Affected Public: Private Sector—farms—and State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 24,662.

Total Estimated Number of Responses: 26,708.

Total Estimated Annual Burden Hours: 16,002.

Total Estimated Annual Other Costs Burden: $0.

Dated: July 25, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–18363 Filed 7–30–13; 8:45 am]

BILLING CODE 4510–FP–P

NATIONAL CREDIT UNION ADMINISTRATION

RIN 3133–AE16

Minority Depository Institution Preservation Program

AGENCY: National Credit Union Administration.

ACTION: Proposed Interpretive Ruling and Policy Statement 13–1, with request for comments.

SUMMARY: The National Credit Union Administration (NCUA) recognizes the importance of minority credit unions and the unique challenges they often face in serving their communities. NCUA is establishing a Minority Depository Institution Preservation Program to encourage the preservation of Minority Depository Institutions. The program, to be administered by NCUA's Office of Minority and Women Inclusion, would consist of outreach efforts, various forms of technical assistance, and educational opportunities to benefit eligible credit unions.

DATES: Comments must be received on or before September 30, 2013.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *NCUA Web site: http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx.* Follow the instructions for submitting comments.

• *Email:* Address to *regcomments@ncua.gov.* Include ''[Your name]—Comments on Proposed IRPS 13–1, Minority Depository Institution Preservation Program'' in the email subject line.

• *Fax:* (703) 518–6319. Use the subject line described above for email.

• *Mail:* Address to Mary Rupp, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

• *Hand Delivery/Courier:* Same as mail address.

Public Inspection: You can view all public comments on NCUA's Web site at *http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx* as submitted, except for those we cannot post for technical reasons. NCUA will not edit or remove any identifying or contact information from the public comments submitted. You may inspect paper copies of comments in NCUA's law library at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9 a.m. and 3 p.m. To make an appointment, call (703) 518–6546 or send an email to *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Tawana James, Director, Office of Minority and Women Inclusion, at (703) 518–1651; or Cynthia Vaughn, Diversity Outreach Program Analyst, Office of Minority and Women Inclusion, at (703) 518–1653.

SUPPLEMENTARY INFORMATION:

I. Background

In 1989, Congress enacted the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) [1] in response to the failure of the Federal Savings and Loan Insurance Corporation (FSLIC). FSLIC insured the deposits of insolvent savings & loan institutions. Section 308 of FIRREA established goals for preserving and promoting minority depository institutions.[2] When established, Section 308 applied only to the Federal Deposit Insurance Corporation (FDIC) and Office of Thrift Supervision (OTS).[3] The FDIC and OTS developed various initiatives, such as training, technical assistance, and educational programs, aimed at preserving federally insured banks and savings institutions that meet FIRREA's definition of a minority depository institution (MDI).[4]

In 2010, Congress enacted the Dodd Frank Wall Street Reform and Consumer Protection Act (Dodd Frank).[5] Section 367(4)(A) of Dodd Frank amended FIRREA § 308 to require NCUA, OCC, and FRB to comply with its goals to preserve and encourage MDIs.[6] In addition, Dodd Frank § 367(4)(B) requires these agencies, along with FDIC, to each submit an annual report to Congress describing actions taken to carry out FIRREA § 308.[7]

II. Interpretive Ruling and Policy Statement (IRPS) 13–1

1. Why is the NCUA Board proposing this IRPS?

The NCUA Board is proposing this IRPS as the basis for establishing a Minority Depository Institution Preservation Program (MDI Program) designed to achieve the goals of preserving and encouraging Minority Depository Institutions (MDIs) as FIRREA § 308 directs. Recognizing the important role of MDIs in minority communities, the NCUA Board envisions a program of proactive steps and outreach efforts to promote and preserve minority ownership in the credit union industry. To this end, the IRPS prescribes an MDI Program featuring the eligibility criteria, initiatives and benefits.

[1] Public Law 101–73, 103 Stat. 183.

[2] 12 U.S.C. 1463 note (a).

[3] The Office of the Comptroller of the Currency (OCC) and Board of Governors of the Federal Reserve System (FRB) also initiated MDI programs to comply with the spirit of FIRREA § 308, even though they were not originally required to do so. The OTS became part of the OCC on July 21, 2011. OCC now administers the OTS MDI Program.

[4] 12 U.S.C. 1463 note (b).

[5] Public Law 111–203, 124 Stat. 1376; 12 U.S.C. 5301 *et seq.*

[6] 124 Stat. 1556.

[7] 124 Stat. 1556.

2. What are the goals and objectives of the MDI Program?

The MDI Program embraces goals and objectives related to credit union viability and access. Specifically, the program is consistent with NCUA's mission and the following two goals identified in NCUA's current strategic plan:

- To ensure a safe, sound, and healthy credit union system; and
- To promote access to credit unions for all eligible persons.

The program also follows the preservation goals and objectives of FIRREA § 308 for MDIs [8] namely:

- To preserve the present number of MDIs;
- To preserve the minority character of MDIs in cases involving (involuntary) mergers or acquisitions of an MDI by following the priority of the prescribed ''general preference guidelines'' in identifying a merger or acquisition partner; [9]
- To provide technical assistance to prevent insolvency of MDIs not now insolvent;
- To promote and encourage the creation of new MDIs; and.
- To provide for training, technical assistance, and educational programs.

3. Who would be eligible to participate in the MDI Program?

A credit union meeting the definition of an MDI is eligible to participate in the MDI Preservation Program. In defining an MDI, NCUA proposes to adapt criteria consistent with FIRREA § 308's criteria for a minority depository institution.[10] Accordingly, NCUA is proposing to define a Minority Depository Institution as follows:

(a) A federally insured credit union with more than 50 percent of its current *or* eligible potential members falling within any of the eligible minority groups; and

(b) A federally insured credit union with more than 50 percent of the current management officials falling within any of the eligible minority groups.

For a federally insured credit union to meet this MDI definition, the percentage of both (a) minority members and (b) minority management officials must exceed 50 percent.

To identify an eligible minority group, NCUA will rely on FIRREA § 308's definition of a minority as any ''Black American, Asian American, Hispanic American, or Native American.'' [11] The following chart from the Equal Employment Opportunity Commission shows a detailed description of the minority groups falling within these four categories:

Dodd Frank Act	Equal Employment Opportunity Commission (EEOC)
Black American	Black or African American (Not Hispanic or Latino) - A person having origins in any of the black racial groups of Africa.
Native American	American Indian or Alaska Native (Not Hispanic or Latino) - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
Hispanic American	Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
Asian American	Asian (Not Hispanic or Latino) - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam; or, Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

NCUA defines a credit union management official as a member of the board of directors, supervisory committee or credit committee, and senior executive staff. Senior executive staff includes the credit union's chief executive officer (typically titled as President or Manager), Assistant Chief Executive Officers (e.g., Vice-President or Assistant Manager), Chief Financial Officer, and branch managers.

To ensure the MDI has minority representation at the senior management level, NCUA is including management officials as part of the definition to meet the spirit of the FIRREA and Dodd Frank Act.

4. How will the MDI Program function?

NCUA's Office of Minority and Women Inclusion (OMWI) will administer the MDI Program. A federally insured credit union can self-certify that it qualifies as an MDI by affirmatively answering one of following two questions [12] on NCUA's Credit Union Online System (CU Online System) accessible from our Web site (*www.ncua.gov*) or the CU Profile when submitting a Call Report:

(a) Does your credit union have more than 50 percent of its current members and current management officials who

[8] Dodd Frank § 367(4)(A) expanded the application of FIRREA § 308 to NCUA.

[9] In priority, the general preference guidelines for identifying an involuntary merger/acquisition partner are: (a) Same type of MDI in the same city; (b) Same type of MDI in the same state; (c) Same type of MDI nationwide; (d) Any type of MDI in the same city; (e) Any type of MDI in the same state; (f) Any type of MDI nationwide; and (g) Any other bidders (for merger/acquisition partners). 12 U.S.C. 1463 note (a)(2). Rules concerning FOM, least cost to NCUSIF, and safety and soundness still apply to all mergers.

[10] 12 U.S.C. 1463 note (b)(1). *Compare* 12 U.S.C. 5452(g)(3).

[11] 12 U.S.C. 1463 note (b)(2).

[12] NCUA is changing the questions to inquire about the minority representation among members and management officials separately. NCUA is currently pursuing OMB approval for this change in conjunction with other changes to the call report.

are Black American, Native American, Hispanic American, or Asian American?

(b) Does your credit union have more than 50 percent of its eligible potential members [13] and current management officials who are Black American, Native American, Hispanic American, or Asian American?

The credit union must certify that the eligibility criteria for members and management officials have been met. Credit unions with $50 million or less in assets may self-certify based solely on knowledge of their membership. However, the management officials must also meet the 50 percent MDI criterion. Credit unions with assets over $50 million may rely on one of the following methods to determine the minority composition of its current membership or its potential field of membership (FOM):

(A) Ascertain the minority membership composition using demographics data from the U.S. Census by either:

(1) The area(s) where the current or potential membership resides; or

(2) The area(s) consisting of the credit union's service area(s) [14] as prescribed in the FOM designated by the credit union's charter.

If the U.S. Census data (e.g., census tracts, zip codes, townships, boroughs, cities, counties, etc.) shows the area's population is comprised mostly of eligible minorities, the credit union may assume its membership or service area(s) have that minority composition.

(B) Use Home Mortgage Disclosure Act (HMDA) to calculate the reported number of minority mortgage applicants divided by the total number of mortgage applicants within the credit union's membership. If the share of minority applicants meets or exceeds the 50 percent threshold, the membership component may be met.

(C) Elect to voluntarily collect data from members who choose to self-identify themselves as minority and use the data to determine the credit union's share of minority representation. The credit union may wish to consider using an unbiased party to administer the collection process. For example, data can be collected through a member survey assessing future services desired or during the mail election ballots.

(D) Use any other reasonable form of data, such as membership address list, employer's demographic analysis of employees, etc.

A credit union with assets greater than $50 million that self-identifies as an MDI should maintain some form of documentation demonstrating how it determined the minority eligibility criteria of (a) membership and (b) management officials were met.[15] Such documentation may consist of demographic data analysis obtained from the U.S. Census Bureau (*www.census.gov*), HDMA, or any other reasonable form of data (e.g., sponsor employee demographic or members' zip code analysis).

When a credit union self-identifies as an MDI regardless of asset size, OMWI may assess the legitimacy of the certification (or the underlying data). If there is doubt that the credit union meets both minority criteria based on (a) membership and (b) management officials, the NCUA's OWMI will:

(1) Notify the credit union in writing about its findings.

(2) Provide the credit union an opportunity to submit documentation and/or rationale to support its MDI self-identification within 60 days of receiving OMWI's notification.

(3) Review the credit union's information and inform the credit union on whether it meets the minority criteria based on the information submitted within 60 days of OMWI's receipt.

(4) Deny the MDI designation if the credit union provides either no information or, in NCUA's discretion, insufficient information or rationale to support the certification on both minority criteria (a) membership and (b) management officials.

A federally insured credit union may appeal the agency's denial of an MDI designation to the NCUA Board within 60 days of the date of OMWI's notice of denial.[16]

NCUA plans to develop and use a tool to determine the minority composition of a credit union's membership using their members' zip code data obtained from an AIRES download (similar to the current low-income designation tool). NCUA will periodically review and determine whether an MDI continues to meet the MDI definition. Changes in the MDI definition can occur from FOM expansions (e.g., mergers, purchase and assumptions, new groups added to the FOM, or charter conversions) as well as changes in the management officials (e.g., elections, new hires, separations, etc.).

An MDI should assess whether it continues to meet the MDI definition at least once a year (e.g., December 31st call report cycle), and update its status on NCUA's Credit Union Online system or Credit Union Profile of the Call Report system, if necessary.

Participation in the MDI Program is voluntary. An MDI may discontinue its participation at any time by updating its status on NCUA's Credit Union Online system. Upon such action, the credit union would not be eligible to participate in any MDI Program initiatives (*e.g.,* MDI merger/acquisition preference consideration, MDI partnerships, etc.).

5. What are the benefits of participating in the MDI Program?

NCUA seeks to provide MDI Program participants with a variety of benefits to assist in preserving the economic viability of their institutions. These benefits include facilitating technical assistance and educational opportunities to MDIs in coordination with NCUA's Office of Small Credit Union Initiatives (OSCUI). Such technical assistance may include participating in the agency's Small Credit Union Program,[17] including:

(1) Participation in Small Credit Union Consulting Program;

(2) Economic Development Specialist assistance in addressing examination concerns or topics of interest;

(3) participation in an NCUA sponsored workshop; or

(4) assistance in obtaining a grant or a loan through NCUA's Community Development Revolving Loan Fund (CDRLF).

OMWI may aid in collaborating partnerships between MDIs and other organizations (e.g., MDIs, OSCUI, and other sources) as a means of providing technical and/or operational assistance to MDIs. The technical and/or operational assistance may include training for officials and staff, expertise

[13] Potential members correspond with the same definition used for FOM expansions, which include the community population for community chartered credit unions; total employees for occupational group(s); and total members for associational groups. There are no adjustments for family members.

[14] A federal credit union's service area is the area that can reasonably be served by the service facilities accessible to the groups within the field of membership. The service area will most often coincide with the geographic area primarily served by the service facility. For a community credit union, this is the geographic community it serves as identified in the charter and FOM. For multiple common bond credit unions, it can be the areas where the select groups, in the charter and FOM, are located.

[15] *See* sections 3(a) and 3(b) *supra.*

[16] Such an appeal must be filed with NCUA's OMWI Director and accompanied by documentation that demonstrates the federally insured credit union meets the MCU eligibility requirements. On appeal, the NCUA Board will determine whether the OMWI Director correctly applied the minority eligibility criteria.

[17] The Small Credit Union Program's initiatives are generally offered to credit unions that have less than $50 million in assets or are low-income designated. Grants and loans from the CDRLF are only available to low-income designated credit unions. The workshops are open to all credit unions.

in technical areas (*e.g.,* marketing, bidding on merger proposals, etc.), equipment and financial assistance for specific projects/goals, etc. Additionally, OMWI may assist in locating a CU mentor or merger partner for an MDI.

NCUA will publish a list of federally insured MDIs on its Web site to enable organizations (e.g., banks, MDIs, third parties) to identify MDIs with which to partner, mentor, provide resources, and/or establish business relationships. For example, banks can obtain Community Reinvestment Act (CRA) credit for investing in MDIs. If a bank has an unused building, the bank could lease the space to an MDI for free or at low cost, and receive a corresponding CRA credit.

NCUA will monitor the financial condition of MDIs, and will provide an annual report to Congress on the overall financial condition of MDIs. Through this process, the agency will also identify MDIs that might benefit from the MDI Program's support and technical assistance, such as mentoring, partnerships, workshops, roundtables, associations with other credit unions, and support through programs such as NCUA's Small Credit Union Program or the U.S. Treasury's Community Development Financial Institutions Fund.

NCUA will attempt to preserve the minority character of failing MDIs that go through the involuntary merger or acquisition process by using the General Preference Guidelines outlined in Section 308 to the FIRREA. In the event of the merger of a troubled MDI, NCUA will invite MDIs that qualify to bid on failing MDIs, along with non-MDI credit unions. Such actions would only occur on involuntary mergers/acquisitions. However, OMWI will offer assistance in locating an MDI partner for those MDIs wishing to voluntarily merge their operations into another MDI. To be considered an acquirer, an MDI must document its desire to acquire an MDI by registering itself on NCUA's Merger Registry via the CU Online System.

Additionally, if any organization wishes to be considered as a candidate for managing a conservatorship of an MDI, it should document its interest by completing an NCUA Vendor Registration Form (NCUA 1772). The vendor registration form can be accessed, completed and submitted on NCUA's Web site under Procurement/Contracting Opportunities. The form can also be accessed via the following link: *http://www.ncua.gov/about/Documents/Procurement/VendorRegistration.pdf.* OMWI will provide a list of diverse candidates to the regions for consideration as the interim Chief Executive Officer/Manager of the MDI.

Finally, NCUA will provide assistance to groups that may be interested in chartering a new MDI. Staff will be available to discuss the application process with such groups.

III. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires NCUA to prepare an analysis to describe any significant economic impact a proposed IRPS may have on a substantial number of small entities (currently defined by NCUA as credit unions with under $50 million in assets). In this case, credit unions under $50 million in assets can self-certify their credit unions as meeting the MDI definition based solely on their knowledge of their current or potential membership without any supporting documentation.

Also, the economic impact of the MDI Program on small entities would be significantly beneficial in that the MDI Program offers various forms of technical assistance and educational opportunities to eligible credit unions, including those that qualify as small entities, at no cost. NCUA therefore certifies that the proposed IRPS will not have a significant adverse economic impact on a substantial number of credit unions under $50 million in assets. Accordingly, no regulatory flexibility analysis is required.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency creates a new paperwork burden on regulated entities or modifies an existing burden. For purposes of the PRA, a paperwork burden may take the form of either a reporting or a recordkeeping requirement, both referred to as information collections. NCUA has determined that the procedure for credit unions to self-identify as meeting the definition of an MDI creates a new information collection requirement. As required, NCUA has applied to the Office of Management and Budget (OMB) for approval of the information collection procedure described below.

To participate in the MDI program, a credit union must answer two questions based on the minority composition of its (1) current or potential membership and (2) current management officials. The credit union must ascertain whether the minority ratio of the credit union members exceeds 50 percent and the ratio of current management officials exceeds 50 percent. The credit union may use (a) U.S. Census data (*e.g.,* census tracts, zip codes, townships, boroughs, cities, counties, etc.) indicating that either the area where the credit union's potential membership resides, or which is its service area, is comprised mostly of eligible minorities; (b) Home Mortgage Disclosure Act (HMDA) data indicating that the ratio of minority mortgage applicants exceeds 50 percent of total mortgage applicants [within the credit union membership]; (c) voluntary collection of race, ethnicity, origin data from membership; or (d) any other reasonable form of data that support the minority composition of the membership. The credit union may answer the questions regarding minority membership and management composition on NCUA's Credit Union Online System or in its Call Report.[18] If the credit union answers ''yes'' to both questions, it will qualify as an MDI and be eligible to participate in the MDI program.

NCUA estimates that, with reasonable access to the internet, it typically would take credit union staff approximately 45 minutes to (1) locate, download and review the U.S. Census or HMDA data needed; (2) assess the minority composition of its membership; and (3) assess the minority composition of its management officials to support the credit union's answers to the two MDI self-identification questions. Certain credit unions must retain the supporting documentation in its files for verification of its MDI eligibility.

NCUA has determined that 802 credit unions would qualify as MDIs based on their answers to the two questions as of June 17, 2013. Of the 802 credit unions, 671 credit unions have assets of $50 million or less. NCUA proposes to allow these 671 credit unions to self-identify as an MDI based solely on the knowledge of their membership. As a result, the aggregate information collection burden for the remaining 131 credit unions to self-identify as an MDI is 98.25 hours (45 minutes × 131 MDIs ÷ 60 minutes). Also, we estimate that approximately five percent of the 671 credit unions whose self-certification is based on knowledge of membership may be subject to question. Thus, the aggregate information collection burden for those 40 credit unions (671 × .05) is 30 hours (45 minutes × 40 MDIs ÷ 60 minutes). Total hours estimated are 128.25 hours annually.

[18] In 2011, NCUA published a PRA notice to insert the MCU self-identification questions into the Call Report. 76 FR 54498 (Sept. 1, 2011); 76 FR 62456 (Oct. 7, 2011).

Organizations and individuals wishing to submit comments on this information collection requirement should direct them to the Office of Information and Regulatory Affairs, OMB, Attn: Shagufta Ahmed, Room 10226, New Executive Office Building, Washington, DC 20503, with a copy to the Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. The PRA requires OMB to make a decision concerning the collection of information contained in the proposed regulation between 30 and 60 days after publication of this document in the **Federal Register**.

NCUA considers comments by the public on this proposed collection of information in:

- Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the NCUA, including whether the information will have a practical use;
- Evaluating the accuracy of the NCUA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of 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).

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. This IRPS would not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this proposed rule does not constitute a policy that has federalism implications for purposes of the executive order.

Assessment of Federal Regulations and Policies on Families

NCUA has determined that this IRPS will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

Agency Regulatory Goal

The Board's goal is to promulgate clear and understandable regulations that impose minimal regulatory burden. We request your comments on whether this IRPS is understandable and minimally intrusive if implemented as proposed.

By the National Credit Union Administration Board on July 25, 2013.

Mary Rupp,

Secretary of the Board.

[FR Doc. 2013–18300 Filed 7–30–13; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–409; NRC–2013–0168]

La Crosse Boiling Water Reactor, Environmental Assessment and Finding of No Significant Impact Regarding an Exemption Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

FOR FURTHER INFORMATION CONTACT: John Hickman, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Mail Stop: T8–F5, Washington, DC 20555–00001. Telephone: 301–415–3017; email: *John.Hickman@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) staff is considering a request dated June 18, 2012, by Dairyland Power Cooperative (DPC, the licensee) requesting exemptions from specific emergency planning requirements of part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR) for the La Crosse Boiling Water Reactor (LACBWR) facility and Independent Spent Fuel Storage Installation (ISFSI).

This environmental assessment (EA) has been developed in accordance with the requirements of 10 CFR 51.21.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would exempt LACBWR, a 10 CFR part 50 licensee, from certain 10 CFR part 50 emergency planning (EP) requirements because LACBWR is permanently shut-down and defueled.

Need for Proposed Action

On November 23, 2011, the NRC issued a Final Rule modifying or adding EP requirements in Section 50.47, Section 50.54, and Appendix E of 10 CFR part 50 (76 FR 72560). The EP Final Rule was effective on December 23, 2011, with specific implementation dates for each of the rule changes, varying from the effective date of the Final Rule through December 31, 2015. The EP Final Rule codified certain voluntary protective measures contained in NRC Bulletin 2005–02, ''Emergency Preparedness and Response Actions for Security-Based Events,'' and generically applicable requirements similar to those previously imposed by NRC Order EA–02–026, ''Order for Interim Safeguards and Security Compensatory Measures,'' dated February 25, 2002. In addition, the EP Final Rule amended other licensee emergency plan requirements to: (1) Enhance the ability of licensees in preparing and in taking certain protective actions in the event of a radiological emergency; (2) address, in part, security issues identified after the terrorist events of September 11, 2001; (3) clarify regulations to effect consistent emergency plan implementation among licensees; and (4) modify certain EP requirements to be more effective and efficient. However, the EP Final Rule was only an enhancement to the NRC's regulations and was not necessary for adequate protection. On page 72563 of the **Federal Register** notice for the EP Final Rule, the Commission ''determined that the existing regulatory structure ensures adequate protection of public health and safety and common defense and security.''

The licensee claims that the proposed action is needed because the Final Rule imposed requirements on LACBWR that are not necessary to meet the underlying purpose of the regulations in view of the greatly reduced offsite radiological consequences associated with the current plant status as permanently shut down and with the spent nuclear fuel stored in an ISFSI. The EP program at this facility met the EP requirements in 10 CFR part 50 that were in effect before December 23, 2011, subject to any license amendments or exemptions modifying the EP requirements for the licensee. Thus, compliance with the EP requirements in effect before the effective date of the EP Final Rule demonstrated reasonable assurance that

adequate protective measures could be taken in the event of a radiological emergency.

Environmental Impacts of the Proposed Action

The NRC staff evaluated the environmental impacts of the proposed action and concludes that exempting the facility from the emergency planning requirements will not have any adverse environmental impacts. The proposed action will involve no construction or major renovation of any buildings or structures, no ground disturbing activities, no alteration to land or air quality, nor any effect on historic and cultural resources. The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, there will be no construction or renovation of buildings or structures, or any ground disturbing activities associated with the exemptions. In addition, the proposed action does not affect non-radiological plant effluents and has no other environmental impact. Finally, there will be no impact on historic sites. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the exemption request would result in no change in current environmental impacts because there will be no construction or major renovation of any buildings or structures, nor any ground disturbing activities associated. Thus the environmental impacts of the proposed action and no-action alternative are similar. Therefore, the no-action alternative is not further considered.

Conclusion

The NRC staff has concluded that the proposed action will not significantly impact the quality of the human environment, and that the proposed action is the preferred alternative.

Agencies and Persons Consulted

In accordance with its stated policy, on May 15, 2013, the NRC staff consulted with the Wisconsin State official of the Radiation Protection Section, Wisconsin Department of Health Services, regarding the environmental impact of the proposed action. The State official had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The NRC staff has prepared this EA as part of its review of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application and supporting documentation, are available online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. For further details with respect to the proposed action, see the licensee's letter dated June 18, 2012 (ADAMS Accession No. ML12171A462).

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* These documents may also be viewed electronically on the public computers located at the NRC's PDR, O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 19th day of July 2013.

For the Nuclear Regulatory Commission.

Andrew Persinko,

Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2013–18402 Filed 7–30–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–456 and 50–457; NRC–2013–0169]

Exelon Generation Company, LLC, License Renewal Application for Braidwood Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of intent to prepare an environmental impact statement and conduct scoping process; public meetings and opportunity to comment.

SUMMARY: On May 29, 2013, Exelon Generation Company, LLC (Exelon) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for renewal of Facility Operating Licenses (NPF–72 and NPF–77) for an additional 20 years of operation for Braidwood Station, Units 1 and 2. Braidwood Station is located in Will County, Illinois. The current operating licenses for Braidwood Station, Units 1 and 2, expire on October 17, 2026 and December 18, 2027, respectively. This notice advises the public that the NRC intends to gather information to prepare an EIS on the proposed license renewal.

DATES: The scoping meetings will be held on August 21, 2013. The first session will be from 2:00 p.m. to 4:00 p.m. and the second session will be from 7:00 p.m. to 9:00 p.m. Submit comments by September 27, 2013. Comments received after these dates will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0169. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER**

INFORMATION CONTACT section of this document.

• *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN, 06A44M, 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: Tam Tran, Environmental Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3617, email: *Tam.Tran@NRC.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0169 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–2013–0169.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. Exelon's application for renewal can be found in ADAMS under Package Accession No. ML131550528.

• *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–2013–0169 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. Discussion

The application for renewal, dated May 29, 2013, was submitted pursuant to part 54 of Title 10 of the *Code of Federal Regulations* (10 CFR), which included an environmental report (ER). A separate notice of receipt and availability of the application was published in the **Federal Register** on June 13, 2013 (78 FR 35646). A notice of acceptance for docketing of the application and opportunity to request a hearing regarding renewal of the facility operating license was also published on July 24, 2013 (78 FR 44603). The purpose of this notice is to inform the public that the NRC will be preparing an environmental impact statement (EIS) related to the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29.

As outlined in 36 CFR 800.8, ''Coordination with the National Environmental Policy Act,'' the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act (NHPA) in meeting the requirements of the National Environmental Policy Act of 1969 (NEPA). Pursuant to 36 CFR 800.8(c), the NRC intends to use its process and documentation for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth at 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, Exelon submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Part 51 and is publicly available in ADAMS under Package Accession No. ML131550528. The ER may also be viewed on the Internet at *http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html.* In addition, paper copies of the ER are available to the public near the site at the Fossil Ridge Public Library, 386 W. Kennedy Road, Braidwood, IL 60408.

This document advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the NRC's ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants,'' (NUREG–1437) related to the review of the application for renewal of the Braidwood Station operating licenses for an additional 20 years.

Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC is required by 10 CFR 51.95 to prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with NEPA and the NRC's regulations found at 10 CFR Part 51.

The NRC staff will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action, which is to be the subject of the supplement to the GEIS;

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth;

c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant;

d. Identify any environmental assessments and other ElSs that are being or will be prepared that are related to, but are not part of, the scope of the supplement to the GEIS being considered;

e. Identify other environmental review and consultation requirements related to the proposed action;

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the

Commission's tentative planning and decision-making schedule;

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies; and

h. Describe how the supplement to the GEIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, Exelon;

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or that is authorized to develop and enforce relevant environmental standards;

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;

d. Any affected Indian tribe;

e. Any person who requests or has requested an opportunity to participate in the scoping process; and

f. Any person who has petitioned or intends to petition for leave to intervene.

III. Public Scoping Meeting

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC staff has decided to hold public meetings for the Braidwood Station license renewal supplement to the GEIS. The scoping meetings will be held on August 21, 2013, and there will be two sessions to accommodate interested parties. The first session will convene at 2:00 p.m. and will continue until 4:00 p.m. The second session will convene at 7:00 p.m. with a repeat of the overview portions of the meeting and will continue until 9:00 p.m., as necessary. Both sessions will be held at the Fossil Ridge Public Library, 386 W. Kennedy Road, Braidwood, IL 60408.

Both meetings will be transcribed and will include: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below.

Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting the NRC Project Manager, Tam Tran, by telephone at 1–800–368–5642, extension 3617, or by email at *Tam.Tran@NRC.gov* no later than Friday, August 16, 2013. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. The NRC Project Manager will need to be contacted no later than Friday, August 16, 2013, if special equipment or accommodations are needed to attend or present information at the public meeting so that the NRC staff can determine whether the request can be accommodated.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached; including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for public inspection in ADAMS. The staff will prepare and issue for comment the draft supplement to the GEIS, which will be the subject of a separate notice and separate public meetings. Copies will be available for public inspection at the above-mentioned addresses. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Dated at Rockville, Maryland, this 24th day of July, 2013.

For the Nuclear Regulatory Commission.

Anneliese Simmons,

Acting Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–18403 Filed 7–30–13; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30628; 812–14169]

Calamos Advisors LLC and Calamos ETF Trust; Notice of Application

July 24, 2013.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

Applicants: Calamos Advisors LLC (''Adviser'') and Calamos ETF Trust ('Trust).

Summary of Application: Applicants request an order that permits: (a) Actively-managed series of certain open-end management investment companies to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

Filing Date: The application was filed on June 21, 2013.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests

should be received by the Commission by 5:30 p.m. on August 19, 2013, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549. Applicants: J. Christopher Jackson, Calamos Advisors LLC, 2020 Calamos Court, Naperville, IL 60563.

FOR FURTHER INFORMATION CONTACT: Kay-Mario Vobis, Senior Counsel, at (202) 551–6728 or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Division of Investment Management, Exemptive Applications Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations:

1. The Trust is a statutory trust organized under the laws of Delaware and intends to register as an open-end management investment company under the Act. It currently is intended that the initial series of the Trust will be the Calamos Focus Growth ETF (the ''Initial Fund''), the investment objective of which will be to provide long-term capital growth. The Initial Fund will invest in mid- and large sized companies, with a market capitalization greater than $2 billion, that the Adviser believes have above-average growth prospects. In addition, each Fund (as defined below) reserves the right to invest in other instruments in accordance with its investment objective and the requirements of the Act.[1]

2. The Adviser, a Delaware limited liability company that is registered with the Commission as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''), will serve as investment adviser to the Initial Fund. The Adviser may in the future retain one or more sub-advisers (each a ''Sub-Adviser'') to manage the portfolios of the Funds. Any Sub-Adviser will be registered, or not subject to registration, under the Advisers Act. The Trust will enter into a distribution agreement with one or more distributors (each, a ''Distributor''). Each Distributor will be a registered broker-dealer (''Broker'') under the Securities Exchange Act of 1934 (''Exchange Act'') and will act as the distributor and principal underwriter one or more of the Funds.

3. Applicants request that the order apply to the Initial Fund and any future series of the Trust or of any other open-end management companies that may utilize active management investment strategies (''Future Funds''). Any Future Fund will (a) be advised by the Adviser or an entity controlling, controlled by, or under common control with the Adviser (each, an ''Adviser''), and (b) comply with the terms and conditions of the application.[2] The Initial Fund and Future Funds together are the ''Funds''.[3] Each Fund will consist of a portfolio of securities (including fixed income securities and/or equity securities) and/or currencies traded in the U.S. and/or non-U.S. markets, and other assets (collectively, and together with any other positions held by the Fund, ''Portfolio Positions''). Funds may invest in ''Depositary Receipts''.[4] Each Fund will operate as an actively managed exchange-traded fund (''ETF'').

4. Applicants also request that any exemption under section 12(d)(1)(J) of the Act from sections 12(d)(1)(A) and (B) apply to: (i) Any Fund that is currently or subsequently part of the same ''group of investment companies'' as the Initial Fund within the meaning of section 12(d)(1)(G)(ii) of the Act; (ii) any principal underwriter for the Fund; (iii) any Brokers selling Shares of a Fund to an Investing Fund (as defined below); and (iv) each management investment company or unit investment trust registered under the Act that is not part of the same ''group of investment companies'' as the Funds within the meaning of section 12(d)(1)(G)(ii) of the Act and that enters into a FOF Participation Agreement (as defined below) with a Fund (such management investment companies, ''Investing Management Companies,'' such unit investment trusts, ''Investing Trusts,'' and Investing Management Companies and Investing Trusts together, ''Investing Funds''). Investing Funds do not include the Funds.[5]

5. Applicants anticipate that a Creation Unit will consist of at least 25,000 Shares. Applicants anticipate that the trading price of a Share will range from $10 to $200. All orders to purchase Creation Units must be placed with the Distributor by or through a party that has entered into a participant agreement with the Distributor and the transfer agent of the Fund (''Authorized Participant'') with respect to the creation and redemption of Creation Units. An Authorized Participant is either: (a) A Broker or other participant in the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC''), a clearing agency registered with the Commission and affiliated with the Depository Trust Company (''DTC''), or (b) a participant in the DTC (such participant, ''DTC Participant'').

6. In order to keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[6] On any given Business

[1] If a Fund invests in derivatives, then (a) the board of trustees (''Board'') of the Fund will periodically review and approve the Fund's use of derivatives and how the Adviser assesses and manages risk with respect to the Fund's use of derivatives and (b) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

[2] Any Adviser to a Future Fund will be registered as an investment adviser under the Advisers Act. All entities that currently intend to rely on the order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application.

[3] Applicants further request that the order apply to any future distributor and principal underwriter of the Funds, which would be a Broker and would comply with the terms and conditions of the application. The distributor and principal underwriter of any Fund may be an affiliated person of the Adviser and/or Sub-Advisers.

[4] Depositary Receipts are typically issued by a financial institution, a ''depository'', and evidence ownership in a security or pool of securities that have been deposited with the depository. A Fund will not invest in any Depositary Receipts that the Adviser or Sub-Adviser deems to be illiquid or for which pricing information is not readily available. No affiliated persons of applicants, any Future Fund or any Sub-Adviser will serve as the depository for any Depositary Receipts held by a Fund.

[5] An Investing Fund may rely on the order only to invest in the Funds and not in any other registered investment company.

[6] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to Rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

Day [7] the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or redemption, as the ''Creation Basket.'' In addition, the Creation Basket will correspond pro rata to the positions in a Fund's portfolio (including cash positions),[8] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots; [9] or (c) TBA Transactions,[10] short positions and other positions that cannot be transferred in kind [11] will be excluded from the Creation Basket.[12] If there is a difference between NAV attributable to a Creation Unit and the aggregate market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Cash Amount'').

7. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Cash Amount, as described above; (b) if, on a given Business Day, a Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, a Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; (d) if, on a given Business Day, a Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC or DTC; or (ii) in the case of Funds holding non-U.S. investment (''Global Funds''), such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if a Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Global Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[13]

8. Each Business Day, before the open of trading on a national securities exchange, as defined in section 2(a)(26) of the Act (''Stock Exchange''), on which Shares are listed, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Cash Amount (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following Business Day, and there will be no intra-day changes to the Creation Basket except to correct errors in the published Creation Basket. The Stock Exchange will disseminate every 15 seconds throughout the trading day an amount representing, on a per Share basis, the sum of the current value of the Portfolio Positions that were publicly disclosed prior to the commencement of trading in Shares on the Stock Exchange.

9. A Fund may recoup the settlement costs charged by NSCC and DTC by imposing a transaction fee on investors purchasing or redeeming Creation Units (the ''Transaction Fee''). The Transaction Fee will be borne only by purchasers and redeemers of Creation Units and will be limited to amounts that have been determined appropriate by the Adviser to defray the transaction expenses that will be incurred by a Fund when an investor purchases or redeems Creation Units.[14] All orders to purchase Creation Units will be placed with the Distributor by or through an Authorized Participant and the Distributor will transmit all purchase orders to the relevant Fund. The Distributor will be responsible for delivering a prospectus (''Prospectus'') to those persons purchasing Creation Units and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it.

10. Shares will be listed and traded at negotiated prices on a Stock Exchange and traded in the secondary market. Applicants expect that Stock Exchange specialists or market makers (''Market Makers'') will be assigned to Shares. The price of Shares trading on the Stock Exchange will be based on a current bid/offer in the secondary market. Transactions involving the purchases and sales of Shares on the Stock Exchange will be subject to customary brokerage commissions and charges.

11. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Specialists or Market Makers, acting in their unique role to provide a fair and orderly secondary market for Shares, also may purchase Creation Units for use in their own market making activities.[15] Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[16] Applicants expect that arbitrage opportunities created by the ability to continually purchase or

[7] Each Fund will sell and redeem Creation Units on any day the Fund is open for business, as required by section 22(e) of the Act (each, a ''Business Day'').

[8] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's net asset value (''NAV'') for that Business Day.

[9] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[10] A TBA Transaction is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree on general trade parameters such as agency, settlement date, par amount and price.

[11] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[12] Because these instruments will be excluded from the Creation Basket, their value will be reflected in the determination of the Cash Amount (defined below).

[13] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[14] Where a Fund permits an in-kind purchaser to deposit cash in lieu of depositing one or more Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to offset the cost to the Fund of buying those particular Deposit Instruments. In all cases, the Transaction Fee will be limited in accordance with the requirements of the Commission applicable to open-end management investment companies offering redeemable securities.

[15] If Shares are listed on The NASDAQ Stock Market LLC (''Nasdaq'') or a similar electronic Stock Exchange (including NYSE Arca), one or more member firms of that Stock Exchange will act as Market Maker and maintain a market for Shares trading on that Stock Exchange. On Nasdaq, no particular Market Maker would be contractually obligated to make a market in Shares. However, the listing requirements on Nasdaq, for example, stipulate that at least two Market Makers must be registered in Shares to maintain a listing. In addition, on Nasdaq and NYSE Arca, registered Market Makers are required to make a continuous two-sided market or subject themselves to regulatory sanctions. No Market Maker will be an affiliated person or an affiliated person of an affiliated person, of the Funds, except within the meaning of section 2(a)(3)(A) or (C) of the Act due solely to ownership of Shares as discussed below.

[16] Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or DTC Participants.

redeem Creation Units at their NAV per Share should ensure that the Shares will not trade at a material discount or premium in relation to their NAV.

12. Shares will not be individually redeemable and owners of Shares may acquire those Shares from a Fund, or tender such shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed by or through an Authorized Participant.

13. Neither the Trust nor any Fund will be marketed or otherwise held out as a ''mutual fund.'' Instead, each Fund will be marketed as an ''actively-managed exchange-traded fund.'' In any advertising material where features of obtaining, buying or selling Shares traded on the Stock Exchange are described, there will be an appropriate statement to the effect that Shares are not individually redeemable.

14. The Funds' Web site, which will be publicly available prior to the public offering of Shares, will include a Prospectus and additional quantitative information updated on a daily basis, including, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or mid-point of the bid/ask spread at the time of the calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Positions held by the Fund (including any short positions held in securities (''Short Positions'')) that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[17]

Applicants' Legal Analysis:

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit each Fund to redeem Shares in Creation Units only. Applicants state that investors may purchase Shares in Creation Units from each Fund and redeem Creation Units from each Fund. Applicants further state that because the market price of Creation Units will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the Prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions to permit the Shares to trade at negotiated prices.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers resulting from sales at different prices, and (c) assure an orderly distribution system of investment company shares by eliminating price competition from brokers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage activity should ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 22(e) of the Act

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants

[17] Applicants note that under accounting procedures followed by the Funds, trades made on the prior Business Day will be booked and reflected in NAV on the current Business Day. Accordingly, each Fund will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for its NAV calculation at the end of such Business Day.

observe that settlement of redemptions of Creation Units of Global Funds is contingent not only on the settlement cycle of the U.S. securities markets but also on the delivery cycles present in foreign markets in which those Funds invest. Applicants have been advised that, under certain circumstances, the delivery cycles for transferring Portfolio Positions to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to 14 calendar days. Applicants therefore request relief from section 22(e) in order to provide payment or satisfaction of redemptions within the maximum number of calendar days required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Positions of each Global Fund customarily clear and settle, but in all cases no later than 14 calendar days following the tender of a Creation Unit.[18]

8. Applicants state that section 22(e) was designed to prevent unreasonable, undisclosed and unforeseen delays in the actual payment of redemption proceeds. Applicants assert that the requested relief will not lead to the problems that section 22(e) was designed to prevent. Applicants state that allowing redemption payments for Creation Units of a Fund to be made within a maximum of 14 calendar days would not be inconsistent with the spirit and intent of section 22(e). Applicants state each Global Fund's statement of additional information (''SAI'') will disclose those local holidays (over the period of at least one year following the date of the SAI), if any, that are expected to prevent the delivery of redemption proceeds in seven calendar days and the maximum number of days needed to deliver the proceeds for each affected Global Fund. Applicants are not seeking relief from section 22(e) with respect to Global Funds that do not effect redemptions in-kind.

Section 12(d)(1) of the Act

9. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, or any other broker or dealer from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

10. Applicants request relief to permit Investing Funds to acquire Shares in excess of the limits in section 12(d)(1)(A) of the Act and to permit the Funds, their principal underwriters and any Broker to sell Shares to Investing Funds in excess of the limits in section 12(d)(l)(B) of the Act. Applicants submit that the proposed conditions to the requested relief address the concerns underlying the limits in section 12(d)(1), which include concerns about undue influence, excessive layering of fees and overly complex structures.

11. Applicants submit that their proposed conditions address any concerns regarding the potential for undue influence. To limit the control that an Investing Fund may have over a Fund, applicants propose a condition prohibiting the adviser of an Investing Management Company (''Investing Fund Adviser''), sponsor of an Investing Trust (''Sponsor''), any person controlling, controlled by, or under common control with the Investing Fund Adviser or Sponsor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Investing Fund Adviser, the Sponsor, or any person controlling, controlled by, or under common control with the Investing Fund Adviser or Sponsor (''Investing Fund's Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any sub-adviser to an Investing Management Company (''Investing Fund Sub-Adviser''), any person controlling, controlled by or under common control with the Investing Fund Sub-Adviser, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Investing Fund Sub-Adviser or any person controlling, controlled by or under common control with the Investing Fund Sub-Adviser (''Investing Fund's Sub-Advisory Group'').

12. Applicants propose a condition to ensure that no Investing Fund or Investing Fund Affiliate [19] (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Investing Fund Adviser, Investing Fund Sub-Adviser, employee or Sponsor of the Investing Fund, or a person of which any such officer, director, member of an Advisory board, Investing Fund Adviser, Investing Fund Sub-Adviser, employee or Sponsor is an affiliated person (except any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

13. Applicants propose several conditions to address the potential for layering of fees. Applicants note that the board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (''disinterested directors or trustees''), will be required to find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Investing Management Company may invest. Applicants state that these findings and their basis will be recorded fully in the minute books of the Investing Management Company. Applicants also state that any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[20]

14. Applicants submit that the proposed arrangement will not create an

[18] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations that it may otherwise have under rule 15c6–1 under the Exchange Act. Rule 15c6–1 requires that most securities transactions be settled within three business days of the trade date.

[19] An ''Investing Fund Affiliate'' is any Investing Fund Adviser, Investing Fund Sub-Adviser, Sponsor, promoter and principal underwriter of an Investing Fund, and any person controlling, controlled by or under common control with any of these entities. ''Fund Affiliate'' is an investment adviser, promoter, or principal underwriter of a Fund or any person controlling, controlled by or under common control with any of these entities.

[20] Any reference to NASD Conduct Rule 2830 includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority.

overly complex fund structure. Applicants note that a Fund will be prohibited from acquiring securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

15. To ensure that an Investing Fund is aware of the terms and conditions of the requested order, the Investing Funds must enter into an agreement with the respective Funds (''FOF Participation Agreement''). The FOF Participation Agreement will include an acknowledgement from the Investing Fund that it may rely on the order only to invest in a Fund and not in any other investment company.

Sections 17(a)(1) and (2) of the Act

16. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person (''second tier affiliate''), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act defines ''control'' as the power to exercise a controlling influence over the management or policies of a company and provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. Each Fund may be deemed to be controlled by an Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by an Adviser (an ''Affiliated Fund'').

17. Applicants request an exemption under sections 6(c) and 17(b) of the Act from sections 17(a)(1) and 17(a)(2) of the Act to permit in-kind purchases and redemptions of Creation Units by persons that are affiliated persons or second tier affiliates of the Funds solely by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25% of the outstanding Shares of one or more Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25% of the Shares of one or more Affiliated Funds.[21] Applicants also request an exemption in order to permit a Fund to sell its Shares to and redeem its Shares from, and engage in the in-kind transactions that would accompany such sales and redemptions with, certain Investing Funds of which the Funds are affiliated persons or second-tier affiliates.[22]

18. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons from making in-kind purchases or in-kind redemptions of Shares of a Fund in Creation Units. Absent the unusual circumstances discussed in the application, the Deposit Instruments and Redemption Instruments available for a Fund will be the same for all purchasers and redeemers, respectively, and will correspond *pro rata* to the Fund's Portfolio Positions. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions will be the same for all purchases and redemptions. Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Positions currently held by the relevant Funds, and the valuation of the Deposit Instruments and Redemption Instruments will be made in the same manner and on the same terms for all, regardless of the identity of the purchaser or redeemer. Applicants do not believe that in-kind purchases and redemptions will result in abusive self-dealing or overreaching of the Fund.

19. Applicants also submit that the sale of Shares to and redemption of Shares from an Investing Fund meets the standards for relief under sections 17(b) and 6(c) of the Act. Applicants note that any consideration paid for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund in accordance with policies and procedures set forth in the Fund's registration statement.[23] The FOF Participation Agreement will require any Investing Fund that purchases Creation Units directly from a Fund to represent that the purchase of Creation Units from a Fund by an Investing Fund will be accomplished in compliance with the investment restrictions of the Investing Fund and will be consistent with the investment policies set forth in the Investing Fund's registration statement. Applicants also state that the proposed transactions are consistent with the general purposes of the Act and appropriate in the public interest.

Applicants' Conditions:

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. ETF Relief

1. As long as a Fund operates in reliance on the requested order, the Shares of the Fund will be listed on a Stock Exchange.

2. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

3. The Web site for the Funds, which is and will be publicly accessible at no charge, will contain, on a per Share basis, for each Fund the prior Business Day's NAV and the market closing price or Bid/Ask Price, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

4. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Positions held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

5. The Adviser or any Sub-Adviser, directly or indirectly, will not cause any Authorized Participant (or any investor on whose behalf an Authorized

[21] Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person, of an Investing Fund because an investment adviser to the Funds is also an investment adviser to an Investing Fund.

[22] Applicants expect most Investing Funds will purchase Shares in the secondary market and will not purchase Creation Units directly from a Fund. To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between an Investing Fund and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to an Investing Fund and redemptions of those Shares. The requested relief is intended to also cover the in-kind transactions that may accompany such sales and redemptions.

[23] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of an Investing Fund, or an affiliated person of such person, for the purchase by the Investing Fund of Shares of the Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to an Investing Fund, may be prohibited by section 17(e)(1) of the Act. The FOF Participation Agreement also will include this acknowledgment.

Participant may transact with the Fund) to acquire any Deposit Instrument for the Fund through a transaction in which the Fund could not engage directly.

6. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively-managed exchange-traded funds.

B. Section 12(d)(1) Relief

1. The members of the Investing Fund's Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of the Investing Fund's Sub-Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Investing Fund's Advisory Group or the Investing Fund's Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of the Fund's Shares. This condition does not apply to the Investing Fund's Sub-Advisory Group with respect to a Fund for which the Investing Fund Sub-Adviser or a person controlling, controlled by or under common control with the Investing Fund Sub-Adviser acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Investing Fund or Investing Fund Affiliate will cause any existing or potential investment by the Investing Fund in a Fund to influence the terms of any services or transactions between the Investing Fund or an Investing Fund Affiliate and the Fund or a Fund Affiliate.

3. The board of directors or trustees of an Investing Management Company, including a majority of the independent directors or trustees, will adopt procedures reasonably designed to ensure that the Investing Fund Adviser and any Investing Fund Sub-Adviser are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or an Investing Fund Affiliate from a Fund or a Fund Affiliate in connection with any services or transactions.

4. Once an investment by an Investing Fund in the Shares of a Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, the Board of a Fund, including a majority of the independent directors or trustees, will determine that any consideration paid by the Fund to the Investing Fund or an Investing Fund Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

5. The Investing Fund Adviser, or Trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Investing Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received from a Fund by the Investing Fund Adviser, or Trustee or Sponsor, or an affiliated person of the Investing Fund Adviser, or Trustee or Sponsor, other than any advisory fees paid to the Investing Fund Adviser, or Trustee, or Sponsor, or its affiliated person by the Fund, in connection with the investment by the Investing Fund in the Fund. Any Investing Fund Sub-Adviser will waive fees otherwise payable to the Investing Fund Sub-Adviser, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from a Fund by the Investing Fund Sub-Adviser, or an affiliated person of the Investing Fund Sub-Adviser, other than any advisory fees paid to the Investing Fund Sub-Adviser or its affiliated person by the Fund, in connection with the investment by the Investing Management Company in the Fund made at the direction of the Investing Fund Sub-Adviser. In the event that the Investing Fund Sub-Adviser waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

6. No Investing Fund or Investing Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an Affiliated Underwriting.

7. The Board of a Fund, including a majority of the independent directors or trustees, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Investing Fund in the Fund. The Board will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to assure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

8. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

9. Before investing in a Fund in excess of the limits in section 12(d)(1)(A), an Investing Fund will execute a FOF Participation Agreement with the Fund stating that their respective boards of directors or trustees and their investment advisers, or Trustee and Sponsor, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of a

Fund in excess of the limit in section 12(d)(1)(A)(i), an Investing Fund will notify the Fund of the investment. At such time, the Investing Fund will also transmit to the Fund a list of the names of each Investing Fund Affiliate and Underwriting Affiliate. The Investing Fund will notify the Fund of any changes to the list as soon as reasonably practicable after a change occurs. The Fund and the Investing Fund will maintain and preserve a copy of the order, the FOF Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

10. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company, including a majority of the independent directors or trustees, will find that the advisory fees charged under such contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Management Company may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Investing Management Company.

11. Any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund relying on the section 12(d)(1) relief will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–18348 Filed 7–30–13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30630; File No. 812–13942]

NGAM Advisors, L.P., et al.; Notice of Application

July 25, 2013.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act.

Summary of Application: Applicants request an order that would permit (a) series of certain open-end management investment companies to issue shares (''Shares'') redeemable in large aggregations only (''Creation Unit Aggregations''); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Shares for redemption; and (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Unit Aggregations.

Applicants: NGAM Advisors, L.P. (the ''Adviser''), Natixis ETF Trust (the ''Trust'') and NGAM Distribution, L.P.

Filing Dates: The application was filed on August 15, 2011, and amended on February 8, 2012, April 20, 2012, July 17, 2012 and May 30, 2013.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 19, 2013 and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, 399 Boylston Street, Boston, MA 02116.

FOR FURTHER INFORMATION CONTACT: Emerson S. Davis, Sr., Senior Counsel at (202) 551–6868, or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Exemptive Applications Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is a Massachusetts business trust and will be registered under the Act as an open-end management investment company. The Trust will initially offer one series, the US Minimum Variance ETF (''Initial Fund''), whose performance will correspond generally to the price and yield performance of a specified securities index (''Underlying Index'').[1]

2. Applicants request that the order apply to the Initial Fund and any future series of the Trust or of any other open-end management investment companies that tracks a specified securities index (''Future Funds'' and collectively with the Initial Fund, the ''Funds'').[2] Any Fund will be (a) advised by the Adviser or an entity controlling, controlled by, or under common control with the Adviser (any such entity is included in the term ''Adviser'') and (b) comply with the terms and conditions of the application. Future Funds may be based on indices that only contain global equity securities or only contain global fixed income securities (collectively, ''Global Funds''). Other Future Funds may be based on (i) indices that only contain domestic equity securities, (ii) indices that only contain domestic fixed income securities (''Domestic Fixed Income''), (iii) indices containing a blend of domestic equity and fixed income securities (''Blended Domestic''), or (iv) indices that only contain international equity securities, that only contain international fixed income securities, or that contain a blend of international equity and

[1] The Underlying Index for the Initial Fund is the Ossiam US Minimum Variance Net Return Index.

[2] All entities that currently intend to rely on the order have been named as applicants. Any other existing or future entity that subsequently relies on the order will comply with the terms and conditions of the application.

international fixed income securities (collectively, ''International Funds'').

3. An Adviser registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'') will serve as investment adviser to the Funds, subject to approval by the Board of Trustees of the Trust or a Fund (the ''Board'').

4. The Adviser may enter into sub-advisory agreements with one or more investment advisers each of which will serve as a sub-adviser to a Fund (each, a ''Subadviser''). Each Subadviser will be registered under the Advisers Act or not subject to such registration. NGAM Distribution, L.P. or another broker-dealer registered under the Securities Exchange Act of 1934 (the ''Exchange Act'') will act as the principal underwriter and distributor for the Funds (the ''Distributor'').

5. Each Fund will consist of a portfolio of securities and other instruments (''Portfolio Securities'') selected to correspond generally to the price and yield performance of a specified Underlying Index. No entity that creates, compiles, sponsors or maintains an Underlying Index (''Index Provider'') is or will be an affiliated person, as defined in section 2(a)(3) of the Act, or an affiliated person of an affiliated person, of the Trust, a Fund, a promoter, the Adviser, a Subadviser, or a Distributor.

6. The investment objective of each Fund will be to provide investment results that closely correspond to the price and yield performance of its Underlying Index.[3] Each Fund will utilize either a replication or representative sampling strategy to track its Underlying Index. A Fund using a replication strategy will invest in substantially all of the Component Securities in its Underlying Index in the same approximate proportions as in the Underlying Index. A Fund using a representative sampling strategy will hold a significant, but not necessarily all of the Component Securities of its Underlying Index.[4] Applicants state that if the representative sampling strategy is used a Fund will not be expected to track the performance of its Underlying Index with the same degree of accuracy as would a Fund employing the replication strategy. Applicants expect that each Fund will have a tracking error relative to the performance of its Underlying Index of no more than 5 percent.

7. Each Fund will sell and redeem Creation Unit Aggregations on a ''Business Day,'' which is defined as any day that a Trust is required to be open under section 22(e) of the Act. The price of a Fund Share will range from $20 to $200, and the price of one Creation Unit Aggregation will range from $1,000,000 to $10,000,000. All orders to purchase Creation Unit Aggregations must be placed with the Distributor by or through an ''Authorized Participant,'' which is either: (1) A ''participating party,'' *i.e.,* a broker or other participant in the Continuous Net Settlement (''CNS'') System of the National Securities Clearing Corporation (''NSCC''), a clearing agency registered with the Commission and affiliated with the Depository Trust Company (''DTC'') or (2) a DTC Participant, which in any case, has executed a participant agreement with the Distributor. The Distributor will be responsible for transmitting the orders to the Funds.

8. In order to keep costs low and, potentially, permit closer tracking of each Fund's Underlying Index, Shares will be purchased and redeemed in Creation Unit Aggregations and generally on an in-kind basis. Accordingly, except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Unit Aggregations by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[5] On any given Business Day, the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, unless the Fund is Rebalancing (as defined below). In addition, the Deposit Instruments and the Redemption Instruments will each correspond *pro rata* to the positions in the Fund's portfolio (including cash positions),[6] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots; [7] (c) TBA Transactions,[8] derivatives and other positions that cannot be transferred in kind [9] will be excluded from the Deposit Instruments and the Redemption Instruments; [10](d) to the extent the Fund determines, on a given Business Day, to use a representative sampling of the Fund's portfolio; [11] or (e) for temporary periods, to effect changes in the Fund's portfolio as a result of the rebalancing of its Underlying Index (any such change, a ''Rebalancing'').

9. If there is a difference between the net asset value attributable to a Creation Unit Aggregation and the aggregate market value of the Deposit Instruments or Redemption Instruments exchanged for the Creation Unit Aggregation, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Cash Amount''). A difference may occur where the market value of the Deposit Instruments or Redemption Instruments, as applicable, changes relative to the net asset value of the Fund for the reasons identified in clauses (a) through (e) above.

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[3] Applicants represent that each Fund will invest at least 80% of its total assets in the component securities that comprise its Underlying Index (''Component Securities''), or in the case of Domestic Fixed Income Funds and Blended Domestic Funds, in Component Securities of its respective Underlying Index and TBA Transactions (as defined below) representing Component Securities, and in the case of Global Funds and International Funds, in Component Securities and depositary receipts representing such Component Securities. Each Fund may also invest up to 20% of its assets in a broad variety of securities and other instruments not included in its Underlying Index, which the Adviser and/or Sub-Adviser believes will help the Fund in tracking the performance of the Underlying Index.

[4] Securities are selected for inclusion in a Fund following a representative sampling strategy to have aggregate investment characteristics, fundamental characteristics and liquidity measures similar to those of the Fund's Underlying Index taken in its entirety.

[5] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act. In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

[6] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's NAV for that Business Day.

[7] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[8] A 'TBA Transaction' is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree upon general trade parameters such as agency, settlement date, par amount and price. The actual pools delivered generally are determined two days prior to the settlement date.

[9] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[10] Because these instruments will be excluded from the Deposit Instruments and the Redemption Instruments, their value will be reflected in the determination of the Cash Amount (defined below).

[11] A Fund may only use sampling for this purpose if the sample: (i) Is designed to generate performance that is highly correlated to the performance of the Fund's portfolio; (ii) consists entirely of instruments that are already included in the Fund's portfolio; and (iii) is the same for all Authorized Participants on a given Business Day.

10. Purchases and redemptions of Creation Unit Aggregations may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Cash Amount, as described above; (b) if, on a given Business Day, the Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made *entirely in cash;* (c) if, upon receiving a purchase or redemption order from an Authorized Participant, the Fund determines to require the purchase or redemption, as applicable, to be made *entirely in cash;*[12] (d) if, on a given Business Day, the Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash *in lieu* of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC Process or DTC Process; or (ii) in the case of Global Funds and International Funds, such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if the Fund permits an Authorized Participant to deposit or receive (as applicable) cash *in lieu* of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit Aggregations, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Global Fund or International Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[13]

11. Each Business Day, before the open of trading on a national securities exchange as defined in Section 2(a)(26) of the Act (''Exchange''), the Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Deposit Instruments and the Redemption Instruments, as well as the estimated Cash Amount (if any), for that day.[14] The list of Deposit Instruments and Redemption Instruments will apply until a new list is announced on the following Business Day, and there will be no intra-day changes to the list except to correct errors in the published list.

12. An investor acquiring or redeeming a Creation Unit Aggregation from a Fund will be charged a fee (''Transaction Fee'') to prevent the dilution of the interests of the remaining shareholders resulting from costs in connection with the purchase or redemption of Creation Unit Aggregations.[15] The Distributor will furnish the Fund's prospectus and confirmation to those persons purchasing Shares in Creation Units Aggregations and will maintain a record of the instructions given to the applicable Fund to implement the delivery of its Shares.

13. Shares will be listed and traded on an Exchange. One or more Exchange market makers (''Market Makers'') will be assigned to the Shares and maintain a market for Shares trading on the Exchange.[16] Prices of Shares trading on an Exchange will be based on the current bid/offer market. Shares sold in the secondary market will be subject to customary brokerage commissions and charges.

14. Applicants expect that purchasers of Creation Unit Aggregations will include institutional investors and arbitrageurs. Authorized Participants also may purchase Creation Unit Aggregations for use in market-making activities. Applicants expect that secondary market purchasers of Shares will include both institutional investors and retail investors.[17] Applicants expect that the price at which Shares trade will be disciplined by arbitrage opportunities created by the ability to purchase or redeem Creation Unit Aggregations at their NAV, which should ensure that Shares will not trade at a material discount or premium in relation to their NAV.

15. Shares will not be individually redeemable, and owners of Shares may acquire those Shares from the Fund, or tender such Shares for redemption to the Fund, in Creation Unit Aggregations only. To redeem, an investor will have to accumulate enough Shares to constitute a Creation Unit Aggregation. Redemption orders must be placed by or through an Authorized Participant.

16. Neither the Trust nor any Fund will be advertised, marketed or otherwise held out as a traditional open-end investment company or a mutual fund. Instead, each Fund will be advertised or marketed as an ''exchange–traded fund.'' All marketing materials that describe the features or method of obtaining, buying or selling Creation Unit Aggregations or Shares traded on an Exchange, or refer to redeemability, will prominently disclose that Shares are not individually redeemable and that the owners of Shares may purchase or redeem Shares from the Fund in Creation Unit Aggregations only. The same approach will be followed in the shareholder reports and investor educational materials issued or circulated in connection with the Shares. The Trust will provide copies of their annual and semi-annual shareholder reports to DTC Participants for distribution to shareholders.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from

[12] In determining whether a particular Fund will sell or redeem Creation Unit Aggregations entirely on a cash or in-kind basis (whether for a given day or a given order), the key consideration will be the benefit that would accrue to the Fund and its investors. For instance, in bond transactions, the Adviser may be able to obtain better execution than Share purchasers because of the Adviser's size, experience and potentially stronger relationships in the fixed income markets. Purchases of Creation Unit Aggregations either on an all cash basis or in-kind are expected to be neutral to the Funds from a tax perspective. In contrast, cash redemptions typically require selling portfolio holdings, which may result in adverse tax consequences for the remaining Fund shareholders that would not occur with an in-kind redemption. As a result, tax considerations may warrant in-kind redemptions.

[13] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[14] If the Fund is Rebalancing, it may need to announce two estimated Cash Amounts for that day, one for deposits and one for redemptions.

[15] Where a Fund permits an in-kind purchaser to deposit cash in lieu of depositing one or more Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to offset the transaction cost to the Fund of buying those particular Deposit Instruments.

[16] If Shares are listed on NASDAQ Stock Market LLC or a similar electronic Exchange (including NYSE Arca), one or more member firms of that Exchange will act as Market Maker and maintain a market for Shares trading on the Exchange

[17] Shares will be registered in book-entry form only. DTC or its nominee will be the registered owner of all outstanding Shares. DTC or DTC Participants will maintain records reflecting beneficial owners of Shares.

section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Funds to register as open-end management investment companies and issue Shares that are redeemable in Creation Unit Aggregations only. Applicants state that investors may purchase Shares in Creation Unit Aggregations and redeem Creation Unit Aggregations from each Fund. Applicants state that because the market price of Shares will be disciplined by arbitrage opportunities investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through an underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers, and (c) ensure an orderly distribution of investment company shares by eliminating price competition from non-contract dealers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve a Fund as a party and will not result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because competitive forces will ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 22(e)

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that the settlement of redemptions of Creation Unit Aggregations of the Global and International Funds is contingent not only on the settlement cycle of the U.S. securities markets, but also on the delivery cycles present in international markets in which those Funds invest. Applicants state that, under certain circumstances, the delivery cycles for transferring Portfolio Securities to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to 14 calendar days. Applicants therefore request relief from section 22(e) in order to provide for payment or satisfaction of redemptions within a longer number of calendar days required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Securities of each Global Fund and International Fund customarily clear and settle, but in all cases no later than 14 calendar days following the tender of a Creation Unit Aggregation.[18] With respect to Future Funds that are Global Funds or International Funds, applicants seek the same relief from section 22(e) only to the extent that circumstances exist similar to those described in the application.

8. Applicants submit that section 22(e) was designed to prevent unreasonable, undisclosed and unforeseen delays in the actual payment of redemption proceeds. Applicants state that allowing redemption payments for Creation Unit Aggregations of a Fund to be made within the number of days indicated above would not be inconsistent with the spirit and intent of section 22(e). Applicants state that the SAI will disclose those local holidays (over the period of at least one year following the date of the SAI), if any, that are expected to prevent the delivery of redemption proceeds in seven calendar days, and the maximum number of days needed to deliver the proceeds for each affected Global and International Fund. Applicants are not seeking relief from section 22(e) with respect to Global Funds and International Funds that do not effect redemptions of Creation Unit Aggregations in-kind.

Sections 17(a)(1) and (2) of the Act

9. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person (''second-tier affiliate''), from selling any security to or acquiring any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include (a) any person directly or indirectly owning, controlling or holding with power to vote 5% or more of the outstanding voting securities of the other person, (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with the power to vote by the other person, and (c) any person directly or indirectly controlling, controlled by or under common control with the other person. Section 2(a)(9) of the Act defines ''control'' as the power to exercise a controlling influence over the

[18] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations applicants may have under rule 15c6–1 under the Exchange Act. Rule 15c6–1 requires that most securities transactions be settled within three business days of the trade.

management or policies of a company and provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. Each Fund may be deemed to be controlled by an Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by the Adviser or an entity controlling, controlled by or under common control with the Adviser (an ''Affiliated Fund'').

10. Applicants request an exemption from section 17(a) of the Act pursuant to sections 17(b) and 6(c) of the Act to permit persons to effectuate in-kind purchases and redemptions with a Fund when they are affiliated persons of the Fund or second-tier affiliates solely by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25%, of the outstanding Shares of one or more Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25%, of the shares of one or more Affiliated Funds.

11. Applicants assert that no useful purpose would be served by prohibiting these types of affiliated persons from acquiring or redeeming Creation Unit Aggregations through ''in-kind'' transactions. The deposit procedures for both in kind purchases and in-kind redemptions of Creation Unit Aggregations will be the same for all purchases and redemptions. Deposit Instruments, Redemption Instruments, and the balancing cash amounts (except for any permitted cash-in-lieu amounts) will be the same regardless of the identity of the purchaser or redeemer and the Deposit Instruments and Redemption Instruments will be valued in the same manner as Portfolio Securities. Therefore, applicants state that in-kind purchases and redemptions will afford no opportunity for the specified affiliated persons, or second-tier affiliates, of a Fund to effect a transaction detrimental to other holders of Shares. Applicants also believe that in-kind purchases and redemptions will not result in self-dealing or overreaching of the Fund.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

ETF Relief

1. As long as the Trust operates in reliance on the requested order, the Shares of the Funds will be listed on an Exchange.

2. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Unit Aggregations or refers to redeemability will prominently disclose that Fund Shares are not individually redeemable and that owners of Fund Shares may acquire those Fund Shares from a Fund and tender those Fund Shares for redemption to a Fund in Creation Unit Aggregations only.

3. The Web site for the Funds, which is and will be publicly accessible at no charge, will contain the following information, on a per Share basis, for each Fund, the prior Business Day's NAV and the market closing price or the midpoint of the bid/ask spread at the time of the calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

4. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of index-based exchange-traded funds.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–18349 Filed 7–30–13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70038; File No. SR–NYSEArca–2013–72]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adding a New Rule To Codify Existing Price Protection Mechanisms

July 25, 2013.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 17, 2013, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to add a new rule to codify existing price protection mechanisms. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to add Rule 6.60 to codify and clarify price protection mechanisms already in use on the Exchange. The Exchange has in place various price check parameter features that are designed to help maintain a fair and orderly market by preventing incoming options orders from automatically executing at potentially erroneous prices. The Exchange believes that the features assist with the maintenance of fair and orderly markets by helping to mitigate the potential risks associated with orders sweeping through multiple price points, thereby resulting in executions at prices that are away from the last sale price or best bid or offer and that are potentially erroneous. The Exchange is proposing to add a new rule to codify existing price check protection and order handling features to provide clarity on the operation of the functionality.

Trading Collars

The Exchange applies a ''Trade Collar Protection'' mechanism that prevents the immediate execution of incoming market orders or marketable limit orders (''marketable orders'') outside of a specified parameter (referred to as a

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

''Trading Collar''). Pursuant to proposed Rule 6.60(a)(3), the Trade Collar Protection mechanism is not available for quotes [4] or for orders with execution conditions IOC, AON, FOK and NOW.[5]

Trading Collars are determined by the Exchange on a class-by-class basis and, unless announced otherwise via Trader Update, are the same value as the bid-ask differential guidelines established pursuant to Rule 6.37(b)(1), as set forth in proposed Rule 6.60(a)(2). For example, Rule 6.37(b)(1) sets the bid-ask differential for an option priced less than $2.00 at $0.25. For any option that has a bid less than $2.00, the Trading Collar will be $0.25. Accordingly, if the National Best Bid and Offer (''NBBO'') for XYZ is $0.75 bid and $1.75 offer, any marketable orders the Exchange receives will be subject to a $0.25 Trading Collar.[6] If necessary to preserve a fair and orderly market,[7] the Exchange may, with the approval of two Trading Officials,[8] widen or narrow the Trading Collar for one or more option series.[9]

Trade Collar Protection applies to two scenarios. First, pursuant to proposed Rule 6.60(a)(1)(i), Trade Collar Protection prevents executions of certain incoming marketable orders when the difference between the National Best Offer (''NBO'') and the National Best Bid (''NBB'') is greater than one Trading Collar. Second, pursuant to proposed Rule 6.60(a)(1)(ii), Trade Collar Protection prevents the execution of the balance of an incoming marketable order if it were to execute at a price that is the NBO plus a Trading Collar for eligible marketable buy orders (or a price that is the NBB minus a Trading Collar for eligible marketable sell orders).

The purpose of Trade Collar Protection in the first scenario, set forth in proposed Rule 6.60(a)(1)(i), is to prevent executions when the spread between the bid and ask exceeds the bid-ask differential guidelines and to provide an opportunity to attract additional liquidity at tighter spreads by displaying the incoming marketable order at successive prices until the displayed bid and offer is equal to the bid-ask differential guideline for that option, *i.e.,* equal to the Trading Collar. Accordingly, if the difference between the NBO and the NBB is greater than one Trading Collar, the Exchange will prevent execution or routing of the incoming marketable order. Instead, pursuant to proposed Rule 6.60(a)(4)(A), the Exchange will display the incoming marketable order at a price equal to the NBO minus one Trading Collar for sell orders or the NBB plus one Trading Collar for buy orders (the ''collared order''). The Exchange will then attempt to execute or route the collared order to buy (sell) against any contra interest priced within one Trading Collar above (below) the displayed price of the collared order.[10] As set forth in proposed Rule 6.60(a)(4)(C)(iii), should market conditions prevent the order from trading or recalculating for a period of one second,[11] the order will improve its displayed price by an amount equal to an additional Trading Collar. In accordance with proposed Rule 6.60(a)(D), if the order subject to Trade Collar Protection is a limit order, the order will not be posted at a price beyond its limit. Once the limit price is reached through the re-pricing of a collared order, the order will be posted and displayed at its limit price in the Consolidated Book. Until there is an opportunity to execute consistent with the parameters of Trade Collar Protection, the Exchange will not execute or route market orders or eligible limit orders that would execute outside it. As new prices are calculated, the Exchange will continue to evaluate whether the marketable orders may execute consistent with Trade Collar Protection.

In the above example of the NBBO for XYZ being $0.75 bid and $1.75 offer with a $0.25 Trading Collar, an incoming market order to sell will be displayed at $1.50 (*i.e.,* $1.75 offer minus the $0.25 Trading Collar). For a period of one second, the Exchange will attempt to execute the sell order against any contra interest (on any market) priced $1.25 or greater (*i.e.,* $1.50 offer minus the $0.25 Trading Collar). At the expiration of one second, the Exchange will redisplay the market sell order subject to Trade Collar Protection at the next Trading Collar value of $1.25. For a period of one second, the Exchange will then attempt to execute the sell order against any contra interest priced $1.00 or greater ($1.25 offer minus the $0.25 Trading Collar). At the expiration of another one second, the Exchange will redisplay the market sell order subject to Trade Collar Protection at $1.00. Assuming the hypothetical market remained unchanged, the new market would be $0.75–$1.00. Since the market would now equal the $0.25 bid-ask differential guidelines established pursuant to Rule 6.37(b)(1), Trade Collar Protection would no longer apply and the market order would immediately execute against the $0.75 bid.

The collared order will re-price before the expiration of one second as a result of certain changes in the market. Pursuant to proposed Rule 6.60(a)(4)(C)(i), an update to the NBBO (based on another market center or an inbound quote or order on the Exchange) that improves the same side of the market as the collared order will cause the collared order to be redisplayed at the same price as the updated NBBO. In accordance with proposed Rule 6.60(a)(4)(C)(ii), an inbound limit order (which is not an IOC Order, AON Order, FOK Order or NOW Order) on the same side of the market priced better than one Trading Collar from the collared order will also become subject to Trade Collar Protection and will cause the collared order to improve by one Trading Collar (which will redisplay at the new price and additional size of the new limit

[4] Market Makers have obligations to provide liquidity through the quoting obligations set forth in Rule 6.37B. The Exchange does not believe it is necessary to provide Trade Collar Protection to quotes, as they may be priced to address dislocation in the market. The Exchange provides Market Makers with a dedicated trade protection mechanism set forth in Rule 6.40.

[5] IOC, AON, FOK or NOW are time in force indicators added to orders that notify the Exchange that the order is not eligible for Trade Collar Protection. When Trade Collar Protection does not apply, marketable orders will receive an immediate execution. The Exchange does not believe that Trade Collar Protection is necessary for orders with IOC, FOK, or NOW instructions because by definition, those orders are intended to access all availability liquidity without delay and cancel if they do not execute. Because Trade Collar Protection may hold a market or marketable limit order for execution, the Exchange believes that it would contradict the explicit instruction of a customer using IOC, FOK, or NOW instructions (immediately execute or cancel). The Exchange further believes that the Trade Collar Protection is not necessary for AON orders because by definition, an AON order must meet sufficient size before executing, and so partial executions at multiple price points would contradict the explicit instruction of a customer using an AON instruction.

[6] The bid-ask differential changes as the price increases. Rule 6.37(b)(1) sets the bid-ask differential at no more than $0.40 where the bid is $2.00 or more but does not exceed $5.00. Accordingly, if the NBBO for XYZ is $3.00 bid and $3.50 offer, any marketable orders the Exchange receives will be subject to a $0.40 Trading Collar Protection.

[7] As an example, situations of extreme market volatility or a major news announcement in an underlying security may prompt a review of the Trading Collar values.

[8] A Trading Official, as defined by Rule 6.1(b)(34) is an officer or employee of the Exchange. Trading Officials are not affiliated with OTP Holders.

[9] If the Exchange announces by Trader Update that the Trading Collars are being modified outside the bid-ask differential guidelines established pursuant to Rule 6.37(b)(1), the Exchange will publish a Trader Update that advises OTP Holders when the Trading Collars will return to the bid-ask differential guidelines set forth in Rule 6.37(b)(1). The Exchange will maintain records regarding when and why a Trading Collar may be modified and will make such records available to NYSE Regulation.

[10] *See,* proposed Rule 6.60(a)(4)(B).

[11] The Exchange believes that displaying the order for one second before recalculating to the next Trading Collar provides an appropriate length of time to attract additional contra-side liquidity for that option.

order). A new incoming market order on the same side as a collared order will not cause the order subject to Trade Collar Protection to be recalculated (but will redisplay with the additional size of the new market order).[12] As set forth in proposed Rule 6.60(a)(6), the order that has been held subject to the Trading Collar retains priority over later arriving quotes and all orders, except those with execution conditions IOC, AON, FOK or NOW.[13]

As an example, if the NBBO is $0.25 bid and $2.00 offer with a $0.25 Trading Collar, a new incoming market order to buy 100 contracts will be displayed at $0.50. If the NBBO becomes a $1.00 bid and $2.00 offer (via an updated quote from a market maker or another market center), the market order subject to the Trading Collar will redisplay at $1.00. If, instead, a limit order to buy was received with a limit price of $1.00, the market order and the limit order will redisplay with combined size at $0.75 (for which the market order will have priority over the later arriving limit order). If, however, the limit order to buy was received with a limit price of $0.60, the market order and the limit order will redisplay with combined size at $0.60 (for which the market will have priority over the later arriving limit order).

The purpose of Trade Collar Protection in the second scenario, set forth in proposed Rule 6.60(a)(1)(ii), is to prevent an order from executing at prices away from the market after exhausting interest at or near the top of the book. Trade Collar Protection seeks to provide an opportunity for liquidity to reenter the market creating tighter spreads by displaying the partially executed marketable order instead of allowing it to further execute. When the difference between the NBB and NBO is within the bid-ask differential guidelines and after an incoming marketable order executes against the NBB or NBO, Trade Collar Protection prevents execution of the balance of that incoming order at prices that are a Trading Collar above the NBO for buy orders (or at prices that are a Trading Collar below the NBB for sell orders). Essentially, the Exchange will permit the immediate execution of an incoming marketable order up to a Trading Collar away from the NBBO. Pursuant to proposed Rule 6.60(a)(5), the balance of the partially executed order will be subject to Trade Collar Protection and will display at the last sale price. However, if there is an opportunity for trading within one Trading Collar of the last sale price, the order will continue to be displayed at the NBB (NBO) established at the time of the initial execution. Once subject to Trade Collar Protection, the order will follow the re-pricing mechanism described above.

As an example, assume the Exchange received a 1000 contract buy market order for ABC when the NBBO is $1.50–$1.60 with a $0.25 Trading Collar. The incoming 1000 contract buy market order would immediately execute against the $1.60 offer. If there is insufficient interest at the $1.60 offer to fill the order, the buy market order would execute against subsequently higher offer prices. Pursuant to Trade Collar Protection, the order would execute against all available interest up to and including $1.85 ($1.60 offer added with the $0.25 Trading Collar). The remaining balance of the order that could not be executed up to and including $1.85 would then be subject to Trade Collar Protection. The balance of the order will display at $1.85 so long as there are no offers at $2.10 or less ($1.85 plus the $0.25 Trading Collar). If, however, there is an offer at $2.10 or less, the balance of the order will display at $1.60.

The Exchange believes that Trade Collar Protection applicable to certain incoming marketable orders (*i.e.,* orders that do not include a time in force indicator) supports a fair and orderly market because it prevents the execution of orders that may be potentially erroneous while at the same time displaying such interest at sequentially tighter increments in an effort to attract contra-side interest at prices closer to the bid-ask differential for the option.

Limit Order Filter

As set forth in proposed Rule 6.60(b), the Exchange also employs a filter for incoming limit orders, pursuant to which the Exchange rejects limit orders priced a specified percentage away from the NBB or NBO. As the Exchange receives limit orders, the Exchange System will check the price of the limit order against the contra-side NBB or NBO at the time of the order entry to determine whether the limit order is within the specified percentage.

Unless determined otherwise by the Exchange and announced to OTP Holders via Trader Update, the specified percentage will be 100% for the contra-side NBB or NBO priced at or below $1.00 and 50% for contra-side NBB or NBO priced above $1.00. If the limit order is priced outside of the specified percentage, the limit order will be rejected. For example, if the NBB is $4.00, a sell order priced at or below $2.00, which is 50% below the NBB, would be rejected. Likewise, if the NBO is $0.75, a buy order priced at or above $1.50, which is 100% above the NBO, would be rejected.

The Exchange believes that this mechanism will prevent the entry of limit orders that have similar market impact as market orders because they are priced so far away from the prevailing market price that execution of such orders could cause significant price dislocation in the market. The Exchange also believes that this mechanism will further serve to mitigate the occurrence of executions that are potentially erroneous.

2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(5) of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5)[14] which requires the rules of an exchange to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1)[15] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets. The Exchange believes that the proposed rule assists with the maintenance of fair and orderly markets by helping to mitigate the potential risks associated with orders sweeping through multiple price points, thereby resulting in executions at prices that are away from the last sale price or best bid or offer and that are potentially erroneous, thereby protecting investors from receiving executions away from the prevailing prices at any given time. Specifically, the Exchange believes that holding and displaying certain incoming marketable orders for options with a bid-ask differential wider than one Trading Collar at successive Trading Collar prices removes impediments to and perfects the mechanism of a free and open market by preventing executions at potentially erroneous prices while at the same time seeking to attract contra-side liquidity for a tighter market. The Exchange believes that the maintenance of fair and orderly markets is further enhanced by

[12] *See,* proposed Rule 6.60(a)(4)(C)(iv).

[13] As stated above, orders with execution conditions IOC, AON, FOK and NOW are not eligible for Trade Collar Protection. As such, marketable orders with these conditions will receive an immediate execution (even if there is an order held subject to the Trading Collar).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78k–1(a)(1).

the ability to adjust the thresholds of Trade Collar Protection to react to market conditions. In addition, the Exchange believes that preventing executions of incoming marketable orders at prices that are not [sic] more than one Trading Collar outside of the NBBO and rejecting incoming limit orders that are priced specified parameters away from the NBBO also assures that executions will not occur at erroneous prices, thereby promoting a fair and orderly market. Similarly, the Exchange believes that rejecting limit orders priced a specified percentage away from the NBBO removes impediments to and perfects the mechanism of a free and open market by reducing the potential for executions at erroneous prices.

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 the proposal will provide market participants with additional protection from anomalous executions. Thus, the Exchange does not believe the proposal creates any significant impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [18] of the Act to determine whether the proposed rule change 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–NYSEArca–2013–72 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2013–72. 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 Section, 100 F Street NE., Washington, DC 20549–1090. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com*. 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–NYSEArca–2013–72 and should be submitted on or before August 21, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–18346 Filed 7–30–13; 8:45 am]

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[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

[18] 15 U.S.C. 78s(b)(2)(B).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70039; File No. SR–CBOE–2013–071]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Technical Disconnect Functionality

July 25, 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 July 12, 2013, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its rules to codify the Technical Disconnect Mechanism. The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4. The Commission notes that the Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act (15 U.S.C. 78s(b)(3)(A)(ii)) and Rule 19b–4(f)(5) thereunder (17 CFR 240.19b–4(f)(5)), which renders the proposal effective upon filing with the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend CBOE Rules to codify a Technical Disconnect functionality which is designed to assist CBOE Trading Permit Holders (''TPHs'') in the event that they lose communication with a CBOE Application Server (''CAS'') due to a loss of connectivity between their designated CBOE Client Application and a CAS.

By way of background, CBOE TPHs currently enter quotes and orders into a CAS via Client Applications. For purposes of this discussion, a ''Client Application'' is the system component, such as a CBOE-supported workstation or a TPH's custom trading application, through which a TPH communicates its quotes and/or orders to a CAS,[3] which sits between the Client Application and the trading platform for the CBOE Hybrid Trading System. Messages are passed between a Client Application and a CAS. The quotes a Market-Maker enters on the Exchange may be sent by a Market-Maker from one or more Client Applications. Similarly, the orders a TPH enters on the Exchange may be sent by the TPH from one or more Client Applications.

When a CAS loses communication with a Client Application such that the CAS does not receive an appropriate response to a Heartbeat Request within ''x'' period of time (''Heartbeat Response Time''), the Technical Disconnect Mechanism will automatically logoff the TPH's affected Client Application and, if applicable, will automatically cancel any Market-Maker quotes posted through the affected Client Application. For purposes of this rule, a ''Heartbeat Request'' refers to a message from a CAS to a Client Application to check connectivity and which requires a response from the Client Application in order to avoid logoff. The Heartbeat Request acts as a virtual pulse between a CAS and a Client Application and allows a CAS to continually monitor its connection with a Client Application. Failure to receive a response to a Heartbeat Request within the Heartbeat Response Time is indicative of a technical or system issue. This function of automatically logging off a Client Application, and if applicable automatically cancelling Market-Maker quotes posted through the affected Client Application, when there is no response to a Heartbeat Request within the Heartbeat Response Time is intended to help to mitigate the potential risks associated with a loss of communication with a Client Application (e.g., erroneous or unintended executions due to stale quotes that remained in the CBOE Book). This serves to assist a TPH when such a technical or system issue occurs, and also assist the Exchange in maintaining a fair and orderly market generally.

A CAS will generate a Heartbeat Request to a Client Application after a specified interval (''Heartbeat Interval'' or '' 'n' period of time''). Additionally as noted above, a CAS will disconnect a Client Application, and if applicable cancel any Market-Maker quotes posted through the affect Client Application, after a specified period of time if it does not receive a appropriate response to a Heartbeat Request (Heartbeat Response Time or '' 'x' period of time''). The Exchange notes that the Heartbeat Interval and the Heartbeat Response Time depend upon the Application Programming Interface (''API'') a TPH is using.[4] Currently, the Exchange offers two APIs: CBOE Market Interface (''CMi'') API and Financial Information eXchange (''FIX'') Protocol. CMi currently has two versions available: CMi and CMi 2. A TPH may determine which of the available APIs, and if applicable, which version, it would like to use.

First, a CAS on the CMi API will generate a Heartbeat Request to a Client Application after every ''n'' period of time. The Value of ''n'' is currently set by the Exchange at two (2) seconds. Depending upon the interface version of CMi a TPH is using, the value of ''x'' is either set at twenty (20) seconds by the Exchange or the TPH may determine the value of ''x'' at logon, so long as it is not less than three (3) seconds and does not exceed twenty (20) seconds.

A CAS on the CMi 2 API will generate a Heartbeat Request to a Client Application (i) after the CAS does not receive any messages from a particular Client Application for ''n'' period of time or (ii) after every ''n'' period of time. A TPH using CMi 2 will determine whether Heartbeat Requests are generated every ''n'' period of time or only if no messages are received for ''n'' period of time. A TPH using the CMi 2 API will also determine the value of ''n'' at logon. In no event shall ''n'' be less than three (3) seconds or exceed twenty (20) seconds. If a CAS generates a Heartbeat Request only after it does not receive any messages from a particular Client Application for ''n'' period of time, the value of ''x'' (Heartbeat Response Time) will be set at a half (.5) second. If a CAS generates a Heartbeat Request every ''n'' period of time, the value of ''x'' shall be equal to the value of ''n.'' For example, if a TPH using CMi 2 chooses to receive a Heartbeat Request every ''n'' period of time and sets the value of ''n'' to 6 seconds, then the TPH's Client Application must respond to a Heartbeat Request within 6 seconds or the Client Application will be disconnected.

A CAS on the FIX API will generate a Heartbeat Message to a Client Application after the CAS does not receive any messages from a particular Client Application for ''n'' period of time. If the CAS does not receive a response to the ''Heartbeat Message'' from the Client Application for ''n'' period of time, the CAS shall generate a Heartbeat Request to the Client Application. For purposes of this rule, a ''Heartbeat Message'' refers to a message from a CAS to a Client Application to check connectivity. Failure to respond to a Heartbeat Message within ''n'' period of time will trigger the generation of a Heartbeat Request. A TPH using the FIX API will determine the value of ''n'' at logon. In no event shall ''n'' be less than five (5) seconds. The value of ''x'' (Heartbeat Response Time) will be set equal to the value of ''n.'' For example, if a TPH using FIX sets the value of ''n'' to 6 seconds, then the TPH's Client Application must respond to a Heartbeat Request within 6 seconds or the Client Application will be disconnected.

The following example illustrates the manner in which the Technical Disconnect Mechanism functions on CMi. For purposes of this example only, the TPH will be a Market-Maker and ''n'' will be set at 2 seconds and ''x'' is set at 20 seconds:

[3] CBOE currently has numerous CASs serving TPHs.

[4] An API is a computer interface that allows market participants with authorized access to interface electronically with the Exchange. Multiple versions of each API may exist and other APIs may be supported from time-to-time.

(1) 10:00:000—Heartbeat Request sent to Client Application after logon
10:00:020—CAS generates Heartbeat Request to Client Application
10:00:030—CAS receives message from Client Application
10:00:040—CAS generates Heartbeat Request
10:00:040–10:00:240—No messages received from Client Application
10:00:240—No messages received from Client Application within 20 seconds
— Client Application automatically logged off and pending Market-Maker quotes previously entered from the Client Application automatically canceled

The following example illustrates the manner in which the Technical Disconnect Mechanism functions on CMi2 when a TPH chooses to have the CAS generate a Heartbeat Request every ''n'' period of time. For purposes of this example only, the TPH will be a non-Market-Maker and ''n'' will be set by the TPH at 5 seconds:

(1) 10:00:000—Heartbeat Request sent to Client Application after logon
10:00:020—CAS receives a message from Client Application
10:00:050—Heartbeat Request sent to Client Application
10:00:100 –No response to Heartbeat Request received by CAS within 5 seconds
—Client Application automatically logged off and pending orders previously entered from the Client Application remain in the Hybrid Trading System

The following examples illustrate the manner in which the Technical Disconnect Mechanism functions on CMi 2 when a TPH chooses to have the CAS generate a Heartbeat Request only when the CAS does not receive any messages from the Client Application for ''n'' period of time. For purposes of these examples only, the TPH will be a Market-Maker and ''n'' will be set by the TPH at 5 seconds:

(1) 10:00:000—Heartbeat Request sent to Client Application after logon
10:00:020—CAS receives a message from Client Application
—Counter re-starts
10:00:070—No messages received from Client Application within 5 seconds
—CAS generates Heartbeat Request
10:00:073—CAS receives a message from Client Application
—Counter restarts
(2) 10:00:000—Heartbeat Request sent to Client Application within login
10:00:020—CAS receives a message from Client Application
—Counter re-starts
10:00:070—No messages received from Client Application within 5 seconds
—CAS generates Heartbeat Request
10:00:075—No messages received from Client Application within .5 seconds
—Client Application automatically logged off and pending Market-Maker quotes previously entered from the Client Application automatically canceled

Lastly, the following example illustrates the manner in which the Technical Disconnect Mechanism functions on FIX. For purposes of this example only, the TPH will be a Market-Maker and ''n'' will be set by the TPH at 5 seconds:

(1) 10:00:000—Heartbeat Request sent to Client Application after logon
10:00:020—CAS receives a message from Client Application
—Counter restarts
10:00:070—No messages received from Client Application within 5 seconds
—CAS generates Heartbeat Message
10:00:120—No messages received from Client Application within 5 seconds
—CAS generates Heartbeat Request
10:00:170—No messages received from Client Application within 5 seconds
—Client Application automatically logged off and pending Market-Maker quotes previously entered from the Client Application automatically canceled

As demonstrated above, a Heartbeat Request may be generated (i) every ''n'' period of time or (ii) when the CAS does not receive any messages from a Client Application for a specified period of time (''n'' period of time) depending upon the API being used. Regardless of the API being used however, if an appropriate response message to a Heartbeat Request is not received by the CAS from the Client Application within a specified period of time (''x'' period of time or Heartbeat Response Time), the Technical Disconnect Mechanism is triggered and the Client Application is automatically logged off and, if applicable, a Market-Maker's quotes through that Client Application are automatically canceled.

The Exchange notes that any non-connectivity is event- and Client Application-specific. Therefore, the cancellation of a Market-Maker's quotes entered into a CAS via a particular Client Application will neither impact nor determine the treatment of the quotes of the same or other Market-Makers entered into a CAS via a separate and distinct Client Application. The Technical Disconnect Mechanism will not impact or determine the treatment of orders previously entered into a CAS. As discussed above, the function of automatically cancelling a Market-Maker's quotes posted through an affected Client Application is intended to help to mitigate the potential risks associated with a loss of communication with a Client Application. For example, in today's market, Market-Makers' quotes are rapidly changing and can have a lifespan of only milliseconds. Additionally, under the Hybrid Trading System, trades are automatically effected against the Market-Maker's then current quote. Therefore, if a TPH's Client Application is disconnected for any period of time, it is very possible that any quotes posted through that Client Application would be stale by the time the TPH reestablished connectivity. Consequently, any resulting execution of such quotes is more likely to be erroneous or unintended. Conversely, the Exchange notes that orders tend to be static in nature and often rest in the book. Indeed, certain order types, such as Market-on-Close orders, are *intended* to rest in the book for a period of time. As such, there is a lower risk of erroneous or unintended executions resulting from orders that remained in the Hybrid Trading System during and after an affected Client Application was logged off.

The Exchange next notes that the CAS will send a logout message to an affected Client Application that confirms that the Client Application connection has been terminated. Once connectivity to the Client Application is reestablished, a Market-Maker affected by the mechanism is able to send messages to the CAS to reestablish the Market-Maker's quotes. Any Market-Maker affected by the Technical Disconnect Mechanism is not relieved of its obligation to provide continuous electronic quotes under the Exchange rules.[5] The Exchange finally notes that

[5] With respect to a Market-Maker who is obligated to provide continuous electronic quotes on the Hybrid Trading System (''Hybrid Market-Maker''), CBOE Rule 1.1(ccc) *Continuous Electronic Quotes* provides that the Exchange may consider other exceptions to the Hybrid Market-Maker's continuous electronic quote obligation based on demonstrated legal or regulatory requirements or other mitigating circumstances. As provided in SR–CBOE–2005–93, Amendment 1 (*See* Securities Exchange Act Release No. 54250 (July 31, 2006), 71 FR 44729 (August 7, 2006)), mitigating circumstances that may be considered by the Exchange may include, but is not limited to, instances where a technical failure or limitation in

Continued

the Technical Disconnect Mechanism is enabled for all TPHs and may not be disabled by TPHs.

The Exchange believes that while information relating to connectivity and the Technical Disconnect Mechanism are already available to TPHs via technical specifications, codifying this information within the rule text will provide additional transparency and further reduce potential confusion.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes that codifying in the rules how the Technical Disconnect Mechanism works provides additional transparency in the rules and provides an additional avenue to easily understand CBOE's system and processes. The Exchange believes this will also reduce any potential confusion, thereby removing a potential impediment to and perfecting the mechanism for a free and open market and a national market system, and, in general, protecting investors and the public interest.

Additionally, the Technical Disconnect Mechanism is a valuable tool that is designed to help maintain a fair and orderly market. The Exchange believe that the Technical Disconnect Mechanism assists with the maintenance of fair and orderly markets by helping to mitigate the potential risks associated with a loss in communication with a Client Application, especially risk associated with a loss in communication with a Client Application of a Market-Maker that is providing quotes across a multitude of series and classes.

The Exchange also believes that the proposed rule change is designed to not permit unfair discrimination among market participants. The Exchange notes that the Technical Disconnect Mechanism automatic logoff function is applicable to all TPHs and may not be disabled by any TPH. The Exchange believes that the Technical Disconnect Mechanism benefits the marketplace because it designed to help alert a TPH to a potential technical or system issue and automatically logoff a TPH's Client Application within certain prescribed parameters. With respect to the Technical Disconnect Mechanism's automatic cancellation of Market-Maker quotes, the Exchange also believes it is not unfair to cancel only Market-Maker quotes and not orders. Particularly, the automatic cancellation of Market-Maker quotes benefits the marketplace because it is designed to help reduce the risk of stale quotes remaining on the CBOE Book in the event that a CAS loses connectivity with a Client Application (*e.g.,* potentially resulting in erroneous or unintended executions). Furthermore, the functionality provides for the protection of Market-Makers, who must bear the burden of market risk for stale quotes, as well as for the protection of investors and the efficiency and fairness of the markets as a whole. Conversely, because orders tend to be static in nature and often rest in the book, the Exchange believes there is a lower risk of erroneous or unintended executions resulting from orders that remain in the Hybrid Trading System during and after an affected Client Application is logged off. The Exchange believes this functionality enhances the overall market quality for options traded on CBOE.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange does not believe the proposed rule change will cause any burden on intramarket competition because it applies to all TPHs. Even though the functionality treats Market-Makers' quotes differently than orders, the Exchange notes again that it believes that the Technical Disconnect Mechanism benefits all market participants because it reduces the risk of stale quotes on the CBOE Book, which can result in erroneous or unintended trades. Further, the Exchange does not believe that such change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that, should the proposed changes make CBOE more attractive for trading, market participants trading on other exchanges are welcome to become TPHs and trade at CBOE if they determine that this proposed rule change has made CBOE more attractive or favorable.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and paragraph (f) of Rule 19b–4[9] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change 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–2013–071 on the subject line.

a Hybrid Market-Maker's system prevents the Hybrid Market-Maker from maintaining, or communicating to the Exchange, timely and accurate electronic quotes. However, a pattern or practice of technical failures or limitations, or the excessive frequency of technical failures or limitations, may also be considered by the Exchange in determining whether to except the period of time from the continuous electronic quoting requirements.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f).

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–2013–071. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2013–071 and should be submitted on or before August 21, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–18347 Filed 7–30–13; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70037; File No. SR–NYSEMKT–2013–62]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adding a New Rule To Codify Existing Price Protection Mechanisms

July 25, 2013.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 17, 2013, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to add a new rule to codify existing price protection mechanisms. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to add Rule 967NY to codify and clarify price protection mechanisms already in use on the Exchange. The Exchange has in place various price check parameter features that are designed to help maintain a fair and orderly market by preventing incoming options orders from automatically executing at potentially erroneous prices. The Exchange believes that the features assist with the maintenance of fair and orderly markets by helping to mitigate the potential risks associated with orders sweeping through multiple price points, thereby resulting in executions at prices that are away from the last sale price or best bid or offer and that are potentially erroneous. The Exchange is proposing to add a new rule to codify existing price check protection and order handling features to provide clarity on the operation of the functionality.

Trading Collars

The Exchange applies a ''Trade Collar Protection'' mechanism that prevents the immediate execution of incoming market orders or marketable limit orders (''marketable orders'') outside of a specified parameter (referred to as a ''Trading Collar''). Pursuant to proposed Rule 967NY(a)(3), the Trade Collar Protection mechanism is not available for quotes [4] or for orders with execution conditions IOC, AON, FOK and NOW.[5]

Trading Collars are determined by the Exchange on a class-by-class basis and, unless announced otherwise via Trader Update, are the same value as the bid-ask differential guidelines established pursuant to Rule 925NY(b)(4), as set forth in proposed Rule 967NY(a)(2). For example, Rule 925NY(b)(4) sets the bid-ask differential for an option priced less than $2.00 at $0.25. For any option that

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Market Makers have obligations to provide liquidity through the quoting obligations set forth in Rule 925.1NY. The Exchange does not believe it is necessary to provide Trade Collar Protection to quotes, as they may be priced to address dislocation in the market. The Exchange provides Market Makers with a dedicated trade protection mechanism set forth in Rule 928NY.

[5] IOC, AON, FOK or NOW are time in force indicators added to orders that notify the Exchange that the order is not eligible for Trade Collar Protection. When Trade Collar Protection does not apply, marketable orders will receive an immediate execution. The Exchange does not believe that Trade Collar Protection is necessary for orders with IOC, FOK, or NOW instructions because by definition, those orders are intended to access all availability liquidity without delay and cancel if they do not execute. Because Trade Collar Protection may hold a market or marketable limit order for execution, the Exchange believes that it would contradict the explicit instruction of a customer using IOC, FOK, or NOW instructions (immediately execute or cancel). The Exchange further believes that the Trade Collar Protection is not necessary for AON orders because by definition, an AON order must meet sufficient size before executing, and so partial executions at multiple price points would contradict the explicit instruction of a customer using an AON instruction.

has a bid less than $2.00, the Trading Collar will be $0.25. Accordingly, if the National Best Bid and Offer (''NBBO'') for XYZ is $0.75 bid and $1.75 offer, any marketable orders the Exchange receives will be subject to a $0.25 Trading Collar.[6] If necessary to preserve a fair and orderly market,[7] the Exchange may, with the approval of two Trading Officials,[8] widen or narrow the Trading Collar for one or more option series.[9]

Trade Collar Protection applies to two scenarios. First, pursuant to proposed Rule 967NY(a)(1)(i), Trade Collar Protection prevents executions of certain incoming marketable orders when the difference between the National Best Offer (''NBO'') and the National Best Bid (''NBB'') is greater than one Trading Collar. Second, pursuant to proposed Rule 967NY(a)(1)(ii), Trade Collar Protection prevents the execution of the balance of an incoming marketable order if it were to execute at a price that is the NBO plus a Trading Collar for eligible marketable buy orders (or a price that is the NBB minus a Trading Collar for eligible marketable sell orders).

The purpose of Trade Collar Protection in the first scenario, set forth in proposed Rule 967NY(a)(1)(i), is to prevent executions when the spread between the bid and ask exceeds the bid-ask differential guidelines and to provide an opportunity to attract additional liquidity at tighter spreads by displaying the incoming marketable order at successive prices until the displayed bid and offer is equal to the bid-ask differential guideline for that option, *i.e.,* equal to the Trading Collar. Accordingly, if the difference between the NBO and the NBB is greater than one Trading Collar, the Exchange will prevent execution or routing of the incoming marketable order. Instead, pursuant to proposed Rule 967NY(a)(4)(A), the Exchange will display the incoming marketable order at a price equal to the NBO minus one Trading Collar for sell orders or the NBB plus one Trading Collar for buy orders (the ''collared order''). The Exchange will then attempt to execute or route the collared order to buy (sell) against any contra interest priced within one Trading Collar above (below) the displayed price of the collared order.[10] As set forth in proposed Rule 967NY(a)(4)(C)(iii), should market conditions prevent the order from trading or recalculating for a period of one second,[11] the order will improve its displayed price by an amount equal to an additional Trading Collar. In accordance with proposed Rule 967NY(a)(D), if the order subject to Trade Collar Protection is a limit order, the order will not be posted at a price beyond its limit. Once the limit price is reached through the re-pricing of a collared order, the order will be posted and displayed at its limit price in the Consolidated Book. Until there is an opportunity to execute consistent with the parameters of Trade Collar Protection, the Exchange will not execute or route market orders or eligible limit orders that would execute outside it. As new prices are calculated, the Exchange will continue to evaluate whether the marketable orders may execute consistent with Trade Collar Protection.

In the above example of the NBBO for XYZ being $0.75 bid and $1.75 offer with a $0.25 Trading Collar, an incoming market order to sell will be displayed at $1.50 (*i.e.,* $1.75 offer minus the $0.25 Trading Collar). For a period of one second, the Exchange will attempt to execute the sell order against any contra interest (on any market) priced $1.25 or greater (*i.e.,* $1.50 offer minus the $0.25 Trading Collar). At the expiration of one second, the Exchange will redisplay the market sell order subject to Trade Collar Protection at the next Trading Collar value of $1.25. For a period of one second, the Exchange will then attempt to execute the sell order against any contra interest priced $1.00 or greater ($1.25 offer minus the $0.25 Trading Collar). At the expiration of another one second, the Exchange will redisplay the market sell order subject to Trade Collar Protection at $1.00. Assuming the hypothetical market remained unchanged, the new market would be $0.75–$1.00. Since the market would now equal the $0.25 bid-ask differential guidelines established pursuant to Rule 925NY(b)(4), Trade Collar Protection would no longer apply and the market order would immediately execute against the $0.75 bid.

The collared order will re-price before the expiration of one second as a result of certain changes in the market. Pursuant to proposed Rule 967NY(a)(4)(C)(i), an update to the NBBO (based on another market center or an inbound quote or order on the Exchange) that improves the same side of the market as the collared order will cause the collared order to be redisplayed at the same price as the updated NBBO. In accordance with proposed Rule 967NY(a)(4)(C)(ii), an inbound limit order (which is not an IOC Order, AON Order, FOK Order or NOW Order) on the same side of the market priced better than one Trading Collar from the collared order will also become subject to Trade Collar Protection and will cause the collared order to improve by one Trading Collar (which will redisplay at the new price and additional size of the new limit order). A new incoming market order on the same side as a collared order will not cause the order subject to Trade Collar Protection to be recalculated (but will redisplay with the additional size of the new market order).[12] As set forth in proposed Rule 967NY(a)(6), the order that has been held subject to the Trading Collar retains priority over later arriving quotes and all orders, except those with execution conditions IOC, AON, FOK or NOW.[13]

As an example, if the NBBO is $0.25 bid and $2.00 offer with a $0.25 Trading Collar, a new incoming market order to buy 100 contracts will be displayed at $0.50. If the NBBO becomes a $1.00 bid and $2.00 offer (via an updated quote from a market maker or another market center), the market order subject to the Trading Collar will redisplay at $1.00. If, instead, a limit order to buy was received with a limit price of $1.00, the market order and the limit order will redisplay with combined size at $0.75 (for which the market order will have priority over the later arriving limit order). If, however, the limit order to buy was received with a limit price of $0.60, the market order and the limit

[6] The bid-ask differential changes as the price increases. Rule 925NY(b)(4) sets the bid-ask differential at no more than $0.40 where the bid is $2.00 or more but does not exceed $5.00. Accordingly, if the NBBO for XYZ is $3.00 bid and $3.50 offer, any marketable orders the Exchange receives will be subject to a $0.40 Trading Collar Protection.

[7] As an example, situations of extreme market volatility or a major news announcement in an underlying security may prompt a review of the Trading Collar values.

[8] A Trading Official, as defined by Rule 900.2NY(82) is an officer or employee of the Exchange. Trading Officials are not affiliated with ATP Holders.

[9] If the Exchange announces by Trader Update that the Trading Collars are being modified outside the bid-ask differential guidelines established pursuant to Rule 925NY(b)(4), the Exchange will publish a Trader Update that advises ATP Holders when the Trading Collars will return to the bid-ask differential guidelines set forth in Rule 925NY(b)(4). The Exchange will maintain records regarding when and why a Trading Collar may be modified and will make such records available to NYSE Regulation.

[10] *See,* proposed Rule 967NY(a)(4)(B).

[11] The Exchange believes that displaying the order for one second before recalculating to the next Trading Collar provides an appropriate length of time to attract additional contra-side liquidity for that option.

[12] *See,* proposed Rule 967NY(a)(4)(C)(iv).

[13] As stated above, orders with execution conditions IOC, AON, FOK and NOW are not eligible for Trade Collar Protection. As such, marketable orders with these conditions will receive an immediate execution (even if there is an order held subject to the Trading Collar).

order will redisplay with combined size at $0.60 (for which the market will have priority over the later arriving limit order).

The purpose of Trade Collar Protection in the second scenario, set forth in proposed Rule 967NY(a)(1)(ii), is to prevent an order from executing at prices away from the market after exhausting interest at or near the top of the book. Trade Collar Protection seeks to provide an opportunity for liquidity to reenter the market creating tighter spreads by displaying the partially executed marketable order instead of allowing it to further execute. When the difference between the NBB and NBO is within the bid-ask differential guidelines and after an incoming marketable order executes against the NBB or NBO, Trade Collar Protection prevents execution of the balance of that incoming order at prices that are a Trading Collar above the NBO for buy orders (or at prices that are a Trading Collar below the NBB for sell orders). Essentially, the Exchange will permit the immediate execution of an incoming marketable order up to a Trading Collar away from the NBBO. Pursuant to proposed Rule 967NY(a)(5), the balance of the partially executed order will be subject to Trade Collar Protection and will display at the last sale price. However, if there is an opportunity for trading within one Trading Collar of the last sale price, the order will continue to be displayed at the NBB (NBO) established at the time of the initial execution. Once subject to Trade Collar Protection, the order will follow the re-pricing mechanism described above.

As an example, assume the Exchange received a 1000 contract buy market order for ABC when the NBBO is $1.50–$1.60 with a $0.25 Trading Collar. The incoming 1000 contract buy market order would immediately execute against the $1.60 offer. If there is insufficient interest at the $1.60 offer to fill the order, the buy market order would execute against subsequently higher offer prices. Pursuant to Trade Collar Protection, the order would execute against all available interest up to and including $1.85 ($1.60 offer added with the $0.25 Trading Collar). The remaining balance of the order that could not be executed up to and including $1.85 would then be subject to Trade Collar Protection. The balance of the order will display at $1.85 so long as there are no offers at $2.10 or less ($1.85 plus the $0.25 Trading Collar). If, however, there is an offer at $2.10 or less, the balance of the order will display at $1.60.

The Exchange believes that Trade Collar Protection applicable to certain incoming marketable orders (*i.e.,* orders that do not include a time in force indicator) supports a fair and orderly market because it prevents the execution of orders that may be potentially erroneous while at the same time displaying such interest at sequentially tighter increments in an effort to attract contra-side interest at prices closer to the bid-ask differential for the option.

Limit Order Filter

As set forth in proposed Rule 967NY(b), the Exchange also employs a filter for incoming limit orders, pursuant to which the Exchange rejects limit orders priced a specified percentage away from the NBB or NBO. As the Exchange receives limit orders, the Exchange System will check the price of the limit order against the contra-side NBB or NBO at the time of the order entry to determine whether the limit order is within the specified percentage.

Unless determined otherwise by the Exchange and announced to ATP Holders via Trader Update, the specified percentage will be 100% for the contra-side NBB or NBO priced at or below $1.00 and 50% for contra-side NBB or NBO priced above $1.00. If the limit order is priced outside of the specified percentage, the limit order will be rejected. For example, if the NBB is $4.00, a sell order priced at or below $2.00, which is 50% below the NBB, would be rejected. Likewise, if the NBO is $0.75, a buy order priced at or above $1.50, which is 100% above the NBO, would be rejected.

The Exchange believes that this mechanism will prevent the entry of limit orders that have similar market impact as market orders because they are priced so far away from the prevailing market price that execution of such orders could cause significant price dislocation in the market. The Exchange also believes that this mechanism will further serve to mitigate the occurrence of executions that are potentially erroneous.

2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(5) of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5) [14] which requires the rules of an exchange to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1) [15] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets. The Exchange believes that the proposed rule assists with the maintenance of fair and orderly markets by helping to mitigate the potential risks associated with orders sweeping through multiple price points, thereby resulting in executions at prices that are away from the last sale price or best bid or offer and that are potentially erroneous, thereby protecting investors from receiving executions away from the prevailing prices at any given time. Specifically, the Exchange believes that holding and displaying certain incoming marketable orders for options with a bid-ask differential wider than one Trading Collar at successive Trading Collar prices removes impediments to and perfects the mechanism of a free and open market by preventing executions at potentially erroneous prices while at the same time seeking to attract contra-side liquidity for a tighter market. The Exchange believes that the maintenance of fair and orderly markets is further enhanced by the ability to adjust the thresholds of Trade Collar Protection to react to market conditions. In addition, the Exchange believes that preventing executions of incoming marketable orders at prices that are not [sic] more than one Trading Collar outside of the NBBO and rejecting incoming limit orders that are priced specified parameters away from the NBBO also assures that executions will not occur at erroneous prices, thereby promoting a fair and orderly market. Similarly, the Exchange believes that rejecting limit orders priced a specified percentage away from the NBBO removes impediments to and perfects the mechanism of a free and open market by reducing the potential for executions at erroneous prices.

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 the proposal will provide market participants with additional protection from anomalous executions. Thus, the Exchange does not believe the proposal creates any significant impact on competition.

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78k–1(a)(1).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [18] of the Act to determine whether the proposed rule change 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–NYSEMKT–2013–62 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–NYSEMKT–2013–62. 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 Section, 100 F Street NE., Washington, DC 20549–1090. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com*. 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 NYSEMKT–2013–62 and should be submitted on or before August 21, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–18345 Filed 7–30–13; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

[18] 15 U.S.C. 78s(b)(2)(B).

[19] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8399]

Culturally Significant Object Imported for Exhibition Determinations: ''The Dying Gaul''

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 object to be included in the exhibition ''The Dying Gaul,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the National Gallery of Art, Washington, DC, from on or about October 27, 2013, until on or about March 17, 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 object, 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: July 24, 2013.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–18418 Filed 7–30–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 8398]

Issuance of a Presidential Permit

July 18, 2013.

AGENCY: Department of State.

ACTION: Notice of Issuance of a Presidential Permit for Vantage Pipeline US LP.

SUMMARY: The Department of State issued a Presidential Permit to Vantage Pipeline US LP (''Vantage'') on July 16, 2013, authorizing Vantage to construct, connect, operate, and maintain pipeline facilities at the border of the United States and Canada in Divide County, North Dakota, for the export of liquefied ethane from the United States to Canada. The Department of State determined that issuance of this permit would serve the national interest. In making this determination and issuing the permit, the Department of State complied with the procedures required

under Executive Order 13337, and provided public notice and opportunity for comment.

FOR FURTHER INFORMATION CONTACT: Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State (ENR/EDP/EWA) 2201 C St. NW., Ste 4843, Washington, DC 20520 Attn: Michael Brennan Tel: 202–647–7553.

SUPPLEMENTARY INFORMATION: Additional information concerning the Vantage pipeline and documents related to the Department of State's review of the application for a Presidential Permit can be found at *www.vantagepipeline.state.gov*. Following is the text of the issued permit:

PRESIDENTIAL PERMIT

AUTHORIZING VANTAGE PIPELINE US LP TO CONSTRUCT, CONNECT, OPERATE, AND MAINTAIN PIPELINE FACILITIES AT THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND CANADA

By virtue of the authority vested in me as Under Secretary of State for Economic Growth, Energy, and the Environment, including those authorities under Executive Order 13337, 69 Fed. Reg. 25299 (2004), and Department of State Delegation of Authority 118–2 of January 26, 2006; having considered the environmental effects of the proposed action consistent with the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. § 4321 et seq.) and other statutes relating to environmental concerns; having considered the proposed action consistent with the National Historic Preservation Act (80 Stat. 917, 16 U.S.C. § 470f et seq.); and having requested and received the views of members of the public, various federal and state agencies, and various Indian tribes; I hereby grant permission, subject to the conditions herein set forth, to Vantage Pipeline US LP (hereinafter referred to as the ''permittee'' or ''Vantage''), a limited partnership duly organized under the laws of the State of Delaware, to construct, connect, operate, and maintain pipeline facilities at the border of the United States and Canada in Divide County, North Dakota, for the export of liquid ethane from the United States to Canada.

The term ''facilities'' as used in this permit means the relevant portion of the pipeline and any land, structures, installations, or equipment appurtenant thereto.

The term ''United States facilities'' as used in this permit means those parts of the facilities located in the United States. The United States facilities will consist of a single 10-inch diameter pipeline extending from the United States-Canada border near 151st Ave NW., Divide County, North Dakota, up to and including the first mainline shut-off valve in the United States.

This permit is subject to the following conditions:

Article 1. (1) The United States facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions, and requirements of this permit and any amendment thereof. This permit may be terminated or amended at any time at the discretion of the Secretary of State or the Secretary's delegate or upon proper application therefor. The permittee shall make no substantial change in the United States facilities, the location of the United States facilities, or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary's delegate.

(2) The construction, connection, operation and maintenance of the United States facilities shall be in all material respects as described in the permittee's November 15, 2010 application for a Presidential Permit (the ''Application''), as amended, the final Environmental Assessment dated May 10, 2013, the Department of State's Finding of No Significant Impact dated May 13, 2013, and any construction, mitigation, and reclamation measures included in the Environmental Protection Plan (EPP) and other mitigation and control plans that are already approved or that are approved in the future by the Department of State or other relevant federal agencies. In the event of any discrepancy among these documents, construction, connection, operation and maintenance of the United States facilities shall be in all material respects as described in the most recent approved document unless otherwise determined by the Department of State.

Article 2. The standards for, and the manner of, the construction, operation, and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate federal, state and local agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities in the performance of their official duties.

Article 3. The permittee shall comply with all applicable federal, state, and local laws and regulations regarding the construction, connection, operation, and maintenance of the United States facilities and with all applicable industrial codes. The permittee shall obtain all requisite permits from state and local government entities and relevant federal agencies.

Article 4. Construction, connection, operation, and maintenance of the United States facilities hereunder shall be subject to the limitations, terms, and conditions issued by any competent agency of the United States Government. The permittee shall continue the operations hereby authorized and conduct maintenance in accordance with such limitations, terms, and conditions. Such limitations, terms, and conditions could address, for example, environmental protection and mitigation measures, safety requirements, export regulations, measurement capabilities and procedures, requirements pertaining to the pipeline's capacity, and other pipeline regulations.

Article 5. The permittee shall notify the Commissioner of Customs and Border Protection immediately if it plans to inject foreign merchandise into the United States facilities, or it if plans to seek an amendment to this permit authorizing use of the United States facilities for any imports of petroleum or petroleum products into the United States.

Article 6. Upon the termination, revocation, or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary's delegate, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or the Secretary's delegate may specify, and upon failure of the permittee to remove, or to take such other action with respect to, this portion of the United States facilities as ordered, the Secretary of State or the Secretary's delegate may direct that possession of such facilities be taken and that they be removed or other action taken, at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession, removal, or other action.

Article 7. When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, or control thereof for such length of time as may appear to the President to be necessary;

and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 8. Any transfer of ownership or control of the United States facilities or any part thereof shall be immediately notified in writing to the United States Department of State, including the submission of information identifying the transferee. This permit shall remain in force subject to all the conditions, permissions and requirements of this permit and any amendments thereto unless subsequently terminated or amended by the Secretary of State or the Secretary's delegate.

Article 9. (1) The permittee is responsible for acquiring such right-of-way grants or easements, permits, and other authorizations as may become necessary and appropriate.

(2) The permittee shall save harmless and indemnify the United States from any claimed or adjudged liability arising out of the construction, connection, operation, or maintenance of the facilities, including but not limited to environmental contamination from the release or threatened release or discharge of hazardous substances and hazardous waste.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

Article 10. The permittee shall take all necessary measures to prevent or mitigate adverse environmental impacts or disruption of archeological resources in connection with the construction, operation, and maintenance of the United States facilities. Such measures will include any construction, mitigation, and reclamation measures included in the Environmental Protection Plan (EPP), other mitigation and control plans that are already approved or that are approved in the future by the Department of State or other relevant federal agencies, and any other measures deemed prudent by the permittee.

Article 11. The permittee shall file with the appropriate agencies of the United States Government such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith, as are now or may hereafter be required under any laws or regulations of the United States Government or its agencies. The permittee shall file electronic Export Information where required.

Article 12. The permittee shall provide written notice to the Department of State at such time as the construction authorized by this permit is begun, at such time as construction is completed, interrupted, or discontinued, and at other times as may be designated by the Department of State.

Article 13. This permit shall expire five years from the date of issuance in the event that the permittee has not commenced construction of the United States facilities by that deadline.

IN WITNESS WHEREOF, I, Robert D. Hormats, Under Secretary of State for Economic Growth, Energy, and the Environment, have hereunto set my hand this 16th day of July 2013, in the City of Washington, District of Columbia.

Robert D. Hormats,

Under Secretary of State for Economic Growth, Energy, and the Environment

End of permit text.

Dated: July 18, 2013.

Michael Brennan,

Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State.

[FR Doc. 2013–18321 Filed 7–30–13; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Human Response to Aviation Noise in Protected Natural Areas Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. This research is important for establishing the scientific basis for air tour management policy decisions in the National Parks as mandated by the National Parks Air Tour Management Act of 2000.

DATES: Written comments should be submitted by September 30, 2013.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.A.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0744.

Title: Human Response to Aviation Noise in Protected Natural Areas Survey.

Form Numbers: There are no FAA forms associated with this request.

Type of Review: Renewal of an information collection.

Background: The data from this research are critically important for establishing the scientific basis for air tour management policy decisions in the National Parks as mandated by the National Parks Air Tour Management Act of 2000 (NPATMA). The research expands on previous aircraft noise dose-response work by using a wider variety of survey methods, by including different site types and visitor experiences from those previously measured, and by increasing site type replication.

Respondents: Approximately 16,800 visitors to National Parks annually.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 4,200 hours annually.

ADDRESSES: Send comments to the FAA at the following address: Ms. Kathy DePaepe, Room 126B, Federal Aviation Administration, AES–200, 6500 S MacArthur Blvd., Oklahoma City, OK 73169.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on July 24, 2013.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2013–18293 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Helicopter Air Ambulance Operator Reports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The FAA Modernization and Reform Act of 2012 included a mandate to begin collection of operational data from Air Ambulance operators. FAA is to summarize the data and report to Congress no later than February 14, 2014, and annually thereafter.

DATES: Written comments should be submitted by September 30, 2013.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.A.DePaepe@faa.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–XXXX.

Title: Helicopter Air Ambulance Operator Reports.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Clearance of a new information collection.

Background: The FAA Modernization and Reform Act of 2012 mandates that all helicopter air ambulance operators must begin reporting the number of flights and hours flown, along with other specified information, during which helicopters operated by the certificate holder were providing helicopter air ambulance services. The helicopter air ambulance operational data provided to the FAA will be used by the agency as background information useful in the development of risk mitigation strategies to reduce the currently unacceptably high helicopter air ambulance accident rate, and to meet the mandates set by Congress.

Respondents: 73 helicopter air ambulance certificate holders.

Frequency: Information is collected quarterly.

Estimated Average Burden per Response: 6 hours.

Estimated Total Annual Burden: 2,352 hours.

ADDRESSES: Send comments to the FAA at the following address: Ms. Kathy DePaepe, Room 126B, Federal Aviation Administration, AES–200, 6500 S. MacArthur Blvd., Oklahoma City, OK 73169.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on July 24, 2013.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2013–18290 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Information Regarding Ferry Flights in On-Demand Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The collection involves an assessment of the number of ferry flights typically conducted by on-demand air carriers and the costs associated with those flights. The information to be collected will be used to conduct a benefit cost analysis in connection with rulemaking as required by Congress.

DATES: Written comments should be submitted by September 30, 2013.

FOR FURTHER INFORMATION CONTACT: Martin Zhu at (202) 267–4110 or by email at: *martin.zhu@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–XXXX.

Title: Information Regarding Ferry Flights in On-Demand Operations.

Form Numbers: There are no FAA forms associated with this specific collection of information.

Type of Review: Clearance of a new information collection.

Background: In response to the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95), the FAA will initiate a rulemaking to change part 91 tail-end ferry flight limitations and rest requirements. The rule would apply part 135 flight limitations and rest requirements to today's part 91 tail-end ferry flights (a part 91 flight following the last part 135 flight in a duty period). The FAA will use the results of this collection of information as the basis for the cost and benefit estimate of the proposed rule. The FAA requests your comments on the proposed questions below in order to help assess costs.

Survey Questions

1. How many total part 135 operations do you have annually?
2. For comparative purposes, how many airplanes are flown in your part 135 services?
3. How many tail-end ferry flights flown under part 91 would be curtailed if pilots need to fly under part 135 of rest and duty requirements?
4. What percentage of these tail-end ferry flights would be accounted as single-pilot flights?
5. Would another crewmember fly the airplane to its destination?
6. What would be the average cost of tail-end ferries flown under part 91 rules?
7. What would be the average cost of tail-end ferries flown under part 135 rest and duty rules?
8. Please itemize key cost-drivers to comply with the proposed rule.

Respondents: Part 135 operators conducting part 91 tail-end ferry flight. We estimate 2,155 of part 135 operators have such operations.

Frequency: One time.

Estimated Average Burden per Response: 60 minutes.

Estimated Total One-Time Burden: 2,155 hours.

ADDRESSES: Send electronic or written comments to the FAA at the following address: Mr. Martin Zhu (*martin.zhu@faa.gov*), Room 935, Federal Aviation Administration, APO–300, 800 Independence Ave. SW., Washington, DC 20591.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity

of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on July 24, 2013.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2013–18292 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0313]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Help, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on an application for exemption from Help, Inc. to allow its transponder systems to be mounted on commercial motor vehicles lower in the windshield than is currently permitted by the Agency's regulations in order to utilize a mounting location that maximizes the device's ability to send and receive roadside data. The Federal Motor Carrier Safety Regulations (FMCSRs) currently require antennas, transponders, and similar devices to be located not more than 6 inches below the upper edge of the windshield, outside the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals. Help, Inc. believes that mounting the transponder lower in the windshield will maximize a driver's external view of the roadway.

DATES: Comments must be received on or before August 30, 2013.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FMCSA–2013–0313 by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit *http://www.regulations.gov*.

Public participation: The *http://www.regulations.gov* Web site is generally available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* Web site and also at the DOT's *http://docketsinfo.dot.gov* Web site. If you want us to notify you that we received your comments, please include a self addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Brian J. Routhier, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, MC–PSV, (202) 366–1225; Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA–21) [Pub. L. 105–178, June 9, 1998, 112 Stat. 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305).

The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

Help, Inc. Application for Exemption

Help, Inc. applied for an exemption from 49 CFR 393.60(e)(1) to allow the installation of transponders on its customer's commercial motor vehicles in a location that is lower than currently allowed under the regulation. Section 393.60(e)(1) of the FMCSRs prohibits the obstruction of the driver's field of view by devices mounted on the windshield. Antennas, transponders and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield. These devices must be located outside the area swept by the windshield wipers and outside the driver's sight lines to the road, highway signs and signals.

In its application, Help Inc. states:

Help, Inc. is making this request because we are coordinating device development and installation of PrePass transponder in up to 430,000 commercial motor vehicles. The 5.9 and toll transponder equipment installed is located at the bottom of the windshield, but within the swept area of windshield because the safety equipment must have a clear forward facing view of the road, and low

enough to accurately be read by roadside infrastructure . . . The restrictions on the location of devices mounted in the windshield area significantly degrade the ability to capture the proper viewing area in commercial motor vehicles. A 5.9 and toll transponder which lacks an effective view of the roadside infrastructure through the front windshield will negatively impact the ability to send and receive roadside data.

Help Inc.'s preferred mounting location for the transponders is 2 inches right of the center of the windshield, and 2–3 inches above the dashboard. Help Inc. states that using this mounting location that is lower in the windshield than currently permitted by the FMCSRs ''will offer the best opportunity to optimize the data transmission and evaluate the benefits of such a system'' while maximizing ''the external view of the roadway.''

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on Help Inc.'s application for an exemption from 49 CFR 393.76(c)(1). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: July, 23, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–18397 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0027]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 32 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective July 31, 2013. The exemptions expire on July 31, 2015.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202)–366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgement that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

Background

On April 26, 2013, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (78 FR 24798). That notice listed 32 applicants' case histories. The 32 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 32 applications on their merits and made a determination to grant exemptions to each of them.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing requirement red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 32 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, retinal detachment, central vein occlusion, traumatic glaucoma, complete loss of vision, macular hole, prosthetic eye, retinal scar, central scotoma, a cataract, a ruptured globe, deprivation amblyopia, vascular blockage in the optic nerve, epiretinal membrane, idiopathic amblyopia, esotropia, Coat's disease, and refractive amblyopia. In most cases, their eye conditions were not recently developed. Twenty of the applicants were either born with their vision impairments or have had them since childhood.

The twelve individuals that sustained their vision conditions as adults have had it for a period of 4 to 34 years.

Although each applicant has one eye which does not meet the vision

requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 32 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 4 to 50 years. In the past 3 years, two of the drivers were involved in crashes and two were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the April 26, 2013 notice (78 FR 24798).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 32 applicants, two of the drivers were involved in crashes and two were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 32 applicants listed in the notice of April 26, 2013 (78 FR 24798).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 32 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) that each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's

or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received no comments in this proceeding.

Conclusion

Based upon its evaluation of the 32 exemption applications, FMCSA exempts Deneris G. Allen (LA), Terry L. Baker (KY), Rocky B. Bentz (WI), Ryan L. Brown (IL), Juan R. Cano (TX), John Cole (IL), Kenneth Crider (KY), Jon R. Grunschel (MA), Dean Hawley (NC), Clarence Jones (PA), Cody A. Keys (OK), Eddie M. Kimble (NC), Darrell W. Knorr (IL), Brandon S. Langston (WY), Joseph Lee (FL), Anthony Luciano (CT), Todd Marcino (OH), David McKinney (OR), Roger Meyers (PA), Frank L. O'Rourke (NY), Scott Oeder (OH), James A. Parker (PA), Curtis L. Pattengale (IN), Gonzalo Pena (FL), Steven R. Peters (IA), Larry F. Reber (OH), Hoyt V. Smith (SC), Edward Swaggerty, Jr. (OH), James L. Tinsley, Jr. (VA), Nicholas Turpin (TX), Thomas Ward (OH), and Marcus R. Watkins (TX) from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: July, 23, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–18396 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013 0085]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel FISH ON; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before August 30, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0085. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov*.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel FISH ON is:

Intended Commercial Use of Vessel: 6 pack charter on Lake Erie.

Geographic Region: ''Ohio''.

The complete application is given in DOT docket MARAD–2013–0085 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: July 22, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–18384 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013 0083]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel WING; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before August 30, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0083. Written comments may be submitted by hand or by mail the Docket Clerk, U.S. Department of Transportation, Docket

Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel WING is:

Intended Commercial Use of Vessel: ''Crewed day & sunset sails, 3–8 hrs duration, returning to original port''.

Geographic Region: ''Massachusetts''.

The complete application is given in DOT docket MARAD–2013–0083 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: July 18, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–18380 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013 0086]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TWO BUOYS ONE GULL; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before August 30, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0086. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel TWO BUOYS ONE GULL is:

Intended Commercial Use of Vessel: ''Charter.''

Geographic Region: ''California, Oregon, and Washington.''

The complete application is given in DOT docket MARAD–2013–0086 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: July 22, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–18377 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013 0084]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel IMPOSSIBLE DREAM; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for

such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before August 30, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0084. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel IMPOSSIBLE DREAM is:

Intended Commercial Use of Vessel: ''Day, Multiple Day, Week, Multiple week charters''.

Geographic Region: ''Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Washington DC, New Jersey, New York, Connecticut, Massachusetts, New Hampshire, Maine''.

The complete application is given in DOT docket MARAD–2013–0084 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: July 22, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–18379 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013 0082]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ONDINE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before August 30, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0082. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov*.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ONDINE is:

Intended Commercial Use of Vessel: ''Uninspected vessel, 3 hour daysail tours of Indian River and near coastal waters off Ponce de Leon Inlet, Florida''.

Geographic Region: ''Florida''.

The complete application is given in DOT docket MARAD–2013–0082 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: July 18, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–18385 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2013 -0087]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice of intention to request extension of OMB approval and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intention to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before September 30, 2013.

FOR FURTHER INFORMATION CONTACT: Rodney McFadden, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–0029; or email: *rod.mcfadden@dot.gov.*

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD).

Title of Collection: Information to Determine Seamen's Re-employment Rights—National Emergency.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0526.

Form Numbers: None.

Expiration Date of Approval: Three years from date of approval by the Office of Management and Budget.

Summary of Collection of Information: This collection is needed in order to implement provisions of the Maritime Security Act of 1996. These provisions grant re-employment rights and other benefits to certain merchant seamen serving aboard vessels used by the United States during times of national emergencies. The Maritime Security Act of 1996 establishes the procedures for obtaining the necessary MARAD certification for re-employment rights and other benefits.

Need and Use of the Information: MARAD will use the information to determine if U.S. civilian mariners are eligible for re-employment rights under the Maritime Security Act of 1996.

Description of Respondents: U.S. merchant seamen who have completed designated national service during a time of maritime mobilization need and are seeking re-employment with a prior employer.

Annual Responses: 10 responses.

Annual Burden: 10 hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at *http://www.regulations.gov.* Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. EDT (or EST), Monday through Friday, except Federal holidays. An electronic version of this document is available on the World Wide Web at *http://www.regulations.gov.*

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.regulations.gov.*

Authority: 49 CFR 1.93.

By order of the Maritime Administrator.

Dated: July 23, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–18373 Filed 7–30–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 326X); Docket No. AB 1093X]

Norfolk Southern Railway Company—Abandonment Exemption—in Henry County, Ind.; C&NC Railroad Corporation—Discontinuance of Service Exemption—in Henry County, IN.

Norfolk Southern Railway Company (NSR) and C&NC Railroad Corporation (CNUR) (collectively, applicants) have jointly filed a verified notice of exemption [1] under 49 CFR pt. 1152 subpart F–*Exempt Abandonments and Discontinuances of Service* for NSR to abandon, and for CNUR to discontinue service over, approximately 0.88 miles of non-contiguous rail line segments in New Castle, in Henry County, Ind., as follows: (1) Approximately 0.12 miles of rail line extending between milepost R 0.00 (near Broad Street) and milepost R 0.1205 (near the intersection of S. 16th St. and Indiana Ave.); and (2) approximately 0.76 miles of rail line extending between milepost R 1.1629 (near the intersection of Cherrywood Avenue and M Avenue) and milepost R 1.92 (near the intersection of Cherrywood Avenue and Riley Road).[2] The line segments traverse United States Postal Service Zip Code 47362.

Applicants have certified that: (1) No local traffic has moved over the line segments for at least two years; (2) no overhead traffic has moved over the line segments for at least two years, and if there were any overhead traffic, it could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line segments (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line segments either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on August 30, 2013, unless stayed pending reconsideration. Petitions to stay that do

[1] Applicants initially filed the notice of exemption on April 26, 2013. By letter filed on June 14, 2013, applicants requested that the proceedings be held in abeyance, and, on the same date, the Board granted applicants' request. On July 11, 2013, applicants submitted an amended notice of exemption.

[2] According to applicants, the line segments are part of the same rail line but are separated by an approximately 1.04-mile middle line segment, which will not be abandoned and which will continue to connect with other rail lines.

not involve environmental issues,[3] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[4] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by August 12, 2013. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 20, 2013, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicants' representatives: Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037, and Richard R. Wilson, 518 Center St., Suite 1, Ebensberg, PA 15931.

If the verified notice contains false or misleading information, the exemptions are void *ab initio.*

Applicants have filed a combined environmental and historic report that addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. OEA will issue an environmental assessment (EA) by August 5, 2013. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line segments. If consummation has not been effected by NSR's filing of a notice of consummation by July 31, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

[3] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[4] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.*''

Decided: July 26, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2013–18376 Filed 7–30–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulations 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, Source of Compensation for Labor or Personal Services.

DATES: Written comments should be received on or before September 30, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Source of Compensation for Labor or Personal Services.

OMB Number: 1545–1900.

Regulation Project Number: TD 9212.

Abstract: This document contains final regulations that describe the proper basis for determining the source of compensation for labor or personal services performed partly within and partly without the United States. These final regulations will affect individuals who earn compensation for labor or personal services performed partly within and partly without the United States and are needed to provide appropriate guidance regarding the determination of the proper source of that compensation.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and households, and businesses and other for-profit organizations.

Estimated Number of Respondents: 20,000.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 10,000.

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: July 1, 2013.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2013–18309 Filed 7–30–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8942 and Notice 2010–45

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 Form 8942, Application for Certification of Qualified Investments Eligible for Credits and Grants Under the Qualifying Therapeutic Discovery Project Program and Notice 2010–45, Qualifying Therapeutic Discovery Project Credit.

DATES: Written comments should be received on or before September 30, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, (202) 622–3215, at Internal Revenue Service, Room 6511, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.Vandyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Certification of Qualified Investments Eligible for Credits and Grants Under the Qualifying Therapeutic Discovery Project Program.

OMB Number: 1545–2175.

Form Number: 8942.

Abstract: Notice 2010–45, provides the procedures under which an eligible taxpayer may apply for certification from the Internal Revenue Service, in consultation with the Department of Health and Human Services (HHS), of a qualified investment with respect to a qualifying therapeutic discovery project as eligible for a credit or grant under the qualifying therapeutic discovery project program established by section 9023(a) of the Patient Protection and Affordable Care Act of 2010. Use Form 8942 to apply for; certification of qualified investments eligible for a QTDP credit and a grant in lieu of the QTDP credit.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 1,201.

Estimated Time per Respondent: 12 Hours, 12 minutes.

Estimated Total Annual Burden Hours: 14,545.

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: July 16, 2013.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2013–18306 Filed 7–30–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8916

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 Form 8916, Reconciliation of Schedule M–3 Taxable Income with Tax Return Taxable Income for Mixed Groups.

DATES: Written comments should be received on or before September 30, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Reconciliation of Schedule M–3 Taxable Income with Tax Return Taxable Income for Mixed Groups.

OMB Number: 1545–2062.

Form Number: Form 8916.

Abstract: Form 8916 reconciles taxable income per the Schedule M–3 for the Forms 1120, 1120–L, or 1120–PC with the taxable income on mixed groups filing Form 1120, 1120–L, or 1120–PC. This is necessary because certain special adjustments are required to match taxable income of mixed groups as reported on the Schedule M–3 with taxable income they report on Forms 1120, 1120–L, for 1120–PC.

Current Actions: There are no changes being made to Form 8916 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 6 Hours, 46 minutes.

Estimated Total Annual Burden Hours: 3,385.

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: July 1, 2013.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2013–18313 Filed 7–30–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2001–37

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 Revenue Procedure 2001–37, Extraterritorial Income Exclusion Elections.

DATES: Written comments should be received on or before September 30, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6511, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3215, or through the internet at *Lanita.Vandyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Extraterritorial Income Exclusion Elections.

OMB Number: 1545–1731.

Revenue Procedure Number: Revenue Procedure 2001–37.

Abstract: Revenue Procedure 2001–37 provides guidance for implementing the elections (and revocation of such elections) established under the ''FSC Repeal and Extraterritorial Income Exclusion Act of 2000''.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 56.

Estimated Time per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 19.

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: July 11, 2013.

Allan Hopkins,

Supervisory Tax Analyst.

[FR Doc. 2013–18307 Filed 7–30–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8923

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 Form 8923, Mine Rescue Team Training Credit.

DATES: Written comments should be received on or before September 30, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *(Martha.R.Brinson@irs.gov).*

SUPPLEMENTARY INFORMATION:

Title: Mine Rescue Team Training Credit.

OMB Number: 1545–2067.

Form Number: 8923.

Abstract: Form 8923 carries out the provisions of Code section 45N. 45N was added by section 405 of the Tax Relief and Health Care Act of 2006. The form provides a means for the qualified mining company to compute and claim the credit.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 1 hour; 28 minutes.

Estimated Total Annual Burden Hours: 292.

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: July 1, 2013.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2013–18311 Filed 7–30–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2007–46 (NOT–146367–06)

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 Notice 2007–46 (NOT–146367–06), Guidance Regarding Heavy Hybrid Vehicles.

DATES: Written comments should be received on or before September 30, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of notice should be directed to LaNita Van Dyke, at (202) 622–3215, or at Internal Revenue Service, Room 6511, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.Vandyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Guidance Regarding Heavy Hybrid Vehicles.

OMB Number: 1545–2060.

Notice Number: Notice 2007–46 (NOT–146367–06).

Abstract: This notice sets forth a process that allows taxpayers who purchase medium-duty and heavy-duty hybrid vehicles to rely on domestic manufacturer's (or, in the case of a foreign manufacturer, its domestic distributor's) certification that both a particular make, model, and year of vehicle qualifies as a qualified hybrid motor vehicle under § 30B(3) and (d), and the amount of the credit allowable with respect to the vehicle.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Estimated Number of Responses: 12.

Estimated Time Per Respondent: 12 hours.

Estimated Total Annual Burden Hours: 280.

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: July 11, 2013.

Alan Hopkins,

Tax Analyst.

[FR Doc. 2013–18305 Filed 7–30–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0253]

Proposed Information Collection (Non-supervised Lender's Nomination and Recommendation of Credit Underwriter) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an

opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to evaluate a credit underwriter's experience.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0253'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 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. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Non-supervised Lender's Nomination and Recommendation of Credit Underwriter, VA Form 26–8736a.

OMB Control Number: 2900–0253.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 26–8736a is completed by non-supervised lender's and the lender's nominee for credit underwriting with the Department of Veterans Affairs. Lenders are authorized by VA to make automatic guaranteed loans if approved for such purposes. The lender is required to have a qualified underwriter to review loans to be closed on automatic basis and determine that the loan meets VA's credit underwriting standards. VA uses the data collected on the form to evaluate the nominee's credit underwriting experience.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 500 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,500.

Dated: July 26, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18382 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0179]

Proposed Information Collection (Application for Change of Permanent Plan (Medical)); Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to establish eligibility to change insurance plans.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0179'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Change of Permanent Plan (Medical) (Change to a policy with a lower reserve value), VA Form 29–1549.

OMB Control Number: 2900–0179.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by the insured to establish his/her eligibility to change insurance plans from a higher reserve to a lower reserve value.

Affected Public: Individuals or households.

Estimated Annual Burden: 14 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 28.

Dated: July 25, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18316 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0624]

Proposed Information Collection (Obligation To Report Factors Affecting Entitlement) Activity; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine whether adjustments in rates of benefit payments are necessary.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0624'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Obligation to Report Factors Affecting Entitlement (38 CFR 3.204(a)(1), 38 CFR 3.256(a) and 38 CFR 3.277(b)).

OMB Control Number: 2900–0624.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants who applied for or receives compensation, pension or dependency and indemnity compensation benefits must report changes in their entitlement factors. Individual factors such as income, marital status, and the beneficiary's number of dependents, may affect the amount of benefit that he or she receives or affect the right to receive such benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 31,017 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 372,209.

Dated: July 25, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18406 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0159]

Proposed Information Collection (Matured Endowment Notification) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine the disposition of proceeds of a matured endowment policy.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov*; or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0159'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Matured Endowment Notification, VA Form 29–5767.

OMB Control Number: 2900–0159.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 29–5767 is used to notify the insured that his or her endowment policy has matured. The form also request that the insured elect whether he or she prefer to receive the proceeds in monthly installment or in a combination of cash and monthly installment and to designate a beneficiary(ies) to receive the remaining proceeds.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,867 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 8,600.

Dated: July 26, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18367 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0252]

Proposed Information Collection (Application for Authority To Close Loans on an Automatic Basis—Nonsupervised Lenders) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to authorize nonsupervised lenders to close loans on an automatic basis.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0252'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Authority to Close Loans on an Automatic Basis—Nonsupervised Lenders, VA Form 26–8736.

OMB Control Number: 2900–0252.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–8736 is used by nonsupervised lenders requesting approval to close loans on an automatic basis. Automatic lending privileges eliminate the requirement for submission of loans to VA for prior approval. Lending institutions with automatic loan privileges may process and disburse such loans and subsequently report the loan to VA for issuance of guaranty. The form requests information considered crucial for VA to make acceptability determinations as to lenders who shall be approved for this privilege.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 50 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 120.

Dated: July 26, 2013.

By direction of the Secretary:

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18371 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0117]

Agency Information Collection (Inquiry Concerning Applicant for Employment) Activities Under OMB Review

AGENCY: Office of Human Resources and 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 Office of Human Resources and 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 30, 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. 2900–0117'' in any correspondence.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION 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. 2900–0117.''

SUPPLEMENTARY INFORMATION:

Title: Inquiry Concerning Applicant for Employment, VA Form Letter 5–127.

OMB Control Number: 2900–0117.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form Letter 5–127 is used to verify qualification for

employment at VA. This information is obtained from individuals who have knowledge of the applicants' past work record, performance, and character.

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 April 25, 2013, at pages 24468–24469.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 3,125 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 12,500.

Dated: July 25, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18295 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0116]

Proposed Information Collection (Notice to Department of Veterans Affairs of Veteran or Beneficiary Incarcerated in Penal Institution) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed from penal institutions regarding incarcerated VA beneficiaries.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–0116'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or Fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Notice to Department of Veterans Affairs of Veteran or Beneficiary Incarcerated in Penal Institution, VA Form 21–4193.

OMB Control Number: 2900–0116.

Type of Review: Extension of a currently approved collection.

Abstract: The data collected on VA Form 21–4193 is used to determine whether a beneficiary's VA compensation or pension rate should be reduced or terminated when he or she is incarcerated in a penal institution in excess of 60 days after conviction.

Affected Public: Federal Government, and State, Local or Tribal Government.

Estimated Annual Burden: 416 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 1,664.

Dated: July 25, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18320 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0149]

Proposed Information Collection (Application for Conversion (Government Life Insurance)) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to convert to a permanent plan of insurance.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email n*ancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–0149'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or Fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is

being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Conversion (Government Life Insurance), VA Form 29–0152.

OMB Control Number: 2900–0149.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 29–0152 is completed by insured Veterans to convert his/her term insurance to a permanent plan of insurance.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,125 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 4,500.

Dated: July 25, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18303 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0160]

Proposed Information Collection (Per Diem for Nursing Home Care of Veterans in State Homes; Per Diem for Adult Day Care of Veterans in State Homes): Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to ensure that nursing home and adult day health care facilities are providing high quality services to Veterans in State homes.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Cynthia Harvey-Pryor, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *cynthia.harvey-pryor@va.gov.* Please refer to ''2900–0160'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor (202) 461–5870 or Fax (202) 495–5397.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Title 38, CFR Parts 51 and 52, State Home Programs.

b. State Home Inspection—Staffing Profile, VA Form 10–3567.

c. State Home Report and Statement of Federal Aid Claimed, VA Form 10–5588.

d. State Home Program Application for Veteran Care—Medical Certification, VA Form 10–10SH.

e. Department of Veterans Affairs Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals, VA Form 10–0143.

f. Statement of Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, VA Form 10–0143a.

g. Certification Regarding Lobbying, VA Form 10–0144.

h. Statement of Assurance of Compliance with Equal Opportunity Laws, VA Form 10–0144a.

i. Request for Prescription Drugs from an Eligible Veteran in a State Home, VA Form 10–0460.

OMB Control Number: 2900–0160.

Type of Review: Revision of a currently approved collection.

Abstract: VA pays per diem to State homes providing nursing home and adult day health services care to Veterans. VA requires facilities providing nursing home and adult day health care to furnish an application for recognition based on certification; appeal information, application and justification for payment; records and reports which facility management must maintain regarding activities of residents or participants; information relating to whether the facility meets standards concerning residents' rights and responsibilities prior to admission or enrollment, during admission or enrollment, and upon discharge; the records and reports which facilities management and health care professionals must maintain regarding residents or participants and employees; documents pertain to the management of the facilities; food menu planning; pharmaceutical records; and life safety documentation. Without access to such information, VA would not be able to determine whether high quality care is being provided to Veterans.

Affected Public: State, Local or Tribal Government.

Estimated Total Annual Burden:

Title 38, CFR Parts 51 and 52, State Home Programs—6,667 hours.

a. State Home Inspection Staffing Profile, VA Form 10–3567—69.5 hours.

b. State Home Report and Statement of Federal Aid Claimed, VA Form 10–5588—834 hours.

c. State Home Program Application for Veteran Care—Medical Certification, VA Form 10–10SH—5,703 hours.

d. Department of Veterans Affairs Certification Regarding Drug-Free

Workplace Requirements for Grantees Other Than Individuals, VA Form 10–0143—12 hours.

e. Statement of Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, VA Form 10–1043a—12 hours.

f. Certification Regarding Lobbying, VA Form 10–0144—12 hours.

g. Statement of Assurance of Compliance with Equal Opportunity Laws, VA Form 10–0144a—12 hours.

h. Request for Prescription Drugs from an Eligible Veteran in a State Home, VA Form 10–0460—12 hours.

Estimated Average Burden per Respondent:

Title 38, CFR Parts 51 and 52, State Home Programs—28.76 minutes.

a. State Home Inspection Staffing Profile, VA Form 10–3567—30 minutes.

b. State Home Report and Statement of Federal Aid Claimed, VA Form 10–5588—30 minutes.

c. State Home Program Application for Veteran Care—Medical Certification, VA Form 10–10SH—30 minutes.

d. Department of Veterans Affairs Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals, VA Form 10–0143—5 minutes.

e. Statement of Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, VA Form 10–1043a—5 minutes.

f. Certification Regarding Lobbying, VA Form 10–0144—5 minutes.

g. Statement of Assurance of Compliance with Equal Opportunity Laws, VA Form 10–0144a—5 minutes.

h. Request for Prescription Drugs from an Eligible Veteran in a State Home, VA Form 10–0460—5 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents:

Title 38, CFR Parts 51 and 52, State Home Programs—12,379.

a. State Home Inspection Staffing Profile, VA Form 10–3567—139.

b. State Home Report and Statement of Federal Aid Claimed, VA Form 10–5588—139.

c. State Home Program Application for Veteran Care—Medical Certification, VA Form 10–10SH—11,406.

d. Department of Veterans Affairs Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals, VA Form 10–0143—139.

e. Statement of Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, VA Form 10–1043a—139.

f. Certification Regarding Lobbying, VA Form 10–0144—139.

g. Statement of Assurance of Compliance with Equal Opportunity Laws, VA Form 10–0144a—139.

h. Request for Prescription Drugs from an Eligible Veteran in a State Home, VA Form 10–0460—139.

Estimated Total Annual Responses:

Title 38, CFR Parts 51 and 52, State Home Programs—13,908.

a. State Home Inspection Staffing Profile, VA Form 10–3567—139.

b. State Home Report and State of Federal Aid Claimed, VA Form 10–5588—139.

c. State Home Program Application for Veteran Care—Medical Certification, VA Form 10–10SH—11,406.

d. Department of Veterans Affairs Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals, VA Form 10–0143—139.

e. Statement of Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, VA Form 10–1043a—139.

f. Certification Regarding Lobbying, VA Form 10–0144—139.

g. Statement of Assurance of Compliance with Equal Opportunity Laws, VA Form 10–0144a—139.

h. Request for Prescription Drugs from an Eligible Veteran in a State Home, VA Form 10–0460—139.

Dated: July 26, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18364 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0500]

Proposed Information Collection (Status of Dependents Questionnaire) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine a Veteran's continued entitlement to benefits based on the number of dependents.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0500'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Status of Dependents Questionnaire, VA Form 21–0538.

OMB Control Number: 2900–0500.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans receiving compensation for service-connected disability which includes an additional amount for their spouse and/or child(ren) complete VA Form 21–0538 to certify the status of the dependents for whom additional compensation is being paid.

Affected Public: Individuals or households.

Estimated Annual Burden: 14,083 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Once every eight years.

Estimated Number of Respondents: 84,500.

Dated: July 26, 2013.

By direction of the Secretary:

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18388 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0706]

Proposed Information Collection (Application for Reimbursement of National Test Fee) Activity; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to refund national test fees.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0706'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Reimbursement of National Test Fee, VA Form 22–0810.

OMB Control Number: 2900–0706.

Type of Review: Revision of a currently approved collection.

Abstract: Service members, Veterans, and eligible dependents complete VA Form 22–0810 to request reimbursement of national test fees. VA will use the data collected to determine the claimant's eligibility for reimbursement.

Affected Public: Individuals or households.

Estimated Annual Burden: 90 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 360.

Dated: July 26, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18409 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0139]

Proposed Information Collection (Notice—Payment Not Applied); Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to this notice. This notice solicits comments for information needed determine a claimant's eligibility to reinstate government life insurance.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0139'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or Fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Notice—Payment Not Applied, VA Form 29–4499a.

OMB Control Number: 2900–0139.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 29–4499a is used by policy holders to reinstate their National Service Life Insurance (NSLI) policy. The information collected is used to determine the insurer's eligibility for reinstatement to government life insurance.

Affected Public: Individuals or households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,200.

Dated: July 25, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18302 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0655]

Proposed Information Collection (Residency Verification Report—Veterans and Survivors) Activity; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine Filipino Veterans or beneficiaries receiving benefit at the full-dollar rate continues to meet the United States residency requirements.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 30, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0655'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Residency Verification Report—Veterans and Survivors, VA Form Letter 21–914.

OMB Control Number: 2900–0655.

Type of Review: Extension of a previously approved collection.

Abstract: VA Form Letter 21–914 is use to verify whether Filipino Veterans of the Special Philippine Scouts, Commonwealth Army of the Philippines, organized guerilla groups receiving service-connected compensation benefits and survivors receiving service connected death benefits at the full-dollar rate, actually resides in the United States as United States citizens or as aliens lawfully admitted for permanent residence. The information is needed to determine whether the claimant continues to meet the United States residency requirements.

Affected Public: Individuals or households.

Estimated Annual Burden: 417 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 1,250.

Dated: July 26, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–18407 Filed 7–30–13; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of the Treasury

Fiscal Service

31 CFR Part 356
Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds; Final Rule

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 356

[Docket No. Fiscal–BPD–2013–0001]

Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This final rule amends Treasury's marketable securities auction rules to accommodate the public offering of a new type of marketable security with a floating rate interest payment. In addition, the amendment makes certain technical clarifications and conforming changes.

DATES: Effective July 31, 2013.

ADDRESSES: Treasury has established a docket for this action under Docket ID Number Fiscal–BPD–2013–0001 in the *www.regulations.gov* Web site. This final rule is available for downloading from *www.treasurydirect.gov.* It is also available for public inspection and copying at the Treasury Library, 1500 Pennsylvania Avenue NW., Annex, Room 1020, Washington, DC 20220. To visit the library, call (202) 622–0990 for an appointment.

FOR FURTHER INFORMATION CONTACT: Lori Santamorena, Executive Director, or Chuck Andreatta, Associate Director, Government Securities Regulations Staff, Bureau of the Fiscal Service, Department of the Treasury, (202) 504–3632.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of the Treasury (''Treasury'') is issuing an amendment to 31 CFR part 356 [1] (the ''Uniform Offering Circular'') to accommodate offerings of a new type of marketable security, referred to as a Treasury floating rate note, whose index rate will be indexed to 13-week Treasury bill auction rates. Treasury views issuance of floating rate notes as consistent with its mission to borrow at the lowest cost over time, manage the maturity profile of our marketable debt outstanding, expand the Treasury investor base, and provide a financing tool that gives debt managers additional flexibility. Treasury decided to establish a floating rate note program after carefully considering the long-term supply and demand dynamics for these securities and with significant consultation with market participants.

Treasury floating rate notes will be indexed to the most recent 13-week Treasury bill auction High Rate [2] (stop out rate), and converted to a simple-interest money market yield computed on an actual/360 basis, subject to an appropriate lockout period,[3] which initially will be two business days (see appendix D). In its May 2013 Quarterly Refunding Statement, Treasury announced its intention to begin auctioning floating rate notes in either the fourth quarter of 2013 or the first quarter of 2014.[4] Treasury's initial auction will be of two-year floating rate notes. Treasury will announce specific terms and conditions of each issue, such as the auction date, issue date, and public offering amount, prior to each auction. Over time, Treasury may consider offering additional maturities of floating rate notes.

II. Consultation and Request for Comments

Treasury announced at its February 2012 Quarterly Refunding that it was studying the possibility of issuing a floating rate note with an interest rate that is indexed and periodically reset.[5] In determining the final terms and conditions for a floating rate note, Treasury sought input from a wide range of participants, particularly concerning the demand for the product, how the security should be structured, its liquidity, the most appropriate index, and operational issues that should be considered related to the issuance of this type of debt.

On March 19, 2012, Treasury issued a Notice and Request for Information (RFI) to the public with a closing date for comments of April 18, 2012.[6] Treasury received 14 comment letters in response to the RFI.[7] Commenters broadly supported issuance of this type of security. Based on the response to the RFI and additional feedback, Treasury announced in its August 2012 Quarterly Refunding Statement that it planned to develop a floating rate note program to complement the existing suite of securities issued and to support its broader debt management objectives.[8]

On December 5, 2012, Treasury issued an Advance Notice of Proposed Rulemaking (ANPR) to invite public comment on the design details, terms and conditions, and other features relevant to the sale and issuance of this new type of security.[9] The closing date for comments was January 22, 2013.

III. Comments Received in Response to the Advance Notice of Proposed Rulemaking

Treasury received 16 comment letters in response to the ANPR [10]—one from a securities industry trade association, eight from primary dealers, two from private citizens, and one each from a non-primary dealer, a derivatives clearing house, a derivatives exchange, an investment manager, and an advisory service. Overall, there was a consensus on many features of the security as proposed in the ANPR, including the reset frequency, frequency of interest payments, interest rate determination, initial maturity range, and auction technique. There was also an expressed belief that, if appropriately structured, a Treasury floating rate note would be an attractive investment for a broad base of institutional investors including money market funds, securities lenders, corporations, and foreign central banks.

Regarding the index rate, the ANPR specifically requested comments on the use of either (1) the 13-week Treasury bill auction High Rate (stop out rate) converted into a simple actual/360 interest rate, or (2) a Treasury general collateral overnight repurchase agreement rate (the ''Treasury GC Rate''). All but one of the commenters addressed this issue, with nine favoring some form of repurchase agreement rate, and six preferring an index based on 13-

[1] 31 CFR part 356 is generally referred to as the Uniform Offering Circular (UOC). The UOC, together with the auction announcement for each Treasury securities auction, sets out the terms and conditions for the sale and issuance by Treasury to the public of marketable Treasury bills, notes, and bonds.

[2] The High Rate is the highest accepted discount rate in a marketable Treasury bill auction and is announced on the auction results press release. Treasury awards securities in Treasury bill auctions at the price that corresponds to the High Rate.

[3] A lockout period for floating rate notes is a period of time prior to the auction settlement or payment of interest. Any 13-week Treasury bill auction that takes place during this period will be excluded from the calculation of accrued interest for determining the settlement or interest payment amount.

[4] The May 2013 Quarterly Refunding Statement, dated May 1, 2013, can be accessed at: *http://www.treasury.gov/press-center/press-releases/Pages/jl1921.aspx.*

[5] The February 2012 Quarterly Refunding Statement, dated February 1, 2012, can be accessed at: *http://www.treasury.gov/press-center/press-releases/Pages/tg1405.aspx.*

[6] 77 FR 16116 (March 19, 2012).

[7] The comment letters are available to the public for inspection and downloading at the TreasuryDirect Web site. *http://www.treasurydirect.gov/instit/statreg/auctreg/auctreg_comltr_td_floating rate note.htm.*

[8] The August 2012 Quarterly Refunding Statement, dated August 1, 2012, can be accessed at: *http://www.treasury.gov/press-center/press-releases/Pages/tg1663.aspx.*

[9] 77 FR 72278 (December 5, 2012).

[10] The comment letters are available to the public for inspection and downloading at the TreasuryDirect Web site. *http://www.treasurydirect.gov/instit/statreg/auctreg/auctreg_advance_floating_rate.htm.*

week Treasury bills. Commenters preferring the Treasury bill index also preferred the actual/360 basis over any other method for converting the auction High Rate.

Most commenters preferred that the index rate be reset daily, and that interest payments be made quarterly. Commenters also widely supported having a new issue of floating rate notes every quarter with two subsequent monthly reopenings. Regarding the timing of settlement, a large majority who expressed a preference favored mid-month settlement over end-of-month settlement. There was also general consensus that the interest rate should be floored at zero percent.

In the ANPR, Treasury stated that it intends to start the floating rate note program with a two-year maturity. Most commenters agreed that this was a good maturity to start with, and suggested eventual expansion to longer maturities of up to 10 years.

Regarding the lockout periods, the ANPR noted that the current convention in the floating rate note market is for interest payments to be set five business days in advance of their payment dates. This standard practice dates from the late 1980s and was put in place for operational reasons. The ANPR stated that, given technological advancements, Treasury believes that one-business-day notice of interest payments should suffice. Four commenters stated that one business day was sufficient. One commenter stated that no lockout period was needed. Two commenters said that two business days was the most beneficial, while another commenter suggested two to three days ''for maximum operational clarity.'' One commenter advocated seven business days.

A commenter stated that, ''at least initially, a two-day lockout period would be optimal for operational efficiency. The benefit of an initial two-day lockout period is that it would accommodate both the firms that are currently able to absorb a shorter lockout period in their current operational flow, as well as firms that would have to make operational adjustments. In addition, buyside members also indicated that a two-day lockout period would be optimal to achieve operational efficiency.''

IV. Summary of Terms, Conditions, and Features

After taking into consideration the comments received, Treasury is adopting as a final rule this amendment to the Uniform Offering Circular setting out the terms, conditions, and features of Treasury floating rate notes.

Floating rate notes will be issued with maturities of at least one year, but not more than ten years. Floating rate notes may be sold at discount, par, or premium, and will pay interest quarterly on the last calendar day of the month.

Auctions of Treasury floating rate notes will generally be conducted in the same manner as other marketable Treasury securities auctions. The auctions will be conducted as single-price auctions in which competitive bidders will bid in terms of a desired discount margin (positive, negative, or zero), expressed as a percentage with three decimals, e.g., 1.230 percent. The spread on the first issuance of a particular floating rate note will be set at the highest accepted discount margin in that auction. Auctions will include both competitive and noncompetitive bidding, a minimum purchase amount of $100, a maximum noncompetitive bid amount of $5 million, and a 35-percent maximum award limitation. The award methodology will be the same as for other Treasury marketable securities auctions.[11]

Reopening auctions will be conducted in the same manner as new issuances, except that the spread on a floating rate note offered in a reopening auction will be the spread determined in the first auction of that security. Bidders in reopening auctions will bid on a discount margin basis and those who are awarded securities will be required to pay accrued interest from the dated date, or last interest payment date, to the reopening issue date.

The index for floating rate notes will be the weekly High Rate (stop out rate) of 13-week Treasury bill auctions. The interest rate will be the spread plus the index rate, which will reset daily based on the most recent auction of 13-week bills and will be subject to a minimum daily interest accrual rate of zero percent. After analyzing the comments received, Treasury determined that a minimum spread was unnecessary. The use of a zero-percent minimum daily interest accrual rate will prevent floating rate note investors from having to remit an interest payment to Treasury during unusual interest rate environments, including those with expectations for deeply negative interest rates.

Treasury carefully considered the ANPR responses related to the selection of an index rate. While a majority of respondents favored using a repurchase agreement rate, Treasury weighed that input against the benefits of indexing to the established, well-understood, and highly liquid 13-week Treasury bill market. At this time, Treasury believes that using the 13-week Treasury bill auction rate as the index will best achieve the goal of funding the government at the lowest possible cost over time. However, the selection of the 13-week Treasury bill auction rate as the index does not preclude Treasury from amending the Uniform Offering Circular in the future to provide for a floating rate note issuance that uses an alternative index.

Although the index rate will reset daily, given the current 13-week Treasury bill auction schedule, the rate will effectively change once a week. The index rate will change on the day following a 13-week bill auction regardless of whether that day is a business day or a non-business day.

Interest on floating rate notes will accrue daily throughout the interest payment period. In general, the interest accrual for a particular calendar day in an accrual period will be the spread determined at the time of a new floating rate note auction plus the index rate.

The index rate is computed from the most recent 13-week Treasury bill auction High Rate that has been translated into a simple-interest money market yield computed on an actual/360 basis and rounded to nine decimal places. If, however, the most recent 13-week bill auction occurred during a lockout period for the applicable floating rate note, then the index rate is computed from the most recent 13-week bill auction that occurred prior to the lockout period. As previously mentioned, the minimum daily interest accrual rate will be zero percent.

Treasury will provide notice of interest payments two business days prior to each interest payment date. For purposes of calculating auction settlement amounts and quarterly interest payments, floating rate notes will initially have a two-business-day lockout period prior to their auction settlement date or an interest payment date. Therefore, a 13-week Treasury bill auction that takes place during the lockout period will be excluded from the calculation of accrued interest for purposes of determining that settlement amount or interest payment. Any changes in the index rate that would otherwise have occurred during the lockout period will occur on the first calendar day following the end of the lockout period. We will provide sufficient notice if we change the length of the lockout period for future floating rate note issuances.

Although most commenters preferred mid-month settlement, the issue date for newly issued Treasury floating rate

[11] *See* § 356.20(a).

notes will normally be on the last calendar day of a month because this timing better accommodates Treasury's financing needs. Reopening issuances of floating rate notes will occur on the last Friday of a month. In both cases, if the regular issue day is a non-business day, issuance will occur on the next business day. The auction announcement for each floating rate note will contain the specific details of that offering.

Floating rate notes will *not* be eligible for stripping.[12] The notes will be eligible, however, to serve as collateral for Treasury's Fiscal Service collateral programs.

This final rule makes the necessary revisions to accommodate the sale and issuance of floating rate notes. Accordingly, Treasury is amending sections 356.2; 356.5; 356.12; 356.14; 356.15; 356.20; 356.21; 356.23; 356.30, 356.31, 356.32; Appendix A, Section II; Appendix B, Sections I and IV; Appendix C, Section II; and Appendix D, Section II of 31 CFR 356.

V. Section by Section Summary

Section 356.2 has been amended by adding definitions of *13-week bill, Discount margin, Index rate,* and *Spread.* The definition of *Index* has been amended to add that, in addition to the term meaning the Consumer Price Index for inflation protected securities, *Index* also means the High Rate on auctions of 13-week Treasury bills for floating rate notes. The definition of *Interest rate* has been expanded to define how the interest rate is determined for floating rate notes. Conforming changes have also been made to the definitions of *Competitive bid, Multiple-price auction, Noncompetitive bid, Single-price auction,* and *Weighted-average* to add discount margin as an allowable basis for bidding in addition to discount rate and yield.

Section 356.5 has been amended by adding a new paragraph (b)(3) to add floating rate notes as a new type of security that Treasury auctions. The footnote to this section has also been amended by changing the term ''fixed-principal'' to ''non-indexed'' to distinguish regular Treasury notes and bonds from inflation-protected securities and floating rate notes. The term ''fixed-principal'' has been changed to ''non-indexed'' throughout this entire part.

Section 356.12 has been amended by adding a new subparagraph (c)(1)(iv) to provide the competitive bidding format for floating rate notes.

Section 356.20 has been amended to create a new paragraph (c) that explains how interest rates for floating rate notes are determined.

Section 356.30 has been amended to allow for quarterly interest payments, since all other Treasury notes, bonds, and inflation-protected securities pay interest semiannually.

Section 356.31 has been amended to make it clear that floating rate notes are not eligible for stripping.

Section 356.32 has been amended by adding a new paragraph (c) to provide a brief mention of special federal income tax rules for floating rate notes.

Appendix B, Section I has been reorganized to add a new subsection C that describes the indexing and interest payment processes for floating rate notes, how the interest rate is determined, how interest accrues, and various floating rate index contingencies. New subsection D has been amended to add a new paragraph 6 that directs readers to section IV, paragraphs C and D of the appendix for discussion of how accrued interest is calculated for floating rate notes. A new Section IV has been added that provides the formulas for converting discount margins to equivalent prices for floating rate notes.

A new Section II has been added to Appendix C to address various investment considerations for Treasury floating rate notes. Specifically, Section II discusses interest variability, secondary market trading, tax considerations, and indexing issues.

Appendix D has been amended to revise the title, designate the current text as Section I, and add a new Section II that adds a description of the floating rate note index.

Conforming changes are also made to paragraphs 356.12(c)(2); 356.14(d); 356.15(e); 356.20(a)(1) and (a)(2) and new paragraphs (d)(1) and (d)(2); 356.21(a) and (b); 356.23(b)(2); and Appendix A, Section II, paragraph (d)(1) to add discount margin as an allowable basis for bidding.

VI. Procedural Requirements

Executive Order 12866. This final rule is not a ''significant regulatory action'' pursuant to Executive Order 12866.

Administrative Procedure Act (APA). Because this rule relates to public contracts and procedures for United States securities, the notice, public comment, and delayed effective date provisions of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2).

Regulatory Flexibility Act. As no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply.

Paperwork Reduction Act. There is no new collection of information contained in this final rule, and, therefore, the Paperwork Reduction Act does not apply. The Office of Management and Budget has approved the collections of information already contained in 31 CFR part 356, under control number 1535–0112. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.

List of Subjects in 31 CFR Part 356

Bonds, Federal Reserve System, Government Securities, Securities.

For the reasons set forth in the preamble, amend 31 CFR part 356 as follows:

PART 356—SALE AND ISSUE OF MARKETABLE BOOK-ENTRY TREASURY BILLS, NOTES, AND BONDS (DEPARTMENT OF THE TREASURY CIRCULAR, PUBLIC DEBT SERIES NO. 1–93)

■ 1. The authority citation for part 356 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 3102, *et seq.;* 12 U.S.C. 391.

■ 2. In 31 CFR part 356, wherever it appears:
■ a. Remove 'fixed-principal' and add in its place 'non-indexed';
■ b. Remove 'Fixed-principal' and add in its place 'Non-indexed'; and
■ c. Remove 'FIXED-PRINCIPAL' and add in its place 'NON-INDEXED'.

Subpart A—General Information.

■ 3. Amend § 356.2 by:
■ a. Adding definitions in alphabetical order for *13-week bill, Discount margin, Index rate,* and *Spread;* and
■ b. Revising the definitions of *Competitive bid, Index, Multiple-price auction, Noncompetitive bid, Single-price auction,* and *Weighted-average.*

The additions and revisions read as follows:

§ 356.2 What definitions do I need to know to understand this part?

13-week bill means a Treasury bill where the security description is ''13-Week Bill'' as referenced on the Treasury auction announcement.

* * * * *

Competitive bid means a bid to purchase a stated par amount of

[12] Stripping means separating a security's interest and principal components so they can be traded separately.

securities at a specified yield, discount rate, or discount margin.

* * * * *

Discount margin means the margin over the index that equates the present values of the assumed cash flows on a floating rate note to the sum of the price of and accrued interest on the floating rate note. The assumed cash flows are calculated based upon the index rate applicable to the dated date. Bidders in floating rate note auctions bid on the basis of discount margin. (See appendix B.)

* * * * *

Index means the Consumer Price Index for inflation-protected securities. For floating rate notes, the index is the highest accepted discount rate on 13-week bills determined by Treasury auctions of those securities.

Index rate means the simple-interest money market yield, computed on an actual/360 basis and rounded to nine decimal places, from the highest accepted discount rate of a 13-week bill auction as announced in the Treasury auction results press release. (See appendix B for methods and examples for computing the index rate.)

* * * * *

Interest rate means the annual percentage rate of interest paid on the par amount (or the inflation-adjusted principal) of a specific issue of notes or bonds. For floating rate notes, the interest rate is the spread plus the index rate, which resets daily based on the most recent auction of 13-week bills, and is subject to a minimum daily interest accrual rate of zero percent. (See appendix B for methods and examples of interest calculations.)

* * * * *

Multiple-price auction means an auction in which each successful competitive bidder pays the price equivalent to the yield, discount rate, or discount margin that it bid.

Noncompetitive bid means, for a single-price auction, a bid to purchase a stated par amount of securities at the highest yield, discount rate, or discount margin awarded to competitive bidders. For a multiple-price auction, a noncompetitive bid means a bid to purchase securities at the weighted average yield, discount rate, or discount margin of awards to competitive bidders.

* * * * *

Single-price auction means an auction in which all successful bidders pay the same price regardless of the yields, discount rates, or discount margins they each bid.

Spread means the fixed amount over the life of a floating rate note that is added to the index rate in order to determine the interest rate of the floating rate note. The spread will be determined in the auction of a new floating rate note and is expressed in tenths of a basis point (i.e., to three decimals). Additionally, the spread will be equal to the high discount margin at the time a new floating rate note is auctioned.

* * * * *

Weighted-average means the average of the yields, discount rates, or discount margins at which we award securities to competitive bidders in multiple-price auctions weighted by the par amount of securities allotted at each yield, discount rate, or discount margin.

* * * * *

■ 4. In § 356.5, in paragraph (b)(1), revise referenced footnote [1] and add paragraph (b)(3) to read as follows:

§ 356.5 What types of securities does the Treasury auction?

* * * * *

(b) * * *

(1) * * *

[1] We use the term ''non-indexed'' in this part to distinguish such notes and bonds from ''inflation-protected securities'' and ''floating rate notes.'' We refer to non-indexed notes and non-indexed bonds as ''notes'' and ''bonds'' in official Treasury publications, such as auction announcements and auction results press releases, as well as in auction systems.

* * * * *

(3) *Treasury floating rate notes.* (i) Are issued with a stated spread to be added to the index rate for daily interest accrual throughout each interest payment period;

(ii) Have a zero-percent minimum daily interest accrual rate;

(iii) Have interest payable quarterly;

(iv) Are redeemed at their par amount at maturity;

(v) Are sold at discount, par, or premium depending on the auction results (See appendix B for price and interest payment calculations and appendix C for Investment Considerations.); and

(vi) Have maturities of at least one year, but not more than ten years.

* * * * *

Subpart B—Bidding, Certifications, and Payment.

■ 5. In § 356.12, add paragraph (c)(1)(iv) and revise paragraph (c)(2) to read as follows:

§ 356.12 What are the different types of bids and do they have specific requirements or restrictions?

* * * * *

(c)(1) * * *

(iv) *Treasury floating rate notes.* A competitive bid must show the discount margin bid, expressed as a percentage with three decimals, for example, 0.290 percent. We will treat any missing decimals as zero, for example, a bid of 0.29 will be treated as 0.290. The discount margin bid may be positive, negative, or zero.

(2) *Maximum recognized bid.* There is no limit on the maximum dollar amount that you may bid for competitively, either at a single yield, discount rate, or discount margin, or at different yields, discount rates, or discount margins. However, a competitive bid at a single yield, discount rate, or discount margin that exceeds 35 percent of the offering amount will be reduced to that amount. For example, if the offering amount is $10 billion, the maximum bid amount we will recognize at any one yield, discount rate, or discount margin from any bidder is $3.5 billion. (See § 356.22 for award limitations.)

* * * * *

■ 6. In § 356.14, revise the first sentence of paragraph (d) to read as follows:

§ 356.14 What are the requirements for submitting bids for customers?

* * * * *

(d) *Competitive customer bids.* For each customer competitive bid, the submitter must provide the customer's name, the amount bid, and the yield, discount rate, or discount margin. * * *

* * * * *

■ 7. In § 356.15, revise the first sentence of paragraph (e) to read as follows:

§ 356.15 What rules apply to bids submitted by investment advisors?

* * * * *

(e) *Proration of awards.* Investment advisers that submit competitive bids in the names of controlled accounts are responsible for prorating any awards at the highest accepted yield, discount rate, or discount margin using the same percentage that we announce. * * *

* * * * *

Subpart C—Determination of Auction Awards; Settlement.

■ 8. In § 356.20, revise paragraph (a)(1) and (2), redesignate paragraph (c) as paragraph (d), add a new paragraph (c), and revise newly redesignated paragraphs (d)(1) and (2) to read as follows:

§ 356.20 How does the Treasury determine auction awards?

(a) *Determining the range and amount of accepted competitive bids*—(1) *Accepting bids.* First we accept in full all non-competitive bids that were submitted by the noncompetitive bidding deadline. After the closing time for receipt of competitive bids we start accepting those at the lowest yields, discount rates, or discount margins, through successively higher yields, discount rates, or discount margins, up to the amount required to meet the offering amount. When necessary, we prorate bids at the highest accepted yield, discount rate, or discount margin as described below. If the amount of noncompetitive bids would absorb all or most of the offering amount, we will accept competitive bids in an amount sufficient to provide a fair determination of the yield, discount rate, or discount margin for the securities we are auctioning.

(2) *Accepting bids at the high yield, discount rate, or discount margin.* Generally, the total amount of bids at the highest accepted yield, discount rate, or discount margin exceeds the offering amount remaining after we accept the noncompetitive bids and the competitive bids at the lower yields, discount rates, or discount margins. In order to keep the total amount of awards as close as possible to the announced offering amount, we award a percentage of the bids at the highest accepted yield, discount rate, or discount margin. We derive the percentage by dividing the remaining par amount needed to fill the offering amount by the par amount of the bids at the high yield, discount rate, or discount margin and rounding up to the next hundredth of a whole percentage point, for example, 17.13%.

* * * * *

(c) *Determining the interest rate for floating rate notes.* The interest rate will be the spread plus the index rate (as it may be adjusted on the calendar day following each auction of 13-week bills) subject to a minimum daily interest accrual rate of zero percent.

(d) * * *

(1) *Single-price auctions.* We award securities to both noncompetitive and competitive bidders at the price equivalent to the highest accepted yield, discount rate, or discount margin at which bids were accepted. For inflation-protected securities, the price for awarded securities is the price equivalent to the highest accepted real yield.

(2) *Multiple-price auctions*—(i) *Competitive bids.* We award securities to competitive bidders at the price equivalent to each yield, discount rate, or discount margin at which their bids were accepted.

(ii) *Noncompetitive bids.* We award securities to noncompetitive bidders at the price equivalent to the weighted average yield, discount rate, or discount margin of accepted competitive bids.

■ 9. In § 356.21, revise the section heading, the first three sentences of paragraph (a), and the last sentence of paragraph (b) to read as follows:

§ 356.21 How are awards at the high yield, discount rate, or discount margin calculated?

(a) *Awards to submitters.* We generally prorate bids at the highest accepted yield, discount rate, or discount margin under § 356.20(a)(2) of this part. For example, if 80.15% is the announced percentage at the highest yield, discount rate, or discount margin, we award 80.15% of the amount of each bid at that yield, discount rate, or discount margin. A bid for $100 million at the highest accepted yield, discount rate, or discount margin would be awarded $80,150,000 in this example. * * *

(b) *Awards to customers.* * * * For example, if 80.15% is the announced percentage at the highest yield, discount rate, or discount margin, then each customer bid at that yield, discount rate, or discount margin must be awarded 80.15%.

■ 10. In § 356.23, revise paragraph (b)(2) to read as follows:

§ 356.23 How are the auction results announced?

* * * * *

(b) * * *

(2) The range of accepted yields, discount rates, or discount margins.

* * * * *

Subpart D—Miscellaneous Provisions.

■ 11. In § 356.30, revise the fourth sentence of paragraph (a) to read as follows:

§ 356.30 When does the Treasury pay principal and interest on securities?

(a) * * * Interest is payable on a semiannual or quarterly basis on the interest payment dates specified in the auction announcement through the maturity date. * * *

* * * * *

■ 12. In § 356.31, revise the first sentence of paragraph (a) and the paragraph (b) heading to read as follows:

§ 356.31 How does the STRIPS program work?

(a) *General.* Notes or bonds (other than Treasury floating rate notes) may be ''stripped''—divided into separate principal and interest components. * * *

(b) *Treasury non-indexed securities (notes and bonds other than Treasury inflation-protected securities or Treasury floating rate notes)* * * *

■ 13. In § 356.32, add paragraph (c) to read as follows:

§ 356.32 What tax rules apply?

* * * * *

(c) *Treasury floating rate notes.* Special federal income tax rules for floating rate notes are set forth in Internal Revenue Service regulations.

■ 14. In Appendix A to Part 356, Section II, revise paragraph (d)(1) to read as follows:

Appendix A to Part 356—Bidder Categories

* * * * *

II. How to Obtain Separate Bidder Recognition

* * * * *

(d) * * *

(1) Exchanging any of the following information with any other part of the corporate [partnership] structure: (a) Yields, discount rates, or discount margins at which it plans to bid; (b) amounts of securities for which it plans to bid; (c) positions that it holds or plans to acquire in a security being auctioned; and (d) investment strategies that it plans to follow regarding the security being auctioned, or

* * * * *

■ 15. In Appendix B to Part 356:

■ a. Amend the introductory listing of sections by redesignating sections IV and V as sections V and VI, and adding new section IV;

■ b. In section I., redesignate subsection C as subsection D and add new subsection C;

■ c. In newly redesignated subsection D, add paragraph 6;

■ d. Redesignate sections IV and V as sections V and VI; and

■ e. Add new section IV.

The additions read as follows:

Appendix B to Part 356—Formulas and Tables

* * * * *

IV. Formulas for Conversion of Floating Rate Note Discount Margins to Equivalent Prices

* * * * *

I. Computation of Interest on Treasury Bonds and Notes

* * * * *

C. Treasury Floating Rate Notes

1. *Indexing and Interest Payment Process.* We issue floating rate notes with a daily interest accrual feature. This means that the interest rate ''floats'' based on changes in the representative index rate. We pay interest on

a quarterly basis. The index rate is the High Rate of the 13-week Treasury bill auction announced on the auction results press release that has been converted into a simple-interest money market yield computed on an actual/360 basis and rounded to nine decimal places. Interest payments are based on the floating rate note's variable interest rate from, and including, the dated date or last interest payment date to, but excluding, the next interest payment or maturity date. We make quarterly interest payments by accruing the daily interest amounts and adding those amounts together for the interest payment period.

2. *Interest Rate.* The interest rate on floating rate notes will be the spread plus the index rate (as it may be adjusted on the calendar day following each auction of 13-week bills).

3. *Interest Accrual.* In general, accrued interest for a particular calendar day in an accrual period is calculated by using the index rate from the most recent auction of 13-week bills that took place before the accrual day, plus the spread determined at the time of a new floating rate note auction, divided by 360, subject to a zero-percent minimum daily interest accrual rate. However, a 13-week bill auction that takes place in the two-business-day period prior to a settlement date or interest payment date will be excluded from the calculation of accrued interest for purposes of the settlement amount or interest payment. Any changes in the index rate that would otherwise have occurred during this two-business-day period will occur on the first calendar day following the end of the period.

4. *Index Contingencies.*

(i) If Treasury were to discontinue auctions of 13-week bills, the Secretary has authority to determine and announce a new index for outstanding floating rate notes.

(ii) If Treasury were to not conduct a 13-week bill auction in a particular week, then the interest rate in effect for the notes at the time of the last 13-week bill auction results announcement will remain in effect until such time, if any, as the results of a 13-week Treasury auction are again announced by Treasury. Treasury reserves the right to change the index rate for any newly issued floating rate note.

* * * * *

D. Accrued Interest

* * * * *

6. For a floating rate note, if accrued interest covers a portion of a full quarterly interest payment period, we calculate accrued interest as shown in section IV, paragraphs C and D of this appendix.

* * * * *

IV. Formulas for Conversion of Floating Rate Note Discount Margins to Equivalent Prices

Definitions for Newly Issued Floating Rate Notes

P = the price per $100 par value.
T_0 = the issue date.
N = the total number of quarterly interest payments.
i and *k* = indexes that identify the sequence of interest payment dates.
T_i = the i^{th} quarterly interest payment date.
$T_i - T_{i-1}$ = the number of days between the interest payment date T_i and the preceding interest payment date.
T_N = the maturity date.
r = the index rate applicable to the issue date.
s = the spread.
m = the discount margin.

A. For newly issued floating rate notes issued at par:

Formula:

$$P = \sum_{i=1}^{N}\left(\frac{100\times\frac{1}{360}(T_i - T_{i-1})\times\max(r+s,0)}{\prod_{k=1}^{i}\left(1+\frac{1}{360}(T_k - T_{k-1})\times(r+m)\right)}\right) + \frac{100}{\prod_{k=1}^{N}\left(1+\frac{1}{360}(T_k - T_{k-1})\times(r+m)\right)}$$

Example:

The purpose of this example is to demonstrate how a floating rate note price is derived at the time of original issuance. Additionally, this example depicts the association of the July 31, 2012 issue date and the two-business-day lockout period. For a new two-year floating rate note auctioned on July 25, 2012, and issued on July 31, 2012, with a maturity date of July 31, 2014, and an interest accrual rate on the issue date of 0.215022819% (index rate of 0.095022819% plus a spread of 0.120%), solve for the price per 100 (P). This interest accrual rate is used for each daily interest accrual over the life of the security for the purposes of this example. In a new issuance (not a reopening) of a floating rate note, the discount margin determined at auction will be equal to the spread.

Definitions:

T_0 = July 31, 2012.
N = 8.
T_N = July 31, 2014.
r = 0.095022819%.
s = 0.120%.
m = 0.120%.

As of the issue date the latest 13-week bill, auctioned at least two days prior, has the following information:

TABLE 1—13-WEEK BILL AUCTION DATA

Auction date	Issue date	Maturity date	Auction clearing price	Auction high rate	Index rate
7/23/2012	7/26/2012	10/25/2012	99.975986	0.095%	0.095022819%

The rationale for using a 13-week bill auction that has occurred at least two days prior to the issue date is due to the two-business-day lockout period. This lockout period applies only to the issue date and interest payment dates, thus any 13-week bill auction that occurs during the two-day lockout period is not used for calculations related to the issue date and interest payment dates. The following sample calendar depicts this relationship for the floating rate note issue date.

July 2012

Sunday 22nd	**Monday 23rd 13-week bill auction**	Tuesday 24th	**Wednesday 25th Auction date**	Thursday 26th	Friday 27th **Lockout Day 1**	Saturday 28th
Sunday 29th	Monday 30th **Lockout Day 2** 13-week bill auction (not applicable for July 31 calculations)	**Tuesday 31st Issue date**				

Computing the index rate

The index rate that equals the simple-interest money market yield on an actual/360 basis is computed as follows:

$$r = \frac{D}{1 - \frac{\Delta T}{360} D}$$

where D is the discount rate (or auction high rate), and ΔT represents the number of days from (and including) the issue date of the 13-week bill to (but excluding) the maturity date of the 13-week bill. In the table above, $r = \frac{0.095\%}{1 - \frac{91}{360} \times 0.095\%} = 0.095022819\%$.

Computing the Projected Cash Flows

The following table presents the future interest payment dates and the number of days between them.

TABLE 2—PAYMENT DATES

Dates	Days between dates
Issue Date: T_0 = 7/31/2012	
1st Interest Date: T_1 = 10/31/2012	$T_1 - T_0 = 92$
2nd Interest Date: T_2 = 1/31/2013	$T_2 - T_1 = 92$
3rd Interest Date: T_3 = 4/30/2013	$T_3 - T_2 = 89$
4th Interest Date: T_4 = 7/31/2013	$T_4 - T_3 = 92$
5th Interest Date: T_5 = 10/31/2013	$T_5 - T_4 = 92$
6th Interest Date: T_6 = 1/31/2014	$T_6 - T_5 = 92$
7th Interest Date: T_7 = 4/30/2014	$T_7 - T_6 = 89$
8th Interest & Maturity Dates: T_8 = 7/31/2014	$T_8 - T_7 = 92$

Let

$a_i = 100 \times \max(r + s, 0)/360$

and

$A_i = a_i \times (T_i - T_{i-1}) + 100 \times 1_{\{i=8\}}$

a_i represents the daily projected interest, for a $100 par value, that will accrue between the future interest payment dates T_{i-1} and T_i, where $i = 1,2, \ldots ,8$. a_i's are computed using the spread $s = 0.120\%$ obtained at the auction, and the fixed index rate of $r = 0.095022819\%$ applicable to the issue date (7/31/2012). For example:

$a_1 = 100 \times \max(0.00095022819 + 0.00120, 0)/360 = 0.000597286$

A_i represents the projected cash flow the floating rate note holder will receive, for a $100 par value, at the future interest payment date T_i, where $i = 1,2, \ldots ,8$. $T_i - T_{i-1}$ is the number of days between the future interest payment dates T_{i-1} and T_i. To account for the payback of the par value, the variable $1_{\{i=8\}}$ takes the value 1 if the payment date is the maturity date, or 0 otherwise. For example:

$A_1 = 92 \times 0.000597286 = 0.054950312$

and

$A_8 = 92 \times 0.000597286 + 100 = 100.054950312$

Let

$B_i = 1 + (r + m) \times (T_i - T_{i-1})/360$

B_i represents the projected compound factor between the future dates T_{i-1} and T_i, where $i = 1,2, \ldots ,8$. All B_i's are computed using the discount margin $m = 0.120\%$ (equals the spread determined at the auction), and the fixed index rate of $r = 0.095022819\%$ applicable to the issue date (7/31/2012). For example:

$B_3 = 1 + (0.00095022819 + 0.00120) \times 89/360 = 1.000531584$.

The following table shows the projected daily accrued interest values for $100 par value ($a_i$'s), cash flows at interest payment dates (A_i's), and the compound factors between payment dates (B_i's).

TABLE 3—PROJECTED CASH FLOWS AND COMPOUND FACTORS

i	a_i	A_i	B_i
1	0.000597286	0.054950312	1.000549503
2	0.000597286	0.054950312	1.000549503
3	0.000597286	0.053158454	1.000531584
4	0.000597286	0.054950312	1.000549503
5	0.000597286	0.054950312	1.000549503
6	0.000597286	0.054950312	1.000549503
7	0.000597286	0.053158454	1.000531584
8	0.000597286	100.054950312	1.000549503

Computing the Price

The price is computed as follows:

$$P = \left[\frac{A_1}{B_1} + \frac{A_2}{B_1 B_2} + \frac{A_3}{B_1 B_2 B_3} + \frac{A_4}{B_1 B_2 B_3 B_4} + \frac{A_5}{B_1 B_2 B_3 B_4 B_5} + \frac{A_6}{B_1 B_2 B_3 B_4 B_5 B_6} + \frac{A_7}{B_1 B_2 B_3 B_4 B_5 B_6 B_7} + \frac{A_8}{B_1 B_2 B_3 B_4 B_5 B_6 B_7 B_8} \right]$$

$$P = \left[\frac{0.054950312}{B_1} + \frac{0.054950312}{B_1 B_2} + \frac{0.053158454}{B_1 B_2 B_3} + \frac{0.054950312}{B_1 B_2 B_3 B_4} + \frac{0.054950312}{B_1 B_2 B_3 B_4 B_5} + \frac{0.054950312}{B_1 B_2 B_3 B_4 B_5 B_6} + \frac{0.053158454}{B_1 B_2 B_3 B_4 B_5 B_6 B_7} + \frac{100.054950312}{B_1 B_2 B_3 B_4 B_5 B_6 B_7 B_8} \right]$$

$$P = \left[\frac{0.054950312}{1.000549503} + \frac{0.054950312}{1.001099308} + \frac{0.053158454}{1.001631476} + \frac{0.054950312}{1.002181876} + \frac{0.054950312}{1.002732578} + \frac{0.054950312}{1.003283582} + \frac{0.053158454}{1.003816912} + \frac{100.054950312}{1.004368512} \right]$$

$$P = [0.054920133 + 0.054889971 + 0.053071869 + 0.054830678 + 0.054800565 + 0.054770469 + 0.052956324 + 99.619760194]$$

$$P = 100.000000203 = \$100.000000$$

B. For newly issued floating rate notes issued at a premium: Formula:

$$P = \sum_{i=1}^{N} \left(\frac{100 \times \frac{1}{360}(T_i - T_{i-1}) \times \max(r+s, 0)}{\prod_{k=1}^{i} \left(1 + \frac{1}{360}(T_k - T_{k-1}) \times (r+m)\right)} \right) + \frac{100}{\prod_{k=1}^{N} \left(1 + \frac{1}{360}(T_k - T_{k-1}) \times (r+m)\right)}$$

Example:

The purpose of this example is to demonstrate how a floating rate note auction can result in a price at a premium given a negative discount margin and spread at auction. For a new two-year floating rate note auctioned on July 25, 2012, and issued on July 31, 2012, with a maturity date of July 31, 2014, solve for the price per 100 (P). In a new issue (not a reopening) of a floating rate note, the discount margin established at auction will be equal to the spread. In this example, the discount margin determined at auction is −0.150%, but the floating rate note is subject to a daily interest rate accrual minimum of 0.000%.

Definitions:

T_0 = July 31, 2012.
N = 8.
T_N = July 31, 2014.
r = 0.095022819%.
s = −0.150%.
m = −0.150%.

As of the issue date the latest 13-week bill, auctioned at least two days prior, has the following information:

TABLE 1—13-WEEK BILL AUCTION DATA

Auction date	Issue date	Maturity date	Auction clearing price	Auction high rate	Index rate
7/23/2012	7/26/2012	10/25/2012	99.975986	0.095%	0.095022819%

Computing the Index Rate

The index rate that equals the simple-interest money market yield on an actual/360 basis is computed as follows:

$$r = \frac{D}{1 - \frac{\Delta T}{360} D}$$

where D is the discount rate (or auction high rate), and ΔT represents the number of days from (and including) the issue date of the 13-week bill to (but excluding) the maturity date of the 13-week bill. In the table above, $r = \frac{0.095\%}{1 - \frac{91}{360} \times 0.095\%} = 0.095022819\%$.

Computing the Projected Cash Flows

The following table presents the future interest payment dates and the number of days between them.

TABLE 2—PAYMENT DATES

Dates	Days between dates
Issue Date: T_0 = 7/31/2012	
1st Interest Date: T_1 = 10/31/2012	$T_1 - T_0$ = 92
2nd Interest Date: T_2 = 1/31/2013	$T_2 - T_1$ = 92
3rd Interest Date: T_3 = 4/30/2013	$T_3 - T_2$ = 89
4th Interest Date: T_4 = 7/31/2013	$T_4 - T_3$ = 92
5th Interest Date: T_5 = 10/31/2013	$T_5 - T_4$ = 92
6th Interest Date: T_6 = 1/31/2014	$T_6 - T_5$ = 92
7th Interest Date: T_7 = 4/30/2014	$T_7 - T_6$ = 89
8th Interest & Maturity Dates: T_8 = 7/31/2014	$T_8 - T_7$ = 92

Let

$a_i = 100 \times \max(r + s,0)/360$

and

$A_i = a_i \times (T_i - T_{i-1}) + 100 \times 1_{\{i=8\}}$

a_i Represents the daily projected interest, for a $100 par value, that will accrue between the future interest payment dates T_{i-1} and T_i where $i = 1,2, \ldots,8$. a_i's are computed using the spread $s = -0.150\%$, and the fixed index rate of $r = 0.095022819\%$ applicable to the issue date (7/31/2012). For example:

$a_1 = 100 \times \max(0.00095022819 - 0.00150,0)/360 = 100 \times 0/360 = 0.000000000$

A_i represents the projected cash flow the floating rate note holder will receive, for a $100 par value, at the future interest payment date T_i, where $i = 1,2, \ldots, 8$. $T_i - T_{i-1}$ is the number of days between the future interest payment dates T_{i-1} and T_i. To account for the payback of the par value, the variable $1_{\{i=8\}}$ takes the value 1 if the payment date is the maturity date, or 0 otherwise. For example:

$A_1 = 92 \times 0.000000000 = 0.000000000$

and

$A_8 = 92 \times 0.000000000 + 100 = 100.000000000$

Let

$B_i = 1 + (r + m) \times (T_i - T_{i-1})/360$

B_i represents the projected compound factor between the future dates T_{i-1} and T_i, where $i = 1,2, \ldots, 8$. All B_i's are computed using the discount margin $m = -0.150\%$ (equals the spread obtained at the auction), and the fixed index rate of $r = 0.095022819\%$ applicable to the issue date (7/31/2012). For example:

$B_3 = 1 + (0.00095022819 - 0.00150) \times 89/360 = 0.999864084$.

The following table shows the projected daily accrued interests for $100 par value ($a_i$'s), cash flows at interest payment dates (A_i's), and the compound factors between payment dates (B_i's).

TABLE 3—PROJECTED CASH FLOWS AND COMPOUND FACTORS

i	a_i	A_i	B_i
1	0.000000000	0.000000000	0.999859503
2	0.000000000	0.000000000	0.999859503
3	0.000000000	0.000000000	0.999864084
4	0.000000000	0.000000000	0.999859503
5	0.000000000	0.000000000	0.999859503
6	0.000000000	0.000000000	0.999859503
7	0.000000000	0.000000000	0.999864084
8	0.000000000	100.000000000	0.999859503

Computing the Price

The price is computed as follows:

$$P = \left[\frac{A_1}{B_1} + \frac{A_2}{B_1 B_2} + \frac{A_3}{B_1 B_2 B_3} + \frac{A_4}{B_1 B_2 B_3 B_4} + \frac{A_5}{B_1 B_2 B_3 B_4 B_5} + \frac{A_6}{B_1 B_2 B_3 B_4 B_5 B_6} + \frac{A_7}{B_1 B_2 B_3 B_4 B_5 B_6 B_7} + \frac{A_8}{B_1 B_2 B_3 B_4 B_5 B_6 B_7 B_8} \right]$$

$$P = \left[\frac{0.000000000}{B_1} + \frac{0.0000000000}{B_1 B_2} + \frac{0.0000000000}{B_1 B_2 B_3} + \frac{0.000000000}{B_1 B_2 B_3 B_4} + \frac{0.0000000000}{B_1 B_2 B_3 B_4 B_5} + \frac{0.000000000}{B_1 B_2 B_3 B_4 B_5 B_6} + \frac{0.0000000000}{B_1 B_2 B_3 B_4 B_5 B_6 B_7} + \frac{100.0000000000}{B_1 B_2 B_3 B_4 B_5 B_6 B_7 B_8} \right]$$

$$P = [0.000000000 + 0.000000000 + 0.000000000 + 0.000000000 + 0.000000000 + 0.000000000 + 0.000000000 + 100.000000000/0.998885730]$$

$$P = 100.111551298 = \$100.111551$$

Definitions for Reopenings of Floating Rate Notes and Calculation of Interest Payments

IP_i = the quarterly interest payment at date T_i.

P_D = the price that includes the accrued interest per $100 par value as of the reopening issue date.

AI = accrued interest per $100 par value as of the reopening issue date.

P_C = the price without accrued interest per $100 par value as of the reopening issue date.

T_{-1} = the dated date if the reopening occurs before the first interest payment date, or, otherwise, the latest interest payment date prior to the reopening issue date.

T_0 = the reopening issue date.

N = the total number of remaining quarterly interest payments as of the reopening issue date.

i and k = indexes that identify the sequence of interest payment dates relative to the issue date. For example T_1, T_2, and T_3 represent the first, second, and the third interest payment dates after the issue date respectively, while T_{-1} represents the preceding interest payment date before the issue date.

j = an index that identifies days between consecutive interest payment dates.

T_i = the i^{th} remaining quarterly interest payment date.

$T_i - T_{i-1}$ = the number of days between the interest payment date T_i and the preceding interest payment date.

T_N = the maturity date.

r_j's = the effective index rates for days between the last interest payment date and the reopening issue date.
r = the index rate applicable to the reopening issue date.
s = the spread.
m = the discount margin.

C. Pricing and accrued interest for reopened floating rate notes

Formula:

$$P_D = \frac{100 \times \frac{1}{360} \sum_{j=T_{-1}}^{T_0} \max\left(r_j + s, 0\right)}{1 + \frac{1}{360}\left(T_1 - T_0\right) \times (r + m)} + \sum_{i=1}^{N} \left(\frac{100 \times \frac{1}{360}\left(T_i - T_{i-1}\right) \times \max(r + s, 0)}{\prod_{k=1}^{i} \left(1 + \frac{1}{360}\left(T_k - T_{k-1}\right) \times (r + m)\right)} \right) + \frac{100}{\prod_{k=1}^{N} \left(1 + \frac{1}{360}\left(T_k - T_{k-1}\right) \times (r + m)\right)}$$

$$AI = 100 \times \frac{1}{360} \sum_{j=T_{-1}}^{T_0} \max\left(r_j + s, 0\right)$$

$$P_C = P_D - AI$$

Example:

The purpose of this example is to determine the floating rate note prices with and without accrued interest at the time of the reopening auction. For a two-year floating rate note that was originally auctioned on July 25, 2012, with an issue date of July 31, 2012, reopened in an auction on August 30, 2012 and issued on August 31, 2012, with a maturity date of July 31, 2014, solve for accrued interest per 100 (AI), the price with accrued interest per 100 (P_D) and the price without accrued interest per 100 (P_C). Since this is a reopening of an original issue from the prior month, Table 2 as shown in the example is used for accrued interest calculations. In the case of floating rate note reopenings, the spread on the security remains equal to the spread that was established at the original auction of the floating rate notes.

Definitions:

T_{-1} = July 31, 2012.
T_0 = August 31, 2012.
N = 8.
T_N = July 31, 2014.
r = 0.105027876%.
s = 0.120%.
m = 0.100%.

The following table shows the past results for the 13-week bill auction.

TABLE 1—13-WEEK BILL AUCTION DATA

Auction date	Issue date	Maturity date	Auction clearing price	Auction high rate (percent)	Index rate (percent)
7/23/2012	7/26/2012	10/25/2012	99.975986	0.095	0.095022819
7/30/2012	8/2/2012	11/1/2012	99.972194	0.110	0.110030595
8/6/2012	8/9/2012	11/8/2012	99.974722	0.100	0.100025284
8/13/2012	8/16/2012	11/15/2012	99.972194	0.110	0.110030595
8/20/2012	8/23/2012	11/23/2012	99.973167	0.105	0.105028183
8/27/2012	8/30/2012	11/29/2012	99.973458	0.105	0.105027876

Computing the Index Rate

The index rate that equals the simple-interest money market yield on an actual/360 basis is computed as follows:

$$r = \frac{D}{1 - \frac{\Delta T}{360} D}$$

where D is the discount rate (or auction high rate), and ΔT represents the number of days from (and including) the issue date of the 13-week bill to (but excluding) the maturity date of the 13-week bill. In the table above the corresponding index rate for the 8/27/2012 auction is $r = \frac{0.105\%}{1 - \frac{91}{360} \times 0.105\%} = 0.105027876\%$

The following table shows the index rates applicable for the accrued interest.

TABLE 2—APPLICABLE INDEX RATE

Accrual starts	Accrual ends	Number of days in accrual period	Applicable floating rate	
			Auction date	Index rate (percent)
7/31/2012	7/31/2012	1	7/23/2012	0.095022819
8/1/2012	8/6/2012	6	7/30/2012	0.110030595
8/7/2012	8/13/2012	7	8/6/2012	0.100025284
8/14/2012	8/20/2012	7	8/13/2012	0.110030595
8/21/2012	8/27/2012	7	8/20/2012	0.105028183
8/28/2012	8/30/2012	3	8/27/2012	0.105027876

Computing the Accrued Interest

The accrued interest as of the new issue date (8/31/2012) for a $100 par value is:

$AI = 1 \times 100 \times \max(0.00095022819 + 0.00120,0)/360$
$+ 6 \times 100 \times \max(0.00110030595 + 0.00120,0)/360$
$+ 7 \times 100 \times \max(0.00100025284 + 0.00120,0)/360$
$+ 7 \times 100 \times \max(0.00110030595 + 0.00120,0)/360$
$+ 7 \times 100 \times \max(0.00105028183 + 0.00120,0)/360$
$+ 3 \times 100 \times \max(0.00105027876 + 0.00120,0)/360$

$AI = 1 \times 0.000597286$
$+ 6 \times 0.000638974$
$+ 7 \times 0.000611181$
$+ 7 \times 0.000638974$
$+ 7 \times 0.000625078$
$+ 3 \times 0.000625077$
$AI = 0.000597286 + 0.003833844 + 0.004278267 + 0.00472818 + 0.004375546 + 0.001875231$
$AI = 0.019432992 = \$0.019433$

Computing the Projected Cash Flows

The following table presents the future interest payment dates and the number of days between them.

TABLE 3—PAYMENT DATES

Dates	Days between dates
Original Issue Date: T_{-1} = 7/31/2012	
New Issue Date: T_0 = 8/31/2012	$T_0 - T_{-1} = 31$
1st Interest Date: T_1 = 10/31/2012	$T_1 - T_0 = 61$
2nd Interest Date: T_2 = 1/31/2013	$T_2 - T_1 = 92$
3rd Interest Date: T_3 = 4/30/2013	$T_3 - T_2 = 89$
4th Interest Date: T_4 = 7/31/2013	$T_4 - T_3 = 92$
5th Interest Date: T_5 = 10/31/2013	$T_5 - T_4 = 92$
6th Interest Date: T_6 = 1/31/2014	$T_6 - T_5 = 92$
7th Interest Date: T_7 = 4/30/2014	$T_7 - T_6 = 89$
8th Interest & Maturity Dates: T_8 = 7/31/2014	$T_8 - T_7 = 92$

Let

$a_1 = 100 \times \max(r + s, 0)/360$

and

$A_i = a_i \times (T_i - T_{i-1}) + 100 \times 1_{\{i=8\}}$

a_I represents the daily projected interest, for a $100 par value, that will accrue between the future interest payment dates T_{i-1} and T_1, where i=1,2,...,8. a_i's are computed using the spread s = 0.120% obtained at the original auction, and the fixed index rate of r = 0.105027876% applicable to the new issue date (8/31/2012). For example:

$a_i = 100 \times \max(0.00105027876 + 0.00120,0)/360 = 0.000625077$

A_i represents the projected cash flow the floating rate note holder will receive, less

accrued interest, for a $100 par value, at the future interest payment date T_i, where i=1,2,...,8. T_{i-1} is the number of days between the future interest payment dates T_{i-1} and T_i. To account for the payback of the par value, the variable $1_{\{i=8\}}$ takes the value 1 if the payment date is the maturity date, or 0 otherwise. For example:

$A_i = 61 \times 0.000625077 = 0.038129697$

and

$A_8 = 92 \times 0.000625077 + 100 = 100.057507084$

Let

$B_i = 1 + (r + m) \times (T_{i-1})/360$

B_i represents the projected compound factor between the future dates T_{i-1} and T_i, where i=1,2,...,8. All B_i's are computed using the discount margin m = 0.100% obtained at the reopening auction, and the fixed index rate of r = 0.105027876% applicable to the new issue date (8/31/2012). For example:

$B_3 = 1 + (0.00105027876 + 0.00100) \times 89/360 = 1.000506874$

The following table shows the projected daily accrued interests for $100 par value ($a_i$'s), cash flows at interest payment dates (A_i's), and the compound factors between payment dates (B_i's).

TABLE 4—PROJECTED CASH FLOWS AND COMPOUND FACTORS

i	a_i	A_i	B_i
1	0.000625077	0.038129697	1.000347408
2	0.000625077	0.057507084	1.000523960
3	0.000625077	0.055631853	1.000506874
4	0.000625077	0.057507084	1.000523960
5	0.000625077	0.057507084	1.000523960
6	0.000625077	0.057507084	1.000523960
7	0.000625077	0.055631853	1.000506874
8	0.000625077	100.057507084	1.000523960

Computing the Price

The price with accrued interest is computed as follows:

$$P_D = \left[\frac{AI + A_1}{B_1} + \frac{A_2}{B_1 B_2} + \frac{A_3}{B_1 B_2 B_3} + \frac{A_4}{B_1 B_2 B_3 B_4} + \frac{A_5}{B_1 B_2 B_3 B_4 B_5} + \frac{A_6}{B_1 B_2 B_3 B_4 B_5 B_6} + \frac{A_7}{B_1 B_2 B_3 B_4 B_5 B_6 B_7} + \frac{A_8}{B_1 B_2 B_3 B_4 B_5 B_6 B_7 B_8} \right]$$

$$P_D = \left[\frac{0.019432992 + 0.038129697}{B_1} + \frac{0.057507084}{B_1 B_2} + \frac{0.055631853}{B_1 B_2 B_3} + \frac{0.057507084}{B_1 B_2 B_3 B_4} + \frac{0.057507084}{B_1 B_2 B_3 B_4 B_5} + \frac{0.057507084}{B_1 B_2 B_3 B_4 B_5 B_6} + \frac{0.055631853}{B_1 B_2 B_3 B_4 B_5 B_6 B_7} + \frac{100.057507084}{B_1 B_2 B_3 B_4 B_5 B_6 B_7 B_8} \right]$$

$$P_D = \left[\frac{0.057562689}{1.000347408} + \frac{0.057507084}{1.000871550} + \frac{0.055631853}{1.001378866} + \frac{0.057507084}{1.001903548} + \frac{0.057507084}{1.002428506} + \frac{0.057507084}{1.002953738} + \frac{0.055631853}{1.003462109} + \frac{100.057507084}{1.003987883} \right]$$

$$P_D = [0.057542698 + 0.057457007 + 0.055555250 + 0.057397824 + 0.057367766 + 0.057337723 + 0.055439914 + 99.660074368]$$

$$P_D = 100.058172550 = \$100.058173$$

The price without accrued interest is computed as follows:

$$P_C = P_D - AI = 100.058172550 - 0.019432992$$

$$P_C = 100.038739558 = \$100.038740$$

D. For calculating interest payments:

Example:

For a new issue of a two-year floating rate note auctioned on July 25, 2012, and issued on July 31, 2012, with a maturity date of July 31, 2014, and a first interest payment date of October 31, 2012, calculate the quarterly interest payments (IP_1) per 100. In a new issuance (not a reopening) of a new floating rate note, the discount margin determined at auction will be equal to the spread. The interest accrual rate used for this floating rate note on the issue date is 0.215022819% (index rate of 0.095022819% plus a spread of 0.120%) and this rate is used for each daily interest accrual over the life of the security for the purposes of this example.

(a) If it is a new floating rate note, then $IP_i = 100 \times \frac{1}{360}\left(T_i - T_{i-1}\right) \times \max(r + s, 0)$

(b) If it is a reopened floating rate note, and the interest payment is the first one after the reopening, then $IP_i = 100 \times \frac{1}{360} \sum_{j=T_{-1}}^{T_0} \max\left(r_j + s, 0\right) + 100 \times \frac{1}{360}\left(T_1 - T_0\right) \times \max(r + s, 0)$

(c) If it is a reopened floating rate note, and the interest payment is not the first one after the reopening, then $IP_i = 100 \times \frac{1}{360}\left(T_i - T_{i-1}\right) \times \max(r + s, 0)$

Example 1: Projected interest payment as of the original issue date.

T_0 = July 31, 2012.

N = 8.

T_N = July 31, 2014.

r = 0.095022819%.

s = 0.120%.

m = 0.120%.

As of the issue date the latest 13-week bill, auctioned at least two days prior, has the following information:

TABLE 1—13-WEEK BILL AUCTION DATA

Auction date	Issue date	Maturity date	Auction clearing price	Auction high rate	Index rate
7/23/2012	7/26/2012	10/25/2012	99.975986	0.095%	0.095022819%

Computing the Index Rate

The index rate that equals the simple-interest money market yield on an actual/360 basis is computed as follows:

$$r = \frac{D}{1 - \frac{\Delta T}{360} D}$$

where D is the discount rate (or auction high rate), and ΔT represents the number of days from (and including) the issue date of the 13-week bill to (but excluding) the maturity date of the 13-week bill. In the table above, $r = \frac{0.095\%}{1 - \frac{91}{360} \times 0.095\%} = 0.095022819\%$.

Computing the Projected Cash Flows

The following table presents the future interest payment dates and the number of days between them.

TABLE 2—PAYMENT DATES

Dates	Days between dates
Issue Date: T_0 = 7/31/2012	
1st Interest Date: T_1 = 10/31/2012	$T_1 - T_0 = 92$
2nd Interest Date: T_2 = 1/31/2013	$T_2 - T_1 = 92$
3rd Interest Date: T_3 = 4/30/2013	$T_3 - T_2 = 89$
4th Interest Date: T_4 = 7/31/2013	$T_4 - T_3 = 92$
5th Interest Date: T_5 = 10/31/2013	$T_5 - T_4 = 92$
6th Interest Date: T_6 = 1/31/2014	$T_6 - T_5 = 92$
7th Interest Date: T_7 = 4/30/2014	$T_7 - T_6 = 89$
8th Interest & Maturity Dates: T_8 = 7/31/2014	$T_8 - T_7 = 92$

Using the spread $s = 0.120\%$, and the fixed index rate of $r = 0.095022819\%$ applicable to the issue date (7/31/2012), the first and seventh projected interest payments are computed as follows:

$IP_1 = 92 \times [100 \times \max(0.00095022819 + 0.00120, 0)/360]$

$IP_1 = 92 \times 0.000597286 = 0.054950312$

$IP_7 = 89 \times [100 \times \max(0.00095022819 + 0.00120, 0)/360]$

$IP_7 = 89 \times 0.000597286 = 0.053158454$

The following table shows all projected interest payments as of the issue date.

TABLE 3—PROJECTED INTEREST PAYMENTS

i	Dates	IP_i
1	10/31/2012	0.054950312
2	1/31/2013	0.054950312
3	4/30/2013	0.053158454
4	7/31/2013	0.054950312
5	10/31/2013	0.054950312
6	1/31/2014	0.054950312
7	4/30/2014	0.053158454
8	7/31/2014	0.054950312

Example 2: Projected interest payment as of the reopening issue date (intermediate values, including rates in percentage terms, are rounded to nine decimal places).

This example demonstrates the calculations required to determine the interest payment due when the reopened floating rate note is issued. This example also demonstrates the need to calculate accrued interest at the time of a floating rate reopening auction. Since this is a reopening of an original issue from 31 days prior, Table 5 as shown in the example is used for accrued interest calculations. For a two-year floating rate note originally auctioned on July 25, 2012 with an original issue date of July 31, 2012, reopened by an auction on August 30, 2012 and issued on August 31, 2012, with a maturity date of July 31, 2014, calculate the quarterly interest payments (IP_I) per 100. T_{-1} is the dated date if the reopening occurs before the first interest payment date, or otherwise the latest interest payment date prior to the new issue date.

T_{-1} = July 31, 2012.

T_0 = August 31, 2012.

$N = 8$.

T_N = July 31, 2014.

$r = 0.105027876\%$.

$s = 0.120\%$.

$m = 0.100\%$.

The following table shows the past results for the 13-week bill auction.

TABLE 4—13-WEEK BILL AUCTION DATA

Auction date	Issue date	Maturity date	Auction clearing price	Auction high rate (percent)	Index rate (percent)
7/23/2012	7/26/2012	10/25/2012	99.975986	0.095	0.095022819
7/30/2012	8/2/2012	11/1/2012	99.972194	0.110	0.110030595
8/6/2012	8/9/2012	11/8/2012	99.974722	0.100	0.100025284
8/13/2012	8/16/2012	11/15/2012	99.972194	0.110	0.110030595
8/20/2012	8/23/2012	11/23/2012	99.973167	0.105	0.105028183
8/27/2012	8/30/2012	11/29/2012	99.973458	0.105	0.105027876

Computing the Index Rate

The index rate that equals the simple-interest money market yield on an actual/360 basis is computed as follows:

$$r = \frac{D}{1 - \frac{\Delta T}{360} D}$$

where D is the discount rate (or auction high rate), and ΔT represents the number of days from (and including) the issue date of the 13-week bill to (but excluding) the maturity date of the 13-week bill. In the table above the corresponding index rate for the 7/23/2012 auction is $r = \frac{0.095\%}{1 - \frac{91}{360} \times 0.095\%} = 0.095022819\%$.

The following table shows the index rates applicable for the accrued interest.

TABLE 5—APPLICABLE INDEX RATE

Accrual starts	Accrual ends	Number of days in accrual period	Applicable floating rate	
			Auction date	Index rate (percent)
7/31/2012	7/31/2012	1	7/23/2012	0.095022819
8/1/2012	8/6/2012	6	7/30/2012	0.110030595
8/7/2012	8/13/2012	7	8/6/2012	0.100025284
8/14/2012	8/20/2012	7	8/13/2012	0.110030595
8/21/2012	8/27/2012	7	8/20/2012	0.105028183

TABLE 5—APPLICABLE INDEX RATE—Continued

Accrual starts	Accrual ends	Number of days in accrual period	Applicable floating rate	
			Auction date	Index rate (percent)
8/28/2012	8/30/2012	3	8/27/2012	0.105027876

Computing the accrued interest

The accrued interest as of 8/31/2012 for a $100 par value is:

$AI = 1 \times 100 \times \max(0.00095022819 + 0.00120,0)/360$
$+ 6 \times 100 \times \max(0.00110030595 + 0.00120,0)/360$
$+ 7 \times 100 \times \max(0.00100025284 + 0.00120,0)/360$
$+ 7 \times 100 \times \max(0.00110030595 + 0.00120,0)/360$
$+ 7 \times 100 \times \max(0.00105028183 + 0.00120,0)/360$
$+ 3 \times 100 \times \max(0.00105027876 + 0.00120,0)/360$
$AI = 1 \times 0.000597286$
$+ 6 \times 0.000638974$
$+ 7 \times 0.000611181$
$+ 7 \times 0.000638974$
$+ 7 \times 0.000625078$
$+ 3 \times 0.000625077$
$AI = 0.000597286 + 0.003833844 + 0.004278267 + 0.004472818 + 0.004375546 + 0.001875231$
$AI = 0.019432992 = \$0.019433$

The following table presents the future interest payment dates and the number of days between them.

TABLE 6—PAYMENT DATES

Dates	Days between dates
Original Issue Date: T_{-1} = 7/31/2012	
New Issue Date: T_0 = 8/31/2012	$T_0 - T_{-1} = 31$
1st Interest Date: T_1 = 10/31/2012	$T_1 - T_0 = 61$
2nd Interest Date: T_2 = 1/31/2013	$T_2 - T_1 = 92$
3rd Interest Date: T_3 = 4/30/2013	$T_3 - T_2 = 89$
4th Interest Date: T_4 = 7/31/2013	$T_4 - T_3 = 92$
5th Interest Date: T_5 = 10/31/2013	$T_5 - T_4 = 92$
6th Interest Date: T_6 = 1/31/2014	$T_6 - T_5 = 92$
7th Interest Date: T_7 = 4/30/2014	$T_7 - T_6 = 89$
8th Interest & Maturity Dates: T_8 = 7/31/2014	$T_8 - T_7 = 92$

Using the original spread $s = 0.120\%$ (obtained on 7/25/2012), and the fixed index rate of $r = 0.105027876\%$ applicable to the new issue date (8/31/2012), the first and eighth projected interest payments are computed as follows:

$IP_1 = 0.019432992 + 61 \times [100 \times \max(0.00105027876 + 0.00120,0)/360]$
$IP_1 = 0.019432992 + 61 \times 0.000625077$
$IP_1 = 0.019432992 + 0.038129697 = 0.057562689$

and

$IP_8 = 92 \times [100 \times \max(0.00105027876 + 0.00120,0)/360]$
$IP_8 = 92 \times 0.000625077 = 0.057507084$

The following table shows all projected interest payments as of the new issue date.

TABLE 7—PROJECTED INTEREST PAYMENTS

i	Dates	IP_i
1	10/31/2012	0.057562689

TABLE 7—PROJECTED INTEREST PAYMENTS—Continued

i	Dates	IP_i
2	1/31/2013	0.057507084
3	4/30/2013	0.055631853
4	7/31/2013	0.057507084
5	10/31/2013	0.057507084
6	1/31/2014	0.057507084
7	4/30/2014	0.055631853
8	7/31/2014	0.057507084

Definitions for Newly Issued Floating Rate Notes with an Issue Date that Occurs after the Dated Date

P_D = the price that includes accrued interest from the dated date to the issue date per $100 par value as of the issue date.
AI = the accrued interest per $100 par value as of the issue date.
P_C = the price without accrued interest per $100 par value as of the issue date.
T_{-1} = the dated date.
T_0 = the issue date.
N = the total number of remaining quarterly interest payments as of the new issue date.
i and k = indexes that identify the sequence of interest payment dates.
j = an index that identifies days between the dated date and the issue date.
T_i = the i^{th} quarterly future interest payment date.
$T_i - T_{i-1}$ = the number of days between the interest payment date T_i and the preceding interest payment date.
T_N = the maturity date.
r_j's = the effective index rates for days between the dated date and the issue date.
r = the index rate applicable to the issue date.
s = the spread.
m = the discount margin.

E. Pricing and accrued interest for new issue floating rate notes with an issue date that occurs after the dated date

Formula:

$$P_D = \frac{100 \times \frac{1}{360} \sum_{j=T_{-1}}^{T_0} \max\left(r_j + s, 0\right)}{1 + \frac{1}{360}\left(T_1 - T_0\right) \times (r + m)} + \sum_{i=1}^{N} \left(\frac{100 \times \frac{1}{360}\left(T_i - T_{i-1}\right) \times \max(r + s, 0)}{\prod_{k=1}^{i} \left(1 + \frac{1}{360}\left(T_k - T_{k-1}\right) \times (r + m)\right)} \right) + \frac{100}{\prod_{k=1}^{N} \left(1 + \frac{1}{360}\left(T_k - T_{k-1}\right) \times (r + m)\right)}$$

$$AI = 100 \times \frac{1}{360} \sum_{j=T_{-1}}^{T_0} \max\left(r_j + s, 0\right)$$

$$P_C = P_D - AI$$

Example:

The purpose of this example is to demonstrate how a floating rate note can have a price without accrued interest of less than $100 par value when the issue date occurs after the dated date. An original issue two-year floating rate note is auctioned on December 29, 2011, with a dated date of December 31, 2011, an issue date of January 3, 2012, and a maturity date of December 31, 2013.

Definitions:

Dated date = 12/31/2011.
Issue date = 1/3/2012.
Maturity date = 12/31/2013.
Spread = 1.000% at auction.
Discount margin = 1.000%.

As of the issue date the latest 13-week bill, auctioned at least two days prior, has the following information:

TABLE 1—13-WEEK BILL AUCTION DATA

Auction date	Issue date	Maturity date	Auction clearing price	Auction high rate	Index rate
12/27/2011	12/29/2011	3/29/2012	99.993681	0.025%	0.025001580%

Computing the Index Rate

The index rate that equals the simple-interest money market yield on an actual/360 basis is computed as follows:

$$r = \frac{D}{1 - \frac{\Delta T}{360} D}$$

where D is the discount rate (or auction high rate), and ΔT represents the number of days from (and including) the issue date of the 13-week bill to (but excluding) the maturity date of the 13-week bill. In the table above the corresponding index rate for the 12/27/2011 auction is $r = \frac{0.025\%}{1 - \frac{91}{360} \times 0.025\%} = 0.025001580\%$

The following table shows the index rates applicable for the accrued interest.

TABLE 2—APPLICABLE INDEX RATE

Accrual starts	Accrual ends	Number of days in accrual period	Applicable floating rate	
			Auction date	Index rate
12/31/2011	1/2/2012	3	12/27/2011	0.025001580%

Computing the accrued interest

The accrued interest as of the new issue date (1/3/2012) for a $100 par value is:

$AI = 3 \times 100 \times \max(0.00025001580 + 0.01000,0)/360$

$AI = 3 \times 0.002847227$

$AI = 0.008541681 = \$0.008542$

Computing the Projected Cash Flows

The following table presents the future interest payment dates and the number of days between them.

TABLE 3—PAYMENT DATES

Dates	Days between dates
Dated Date: = T_{-1} = 12/31/2011	
Issue Date: T_0 = 1/3/2012	$T_0 - T_{-1} = 3$
1st Interest Date: T_1 = 3/31/2012	$T_1 - T_0 = 88$
2nd Interest Date: T_2 = 6/30/2012	$T_2 - T_1 = 91$
3rd Interest Date: T_3 = 9/30/2012	$T_3 - T_2 = 92$
4th Interest Date: T_4 = 12/31/2012	$T_4 - T_3 = 92$
5th Interest Date: T_5 = 3/31/2013	$T_5 - T_4 = 90$
6th Interest Date: T_6 = 6/30/2013	$T_6 - T_5 = 91$
7th Interest Date: T_7 = 9/30/2013	$T_7 - T_6 = 92$
8th Interest & Maturity Dates: T_8 = 12/31/2013	$T_8 - T_7 = 92$

Let

$a_i = 100 \times \max(r + s, 0)/360$

and

$A_i = a_i \times (T_i - T_{i-1}) + 100 \times 1_{\{i=8\}}$

a_i represents the daily projected interest, for a $100 par value, that will accrue between the future interest payment dates T_{i-1} and T_i, where i = 1,2,...,8. a_i's are computed using the spread s = 1.000% obtained at the auction, and the fixed index rate of r = 0.025001580% applicable to the issue date (1/3/2012). For example:

$a_1 = 100 \times \max(0.00025001580 + 0.01000,0)/360 = 0.002847227$

A_i represents the projected cash flow the floating rate note holder will receive, less accrued interest, for a $100 par value, at the future interest payment date T_i, where i = 1,2,...,8. $T_i - T_{i-1}$ is the number of days between the future interest payment dates T_{i-1} and T_I. To account for the payback of the par value, the variable $1_{\{i=8\}}$ takes the value 1 if the payment date is the maturity date, or 0 otherwise. For example:

$A_1 = 88 \times 0.002847227 = 0.250555976$

and

$A_8 = 92 \times 0.002847227 + 100 = 100.261944884$

Let

$B_i = 1 + (r + m) \times (T_i - T_{i-1})/360$

B_i represents the projected compound factor between the future dates T_{i-1} and T_i, where i = 1,2,...,8. All B_i's are computed using the discount margin m = 1.000% (equals the spread obtained at the auction), and the fixed index rate of r = 0.025001580% applicable to the issue date (1/3/2012). For example:

$B_3 = 1 + (0.00025001580 + 0.01000) \times 92/360 = 1.002619448$

The following table shows the projected daily accrued interests for $100 par value ($a_i$'s), cash flows at interest payment dates (A_i 's), and the compound factors between payment dates (B_i's).

TABLE 4—PROJECTED CASH FLOWS AND COMPOUND FACTORS

i	a_i	A_i	B_i
1	0.002847227	0.250555976	1.002505559
2	0.002847227	0.259097657	1.002590976
3	0.002847227	0.261944884	1.002619448
4	0.002847227	0.261944884	1.002619448
5	0.002847227	0.256250430	1.002562504
6	0.002847227	0.259097657	1.002590976
7	0.002847227	0.261944884	1.002619448
8	0.002847227	100.261944884	1.002619448

Computing the price

The price with accrued interest is computed as follows:

$$P_D = \left[\frac{AI + A_1}{B_1} + \frac{A_2}{B_1 B_2} + \frac{A_3}{B_1 B_2 B_3} + \frac{A_4}{B_1 B_2 B_3 B_4} + \frac{A_5}{B_1 B_2 B_3 B_4 B_5} + \frac{A_6}{B_1 B_2 B_3 B_4 B_5 B_6} + \frac{A_7}{B_1 B_2 B_3 B_4 B_5 B_6 B_7} + \frac{A_8}{B_1 B_2 B_3 B_4 B_5 B_6 B_7 B_8} \right]$$

$$P_D = \left[\frac{0.008541681 + 0.250555976}{B_1} + \frac{0.259097657}{B_1 B_2} + \frac{0.261944884}{B_1 B_2 B_3} + \frac{0.261944884}{B_1 B_2 B_3 B_4} + \frac{0.256250430}{B_1 B_2 B_3 B_4 B_5} + \frac{0.259097657}{B_1 B_2 B_3 B_4 B_5 B_6} + \frac{0.261944884}{B_1 B_2 B_3 B_4 B_5 B_6 B_7} + \frac{100.261944884}{B_1 B_2 B_3 B_4 B_5 B_6 B_7 B_8} \right]$$

$$P_D = \left[\frac{0.259097657}{1.002505559} + \frac{0.259097657}{1.005103027} + \frac{0.261944884}{1.007735842} + \frac{0.261944884}{1.010375554} + \frac{0.256250430}{1.012964645} + \frac{0.259097657}{1.015589212} + \frac{0.261944884}{1.018249495} + \frac{100.261944884}{1.020916747} \right]$$

$$P_D = [0.258450095 + 0.257782188 + 0.259934075 + 0.259254970 + 0.252970754 + 0.255120529 + 0.257250198 + 98.207758055]$$

$$P_D = 100.008520864 = \$100.008521$$

The price without accrued interest is computed as follows:

$$P_C = P_D - AI = 100.008520864 - 0.008541681$$

$$P_C = 99.999979183 = \$99.999979$$

* * * * *

■ 16. In Appendix C, add Section II to read as follows:

Appendix C to Part 356—Investment Considerations

* * * * *

II. Floating Rate Notes

A. Interest Variability

An investment in securities with interest determined by reference to a 13-week Treasury bill index involves risks not associated with an investment in a fixed interest rate security. Such risks include the possibility that:

- Changes in the index may or may not correlate to changes in interest rates generally or with changes in other indexes;
- any given interest payment may be more or less than the amount paid on prior interest payment dates;
- the resulting interest payments may be greater or less than those payable on other securities of similar maturities, and
- in the event of sustained falling interest rates, the amount of the quarterly interest payments will decrease.

B. Trading in the Secondary Market

The Treasury securities market is the largest and most liquid securities market in the world. The market for Treasury floating rate notes, however, may not be as active or liquid as the market for Treasury non-indexed securities or Treasury inflation-protected securities. In addition, Treasury floating rate notes may not be as widely traded or as well understood as these other types of Treasury marketable securities. Prices for floating rate notes may not fluctuate in reaction to interest rate movements in the same manner as other Treasury securities. Lesser liquidity and fewer market participants may result in larger spreads between bid and asked prices for Treasury floating rate notes than the bid-asked spreads for other Treasury marketable securities with the same time to maturity. Larger bid-asked spreads normally result in higher transaction costs and/or lower overall returns. The liquidity of a Treasury floating rate note may be enhanced over time as we issue additional amounts or more entities participate in the market.

C. Tax Considerations

Treasury floating rate notes are subject to specific tax rules provided by Treasury regulations issued under section 1275(d) of the Internal Revenue Code of 1986, as amended.

D. Indexing Issues

The Bureau of the Fiscal Service publishes the High Rate immediately following a 13-week bill auction as part of the auction results. The 13-week bill is generally auctioned once per week. Treasury retains the flexibility to increase or decrease the frequency of 13-week bill auctions, which would affect the frequency of index rate resets. The High Rate is subject to various interest rate and market environments over which Treasury has no control. For a discussion of actions that Treasury would take in the event auctions of 13-week bills are discontinued or delayed, see appendix B, section I, paragraph C.4 of this part.

■ 17. In Appendix D, revise the heading, designate the current text as section I. Consumer Price Index, and add section II to read as follows:

Appendix D to Part 356—Description of the Indexes

I. Consumer Price Index

* * * * *

II. Floating Rate Note Index

The floating rate note index is the 13-week Treasury bill auction High Rate (stop out rate), and converted to the simple-interest money market yield computed on an actual/360 basis.

Richard L. Gregg,

Fiscal Assistant Secretary.

[FR Doc. 2013–18178 Filed 7–30–13; 8:45 am]

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Part III

Environmental Protection Agency

40 CFR Parts 260 and 261
Conditional Exclusions From Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260 and 261

[EPA–HQ–RCRA–2003–0004; FRL–9838–2]

RIN 2050–AE51

Conditional Exclusions From Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is publishing a final rule that modifies its hazardous waste management regulations for solvent-contaminated wipes under the Resource Conservation and Recovery Act. Specifically, this rule revises the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. The purpose of this final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses.

DATES: This final rule is effective on January 31, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–RCRA–2003–0004. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at www.regulations.gov or in hard copy at the OSWER Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OSWER Docket is 202–566–1744.

FOR FURTHER INFORMATION CONTACT: For more detailed information on specific aspects of this rulemaking, contact Amanda Kohler, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, MC 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460 at (703) 347–8975 (*kohler.amanda@epa.gov*).

SUPPLEMENTARY INFORMATION:

A. Does this action apply to me?

Entities potentially affected by today's action include an estimated 90,549 facilities in 13 economic sub-sectors that generate solvent-contaminated wipes, which include printing, publishing, business services, chemical and allied product manufacturing, plastics and rubber, fabricated metal products, industrial machinery and equipment, furniture and fixtures, auto dealers, military bases, electronics and computer manufacturing, transportation equipment, and auto repair and maintenance. EPA (or the Agency) also estimates that 3,730 solid waste management facilities and 359 industrial laundries and dry cleaners will be affected by the final rule. In addition, approximately, 2.2 billion solvent-contaminated wipes generated and handled annually by these entities may be affected.

Today's action is expected to result in net benefits estimated at between $21.7 million and $27.8 million annually (2011 dollars), including $18.0 million per year in net regulatory cost savings to these industries. More detailed information on the potentially affected entities and industries, as well as the economic impacts of this rule, is presented in section XI.A of this preamble and in the ''Regulatory Impact Analysis for Conditional Exclusions from Solid and Hazardous Waste for Solvent-Contaminated Wipes'' available in the docket for this final rule.

B. Why is EPA taking this action?

Today's final rule resolves, at the federal level, long-standing issues associated with the management of solvent-contaminated wipes by providing consistency in the regulations governing solvent-contaminated wipes across the United States. This rule maintains protection of human health and the environment, while creating flexibility and reducing compliance costs for generators of solvent-contaminated wipes. Finally, this rule is the Agency's final response to rulemaking petitions filed by the Kimberly-Clark Corporation and the Scott Paper Company.

Acronyms

CAA Clean Air Act
CESQG Conditionally Exempt Small Quantity Generator
CFR Code of Federal Regulations
CMTP Composite Model for Leachate Migration with Transformation Products
CSI Common Sense Initiative
CWA Clean Water Act
DAF Dilution and Attenuation Factors
DOT Department of Transportation
ELLR Estimated Landfill Loading Rates
EPA Environmental Protection Agency
FR **Federal Register**
HSWA Hazardous and Solid Waste Amendments
HQ Hazard Quotient
IRIS EPA's Integrated Risk Information System
LFCR Landfill Coupled Reactor Model
LQG Large Quantity Generator
MSWLF Municipal Solid Waste Landfill
NODA Notice of Data Availability
NPDES National Pollutant Discharge Elimination System
OMB Office of Management and Budget
OSHA U.S. Department of Labor's Occupational Safety and Health Administration
POTW Publicly Owned Treatment Works
RB–MLL Risk-based Mass Loading Limits
RCRA Resource Conservation and Recovery Act
SQG Small Quantity Generator
TC Toxicity Characteristic
TCLP Toxicity Characteristic Leaching Procedure

Preamble Outline

I. Statutory Authority
II. Summary of Final Rule
III. History of This Rulemaking
IV. How do the provisions in the final rule compare to those proposed on November 20, 2003?
V. When will the final rule become effective?
VI. Conditional Exclusion From the Definition of Solid Waste for Solvent-Contaminated Wipes That Are Cleaned and Reused
VII. Conditional Exclusion From the Definition of Hazardous Waste for Solvent-Contaminated Wipes That Are Disposed
VIII. Major Comments on the November 2003 Proposed Rule
IX. Major Comments on Risk Analysis
X. How will these regulatory changes be administered and enforced?
XI. Administrative Requirements for This Rulemaking

I. Statutory Authority

These regulations are promulgated under the authority of sections 2002, 3001–3010 and 7004 of the Solid Waste Disposal Act of 1965, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6912, 6921–6930, and 6974. These statutes, combined, are commonly referred to as ''RCRA.''

II. Summary of Final Rule

In today's rule, EPA is conditionally excluding from the definition of solid waste solvent-contaminated wipes that are cleaned and reused (hereafter referred to as ''reusable wipes'') and excluding from the definition of hazardous waste solvent-contaminated wipes that are disposed (hereafter referred to as ''disposable wipes'').[1] Solvent-contaminated wipes include wipes that, after use or after cleaning up a spill, either (1) contain one or more of the F001 through F005 solvents listed in 40 CFR 261.31 or the corresponding P- or U-listed solvents found in 40 CFR 261.33; (2) exhibit a hazardous characteristic found in 40 CFR part 261 subpart C when that characteristic results from a solvent listed in 40 CFR part 261; and/or (3) exhibit only the hazardous waste characteristic of ignitability found in 40 CFR 261.21 due to the presence of one or more solvents that are not listed in 40 CFR part 261.

The exclusions are only applicable to the solvent-contaminated wipes themselves. Free liquid spent solvent would still be considered solid waste and potentially subject to the hazardous waste regulations under RCRA Subtitle C upon removal from the solvent-contaminated wipe or from the container holding the wipes. In addition, the exclusions are not applicable to wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents (such as metals). Furthermore, solvent-contaminated disposable wipes that are hazardous waste due to the presence of trichloroethylene are not eligible for the exclusion from hazardous waste and remain subject to all applicable hazardous waste regulations.[2]

Under the final rule, reusable and disposable solvent-contaminated wipes are excluded from regulation under RCRA Subtitle C provided certain conditions are met. Specifically, both types of the wipes, when accumulated, stored, and transported, must be contained in non-leaking, closed containers. The containers must be able to contain free liquids, should free liquids occur, and the containers must be labeled ''Excluded Solvent-Contaminated Wipes.'' The solvent-contaminated wipes may be accumulated by the generator for up to 180 days prior to being sent for cleaning or disposal. At the point of transport for cleaning or disposal, the solvent-contaminated wipes and their containers must contain no free liquids as determined by the Paint Filter Liquids Test (EPA Methods Test 9095B). Generators must maintain documentation that they are managing excluded solvent-contaminated wipes and keep that documentation at their sites. Lastly, the solvent-contaminated wipes must be managed by one of the following types of facilities:

- An industrial laundry or a dry cleaner that discharges, if any, under sections 301 and 402 or section 307 of the Clean Water Act (CWA));
- A municipal solid waste landfill that is regulated under 40 CFR part 258, including § 258.40, or a hazardous waste landfill regulated under 40 CFR parts 264 or 265; or
- A municipal waste combustor or other combustion facility that is regulated under section 129 of the Clean Air Act (CAA); a hazardous waste combustor regulated under 40 CFR parts 264 or 265, or a hazardous waste boiler or industrial furnace regulated under 40 CFR part 266 subpart H.

(These facilities that can receive reusable and disposable wipes under today's rule are collectively referred to as ''handling facilities.'')

III. History of This Rulemaking

A. Description of Solvent-Contaminated Wipes

Wipes come in a wide variety of sizes and materials to meet a broad range of applications. For the purposes of this final rule, EPA is distinguishing between two categories of wipes: Reusables, which are laundered or dry cleaned and used again; and disposables, which are disposed in a landfill or combustor. In the November 2003 proposal, we estimated the respective annual market share of 88 percent for reusable wipes and 12 percent for disposable wipes (68 FR 65613).

Wipes are used in conjunction with solvents by tens of thousands of facilities in numerous industrial sectors for cleaning and other purposes. Printers, automobile repair shops, and manufacturers of automobiles, electronics, furniture, and chemicals, to name a few, use large quantities of wipes, but practically every industrial sector uses wipes in conjunction with solvents. The types and amount of solvents applied to wipes varies considerably; sometimes the amount of solvent used on each wipe is small, but other times it may be two or more times the weight of the dry wipe. Also, some facilities use small numbers of wipes on a daily basis, while others use hundreds, if not thousands of wipes per day.[3] Finally, the types and concentration of solvent used is often unique to the facility. Most often, the solvents used represent a blend of two or more chemicals. Some of these spent solvents are hazardous because of their toxicity or ignitability, whereas others have been listed by EPA as a hazardous waste when discarded (*i.e.,* F001–F005 listed solvents found in 40 CFR 261.31 or the corresponding P- or U-listed solvent found in 40 CFR 261.33).

A generator's decision to use a certain type of wipe depends primarily on its processes. For example, the amount of lint a wipe generates can play a very significant role in deciding whether to use disposable or reusable wipes. Some processes, such as those in electronics and printing applications, cannot tolerate any lint, whereas other processes, such as cleaning auto parts, can tolerate large amounts of lint. Absorbent capacity is also another factor in some processes, as is durability of a wipe in both retaining its structural integrity and its ability to withstand strong solvents. Another factor a generator may use in making its decision is its waste management strategy: For example, choosing to use reusable wipes to reduce the amount of waste it disposes.

As with other commodities, a wipe's life cycle depends on its ultimate disposition. The following description illustrates generally how wipes are used, but is not exhaustive of all possibilities.

- Reusable wipes tend to be standardized in composition (*e.g.,* cotton) and size and are part of a systematic handling system. In general, a laundry owns the reusable wipes, rents them to its customers, and collects them for laundering on a regular basis. Customers receive deliveries of wipes from the laundries, use them, and accumulate the used wipes. Drivers, most often employed by the laundries, pick up the contaminated wipes, replacing them with clean wipes at the same time, and then return the contaminated wipes to the laundry. Once at the laundry, the wipes are counted to ensure the laundry is getting back from the customer the same

[1] A summary chart providing an overview of the conditional exclusions for reusable wipes and disposable wipes is available in the docket for today's rule.

[2] Although wipes contaminated with trichloroethylene are not eligible for the exclusion for disposable wipes, these wipes are eligible for the exclusion for reusable wipes because, under the reusable wipe exclusion, these wipes are not solid wastes subject to hazardous waste regulation, including the TC regulations.

[3] Technical Background Document, August 2003. Docket No. EPA–HQ–RCRA–2003–0004–0003

number sent out. Finally, the wipes are cleaned before being returned to service.

• Disposable wipes are diverse in composition and size (*e.g.,* paper towels, cloth rags). Some disposable wipes arrive dry, whereas others are packaged already containing the solvent and, therefore, are ready for use immediately. Either way, the wipe is used and then often discarded. These wipes are typically disposed of either in a landfill or by combustion.

Solvent removal and recovery can happen at various points in the life cycle of both disposable and reusable wipes. Generators may choose to recover solvent either to reduce virgin solvent use and reduce costs or to reduce their environmental footprint. Generators may generally recycle solvents within their allowed accumulation period (*e.g.,* 90 or 180 days) without a RCRA permit under the provisions of 40 CFR 261.6(c), which exempts the recycling process itself from certain hazardous waste regulations. In addition, laundries or dry cleaners may recover solvents from the solvent-contaminated wipes that arrive at their facilities to minimize the amount of solvent in their effluent in order to comply with pretreatment requirements imposed by a Publicly Owned Treatment Works (POTW) or to recover solvent, which can be sold, refined and reused.

B. Petitions From Industry and the 1994 Shapiro Memo

After the initial promulgation of the federal hazardous waste regulations in May 1980, EPA began receiving inquires from makers and users of disposable wipes, who stated that the hazardous waste regulations were too stringent for solvent-contaminated wipes based on the risks they pose. Then, in 1985, EPA received a rulemaking petition, pursuant to 40 CFR 260.20, from the Kimberly-Clark Corporation, a manufacturer of disposable wipes, that requested EPA exclude disposable wipes from the definition of hazardous waste. The petition argued that these materials are over-regulated because the amount of solvent in the wipes is insignificant and because the disposable wipes do not pose a threat to human health and the environment even when disposed of in a municipal solid waste landfill. In 1987, EPA received a second rulemaking petition from the Scott Paper Company that reiterated many of the same arguments made by the Kimberly-Clark Corporation and added arguments that the hazardous waste regulations were not necessary because solvent-contaminated disposable wipes are handled responsibly, make up just one percent of a generator's waste stream, and could be beneficial to the operation of incinerators because of their heat value.

In addition to these petitions from the makers of disposable wipes, in 1987, EPA received a rulemaking petition from the Alliance of Textile Care Associations requesting that solvent-contaminated reusable wipes be excluded from the definition of solid waste.[4] However, in 2000, the Alliance withdrew their petition.

A rule addressing both types of wipes is important because generators of solvent-contaminated wipes have asked EPA over the years to clarify our position on both disposable and reusable wipes. In the early 1990s, EPA developed a policy that deferred determinations and interpretations regarding the regulation of solvent-contaminated wipes to the states authorized to implement the federal hazardous waste program or to the EPA region, where a state is not authorized (see ''Industrial Wipers and Shop Towels under the Hazardous Waste Regulations,'' Michael Shapiro, February 14, 1994).[5] At that time, the Office of Solid Waste concluded that these determinations were best addressed by the regulatory officials responsible for implementing the regulations.[6]

This policy has led to the application of different regulatory schemes for both types of wipes in the EPA regions and states. Although the states differ in the details of their policies, in general, they regulate disposable wipes as hazardous waste when they are contaminated with a solvent that either meets a hazardous waste listing or exhibits a hazardous waste characteristic. On the other hand, 45[7] states have provided regulatory relief for solvent-contaminated reusable wipes sent to an industrial laundry or other facility for cleaning and reuse. In about half the cases, the states have excluded reusable wipes from the definition of solid waste, whereas the other states have excluded them from the definition of hazardous waste.

For reusable wipes, the conditions for the various exclusions vary from state to state, but most require that the wipes contain no free liquids and require that the laundry discharge to a POTW or have a permit for discharge under the CWA. Some states have established other requirements, such as requiring generators to manage solvent-contaminated wipes according to the hazardous waste accumulation standards prior to laundering and to file a one-time notice under the land disposal restriction program (see 40 CFR part 268) when such wipes are sent to be laundered.

The EPA policy laid out in the 1994 Shapiro memo has led to confusion because the regulations and policies differ from state to state. One goal of today's rule is to establish consistent federal regulations to reduce this confusion. Thus, today's rule supersedes the 1994 Shapiro memo. See section X for more information on how this rule affects existing state policies.

In late 1994, EPA's policy regarding solvent-contaminated wipes came under further review as part of the Common Sense Initiative (CSI) for the printing industry (59 FR 27295). The CSI committee sought the insight and input of multiple stakeholders on how to make environmental regulation more easily implementable and/or less costly, while still maintaining protection of human health and the environment. The one significant problem posed by the RCRA hazardous waste regulations that was identified by the representatives from the printing industry was the ambiguity of the regulations applicable to solvent-contaminated wipes. Specifically, printing industry representatives requested that EPA do three things: (1) Clarify the definition of ''treatment'' as it pertains to printers wringing solvent from their wipes; (2) examine whether disposable wipes are over-regulated; and (3) increase regulatory consistency among the states.

C. Summary of November 2003 Proposal

To address stakeholder concerns about the Agency's (and states') current policies regarding solvent-contaminated wipes and to ensure greater consistency in regulation, EPA published a proposed rule that would exclude reusable wipes from the definition of solid waste and exclude disposable wipes from the definition of hazardous waste, provided certain conditions were met (68 FR 65586, November 20, 2003).

Specifically, EPA proposed to exclude from the definition of solid waste reusable wipes that are laundered or dry-cleaned when they contain an F-listed spent solvent, a corresponding P- or U- listed commercial chemical product, or when they exhibit the hazardous characteristic of corrosivity,

[4] A copy of all three petitions can be found in the docket for today's rule.

[5] This memo can be found in RCRA Online, Number 11813 and in the docket for today's rule.

[6] The Office of Solid Waste has been renamed the Office of Resource Conservation and Recovery.

[7] In comments submitted on the 2003 proposal, the Maine Department of Environment noted that the EPA Technical Background Document inaccurately reports that Maine excludes reusable solvent-contaminated wipes when in fact Maine regulates all wipes contaminated with F-listed solvents as hazardous wastes.

reactivity, or toxicity when that characteristic results from the F-listed spent solvent or corresponding P- or U-listed commercial chemical product.[8] The reusable wipes would have to be accumulated, stored, and managed in non-leaking, covered containers and, if transported off-site, would have to be transported in containers designed, constructed, and managed to minimize loss to the environment. Additionally, the solvent-contaminated wipes could not contain free liquids or would have to be treated by solvent extraction. Any liquids removed from the solvent-contaminated wipes would be managed according to the regulations found under 40 CFR parts 261 through 270. EPA also proposed that if free liquids are in containers that arrive at a laundry or dry cleaner, the receiving facility would either remove the free liquids and manage them according to the hazardous waste regulations or return the closed container with the wipes and free liquids to the generator as soon as reasonably practicable. The Agency proposed that industrial laundries and dry cleaners could dispose of sludge from cleaning solvent-contaminated wipes in solid waste landfills if the sludge does not exhibit a hazardous waste characteristic.

EPA also proposed to exclude from the definition of hazardous waste disposable wipes when they contain an F-listed spent solvent, a corresponding P- or U-listed commercial chemical product, or when they exhibit the hazardous characteristic of corrosivity, reactivity, or toxicity when that characteristic results from the F-listed spent solvent or corresponding P- or U-listed commercial chemical product. The disposable wipes would have to be accumulated, stored, and managed in non-leaking, covered containers and, if transported off-site, would have to be transported in containers designed, constructed, and managed to minimize loss to the environment. The containers also would have to be labeled ''Exempt Solvent-Contaminated Wipes.'' If the solvent-contaminated wipes were sent to a municipal waste combustor or other combustion facility, the wipes could not contain free liquids or would have to be treated by solvent extraction. Any liquids removed from the wipes would have to be managed according to the regulations found under 40 CFR parts 261 through 270. If the solvent-contaminated wipes were sent to a municipal waste landfill or other non-hazardous waste landfill that meets the standards under 40 CFR part 257 subpart B, each wipe could not contain more than five grams of solvent or would have to be treated by solvent extraction.[9] Additionally, EPA proposed to make 11 solvents ineligible for the conditional exclusion based on the results of the risk screening analysis conducted for the November 2003 proposal and based on the fact that six of the solvents are included in EPA's Toxicity Characteristic (TC) regulations.[10]

EPA also proposed to allow intra-company transfers of both reusable and disposable wipes for the purpose of removing sufficient solvent from the solvent-contaminated wipes in order to meet the ''no free liquids'' condition (for wipes sent to combustors, laundries, or dry cleaners) or so that each wipe would contain less than five grams of solvent (for wipes sent to landfills). The Agency also proposed definitions for ''disposable industrial wipes,'' ''industrial wipe,'' industrial wipe handling facility,'' intra-company transfer of industrial wipe,'' ''no free liquids,'' ''reusable industrial wipe,'' and ''solvent extraction.''

D. Risk Analysis

1. Risk Screening Analysis for the November 2003 Proposed Rule

In the November 2003 proposed rule, EPA evaluated the appropriate regulatory status for solvent-contaminated wipes by considering the risks to human health and the environment from the management of solvent-contaminated wipes and wastewater treatment sludge from laundries (laundry sludge) in unlined non-hazardous waste landfills. This was done by conducting a risk screening analysis to determine the constituent-specific risks from landfilling solvent-contaminated wipes and laundry sludge contaminated with the F001–F005 listed solvents.[11] We estimated the potential risks from exposure to the F001–F005 listed solvents, assuming disposal in an unlined solid waste landfill. We examined potential risks from inhalation of spent solvents volatilizing from the landfill, from ingestion of groundwater contaminated by spent solvents leaching from the landfill, and from inhalation of spent solvent vapors released from contaminated groundwater during showering. The Technical Background Document for the proposed rule provides details on the risk screening analysis conducted in support of the November 2003 proposed rule and is available in the docket for this rulemaking.

Based on the 2003 risk screening analysis, we proposed that solvent-contaminated wipes containing 19 of the 30 solvents could be disposed in an unlined landfill if the wipes met a dry standard (*i.e.,* each wipe contained less than five grams of solvent). EPA also tentatively concluded that solvent-contaminated wipes containing any of the other 11 solvents would continue to be regulated as hazardous waste when disposed, because these solvent-contaminated wipes could pose a substantial hazard to human health and the environment if disposed in an unlined landfill. Six of the eleven solvents did not pose an unacceptable risk in the 2003 risk screening analysis; however, these six were deemed ineligible for the exclusion because they are included in the TC regulations in 40 CFR 261.24. Based on the results of the 2003 risk screening analysis, we also proposed that municipal waste combustors and other combustion facilities be allowed to burn solvent-contaminated wipes that meet the proposed conditions for the exclusion from the definition of hazardous waste.

2. Revised Risk Analysis and October 2009 NODA

During the comment period on the November 2003 proposed rule, we received substantive comments on the risk screening analysis and the solvent loading calculations. In addition to public comments, we received comments from external peer reviewers. Both the public and the peer reviewers questioned aspects of the 2003 risk screening analysis and the modeling assumptions. (These comments are available in the docket for today's final rule.) After reviewing the comments, we

[8] The Agency stated in the preamble that solvent-contaminated wipes co-contaminated with ignitable waste would remain eligible for the exclusion because the solvent-contaminated wipes are already likely ignitable and this risk would be managed by the conditions of the exclusion (68 FR 65602). However, EPA had not made this clear in the proposed regulatory language on 68 FR 65619. This was noted by commenters and is addressed in today's final rule.

[9] Under the proposed rule, a solvent-contaminated wipe that contained less than five grams of solvent would be considered ''dry.''

[10] These 11 solvents include 2-Nitropropane, Nitrobenzene, Methyl ethyl ketone, Methylene chloride, Pyridine, Benzene, Cresols, Carbon tetrachloride, Chlorobenzene, Tetrachloroethylene, and Trichloroethylene.

[11] The solvents listed in F001 through F005 in 40 CFR 261.31 are 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, 1,1,2-Trichloro-1,2,2-trifluoroethane, ortho-Dichlorobenzene, 2-Ethoxyethanol, 2-Nitropropane, Acetone, Benzene, n-Butyl alcohol, Carbon disulfide, Carbon tetrachloride, Chlorinated Fluorocarbons, Chlorobenzene, Cresols, Cyclohexanone, Ethyl acetate, Ethyl benzene, Ethyl ether, Isobutanol, Methanol, Methyl ethyl ketone, Methyl isobutyl ketone, Methylene chloride, Nitrobenzene, Pyridine, Tetrachloroethylene, Toluene, Trichloroethylene, Trichlorofluoromethane, Xylene.

decided to undertake a more robust risk analysis to determine the potential risk from disposal of solvent-contaminated wipes and laundry sludge in both unlined and lined non-hazardous waste landfills, including municipal solid waste landfills (MSWLFs). This revised risk analysis was subjected to external peer review and presented for public comment, along with the peer review comments and EPA's response to those comments, in a Notice of Data Availability (NODA) on October 27, 2009 (74 FR 55163).

The 2009 revised risk analysis is considered to be ''influential scientific information'' under both EPA's and the Office of Management and Budget's (OMB's) peer review policies. As described in the October 2009 NODA, we conducted an external peer review in which we asked the peer reviewers to conduct a comprehensive review of the risk analysis. The Agency asked the peer reviewers to respond to a set of questions, which are included in the public docket for this rule, addressing the technical basis of the approaches we used and to prepare a report highlighting their comments and recommendations. EPA revised the risk documents by incorporating the peer reviewers' comments, where necessary and appropriate. The docket contains the individual peer reviewer reports, EPA's response to the peer reviewers' comments, and supporting documents for the peer reviews. For more information about the peer review process, see EPA's Peer Review Handbook at *http://www.epa.gov/peerreview/pdfs/peer_review_handbook_2006.pdf.*

The 2009 revised risk analysis included additional data and information, a new model to evaluate the behavior of solvents in a landfill, revised fate and transport modeling, and an improved approach from the 2003 risk screening analysis to compare the estimates of the solvent quantities disposed to the risk-based solvent loading levels.

The 2009 revised risk analysis estimated the amount of each F-listed solvent contained in solvent-contaminated wipes and laundry sludge disposed of in MSWLFs (*i.e.,* estimated landfill loading rates). We compared these amounts to the estimated quantities of spent solvents that may be disposed of in MSWLFs without presenting unacceptable risks to human health and the environment (risk-based landfill mass loadings). The 2009 revised risk analysis consists of three separate documents, all of which are in the docket for today's final rule:

- ''Landfill Loadings Calculations for Disposed Solvent-Contaminated Wipes and Laundry Sludge Managed in Municipal Landfills,'' October, 2008
- ''Risk-Based Mass Loading Limits for Solvents in Disposed Wipes and Laundry Sludges Managed in Municipal Landfills,'' October, 2009
- ''F001–F005 Solvent-Contaminated Wipes and Laundry Sludge: Comparison of Landfill Loading Calculations and Risk-Based Mass Loading Limits,'' August, 2009

We evaluated the use of the F001–F005 listed solvents on wipes through a comprehensive review of the available information (including site visits, data collected by EPA for RCRA and other regulatory programs, public comments, and other available information). We eliminated 10 of the 30 listed solvents from the analysis because EPA has found that they are not widely used on wipes.[12] Of the ten eliminated solvents, five are ozone-depleting or present other serious hazards and are therefore banned or restricted from use. The other five solvents eliminated from the analysis may have been used on wipes in the past; however, our research found that these solvents are currently not used or are used only in very limited quantities in conjunction with wipes.

For the remaining 20 solvents, we estimated the amount of solvent that could plausibly be on a wipe and in laundry sludge before disposal and then estimated the number of generators potentially disposing of solvent-contaminated wipes or laundry sludge into a MSWLF. Through our calculations, we derived estimated landfill loading rates (ELLRs) for each of the solvents on an annual basis (*i.e.,* kilograms of solvent disposed in each landfill per year). To account for uncertainty and variability in the input parameters, we used a Monte Carlo simulation to develop a single distribution of mass loading rates (in kilograms per year per landfill) for each solvent from the disposed solvent-contaminated wipes and laundry sludge. These landfill loading distributions represent the amount of ''wipes-related'' solvent in the respective waste streams (*i.e.,* wipes and sludge). For both the disposed solvent-contaminated wipes and laundry sludges, the output of the method is a probability distribution of ELLRs based on the best available data. The October 2009 NODA and the full Landfill Loadings Report describe the assumptions made, the methodologies used, and the results of the analysis.

To assess the potential risks from the estimated landfill loadings of hazardous spent solvents that could be disposed of in MSWLFs (unlined and lined), we developed a methodology to estimate the amount of these spent solvents that could be disposed and still be protective of human health and the environment at the point of exposure. This methodology uses a probabilistic risk analysis of solvent-contaminated wipes to produce a distribution of risk estimates, which we then used to calculate a protective mass loading rate for each individual solvent. These ''allowable amounts'' are risk-based mass loading limits (RB–MLL) expressed in kilograms of each spent solvent that can be added to a landfill in a given year, with a certain probability of the risk remaining at or below the risk-based criteria evaluated by EPA. These RB–MLLs were derived from modeling scenarios defined in terms of the solvent, landfill type (lined or unlined), exposure route (ingestion, inhalation, dermal absorption), contact media (groundwater, ambient air), and receptor (child or adult).

We identified RB–MLLs for each solvent such that the exposure at the 50th and 90th percentiles of the risk distribution would not exceed the identified target risk criteria if these materials were disposed of in a MSWLF. The Agency typically uses the 50th and 90th percentiles to characterize risk. The 90th percentile represents a ''high end'' estimate of individual risk, and the 50th percentile reflects the central tendency estimate of the risk distribution.[13] For this analysis, the target risk criteria were selected so that 90 percent of the hypothetical individuals living near a landfill would not be exposed to solvent releases resulting in an excess lifetime cancer risk above 1 chance in 100,000 (10^{-5}).[14] For noncancer health effects, we used a hazard quotient (HQ) of one as our risk criterion, such that HQ values below or equal to one were not of concern (the noncancer HQ is defined as the ratio of predicted intake levels to safe intake

[12] We eliminated Carbon tetrachloride, 1,1,1-Trichloroethane, Trichlorofluoromethane, Dichlorodifluoromethane, 1,1,2-Trichlorotrifluorethane, Carbon disulfide, Ethyl ether, Nitrobenzene, 2-Nirtopropane, and Pyridine. For a detailed discussion on these solvents, see the ''Landfill Loadings Calculations for Disposed Solvent-Contaminated Wipes and Laundry Sludge Managed in Municipal Landfills,'' Section 1.2.

[13] *Guidance for Risk Characterization,* U.S. Environmental Protection Agency, 1995.

[14] These risk criteria are consistent with those discussed in EPA's hazardous waste listing determination policy (December 22, 1994; 59 FR 66072). Also see 40 CFR 300.430(e)(2)(i)(A)(2), which establishes a cancer risk range of 10^{-4} to 10^{-6} in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) for responding to releases of hazardous substances under Superfund.

levels). The full RB–MLL report in the docket describes the assumptions made, the methodologies used, and the results of the analysis.

3. Results of the Revised Risk Analysis in the October 2009 NODA

To determine whether the landfill loading rates exceed the risk-based loading limits, EPA compared the ELLRs to the calculated RB–MLLs for each solvent. If the estimated landfill loading rates exceed the risk-based mass loading limits for a solvent, then this solvent could pose a potential risk for persons living near a landfill. To perform the comparison, EPA evaluated and considered a 90th percentile risk criterion for the risk-based mass loading limit to be protective of 90 percent of hypothetically exposed individuals across all of the landfill sites in the United States. Thus, we compared the 90th percentile estimate of the ELLRs to the 90th percentile of the RB–MLLs to determine whether the loading rates in landfills that can be attributed to solvent-contaminated wipes and laundry sludge exceed the RB–MLLs that correspond to selected health-based limits.

The comparisons of the ELLRs and RB–MLLs can be expressed as ratios, *i.e.,* the 90th percentile ELLRs (kilograms solvent per year) are divided by the 90th percentile RB–MLLs (kilograms solvent per year) for a specific solvent to yield a ratio. The ELLR is an estimate of the mass loading into the landfill and the RB–MLL is an estimate of the mass loading for each of the 20 solvents that would correspond to an exposure equivalent to the chosen risk criterion, or ''target'' risk. Therefore, if the ratio exceeds one, this indicates the degree to which the ELLR exceeds the evaluation criteria used to establish the RB–MLLs (*i.e.,* a cancer risk of 1×10^{-5} and an HQ of 1 for noncarcinogenic risk).

The comparison of the 90th percentile values of the ELLRs and the RB–MLLs indicates that 8 of the 20 spent solvents could pose potential risks above EPA's evaluation criteria for unlined landfills. The 90th percentile risks for benzene (using the high end cancer potency factor only),[15] 1,1,2-trichloroethane, methylene chloride, tetrachloroethylene, and trichloroethylene exceeded the 10^{-5} cancer risk criteria. The 90th percentile risks for chlorobenzene, toluene, and xylenes exceeded the criteria for non-cancer health effects (HQ = 1).

As expected, the predicted risks for the composite-lined landfill were always less than those for the unlined landfill analysis. Using the comparison of the 90th percentile results, the potential risks from all solvents examined in the composite-liner scenario, except for tetrachloroethylene, were well below the health-based criteria used in this 2009 risk analysis. The ratio of the 90th percentile ELLR divided by the 90th percentile RB–MLL for tetrachloroethylene was 1.1 using the higher end cancer risk value, and 0.9 using the lower end cancer risk value. For a more detailed explanation of how the ELLR and RB–MLL were compared, see the document ''F001–F005 Solvent-Contaminated Wipes and Laundry Sludge: Comparison of Landfill Loading Calculations and Risk Based Mass Loading Limits'' in the docket.

The results of the revised risk analysis presented in the October 2009 NODA were different than the results of the 2003 risk screening analysis presented in the November 2003 proposal. The number and identity of the solvents that showed a potential risk for disposal in an unlined landfill changed in the 2009 revised risk analysis. Also, we did not consider risks from disposal in lined landfills in the original 2003 risk screening analysis, whereas the 2009 revised risk analysis does consider risks from composite-lined non-hazardous waste landfills. In the NODA we sought comment on all aspects of the 2009 revised risk analysis, including the assumptions of the analysis, the data used, and the methodology employed.

4. Changes in the Final Risk Analysis

In responding to comments on the 2009 revised risk analysis (see the Major Comments on the Risk Analysis in section IX of this notice), we revised the Landfill Loadings document. We included updated information for various input parameters for reusable wipes that were gathered from surveys and submitted in comments by a trade association. Using the updated data lowered the solvent landfill loadings calculated for the sludges generated by laundries. (See the revised document, ''Landfill Loadings Calculations For Solvent-Contaminated Wipes, January 2012'' in the docket.) However, these changes had a limited impact on the overall risks presented by the combined disposal of disposable wipes and laundry sludges, because the sludges represented a relatively small fraction of the combined risk for the solvents. Nevertheless, the changes were sufficient to reduce the combined risk results for tetrachloroethylene in a composite-lined landfill, such that the ratio of ELLR to RB–MLL decreased from 1.1 to 1.0 (*i.e.,* the ratio would meet the target cancer risk criteria of 1.0×10^{-5}).

The Agency also issued new health assessments since the October 2009 NODA, which included updated reference values for two of the solvents, tetrachloroethylene and trichloroethylene. EPA posted these human health assessments, which are scientific reports that provide information on chemical hazards as well as quantitative dose-response information, on EPA's Integrated Risk Information System (IRIS).[16] We recalculated the RB–MLLs for tetrachloroethylene using the revised reference values. As a result, the combined risks for this chemical in a composite-lined unit dropped significantly, such that the risks were well below the target risk criteria (with or without the modifications to the sludge data discussed in the previous paragraph, the final ratio of the ELLR to the RB–MLL is less than 0.10). Thus, the results for tetrachloroethylene, which now include the revised landfill loadings and reflect the updated reference value, indicate that including this solvent in the conditional exclusion would not present a significant risk if the solvent-contaminated wipes and sludges are disposed in a composite-lined landfill.

On the other hand, using the updated reference values for trichloroethylene in our 2012 final risk analysis resulted in an *increase* in projected risks, such that the estimated landfill solvent loadings exceeded the risk-based mass loading limit with the ratio of the ELLR to the RB–MLL calculated at 1.4. These revisions to the risk analysis are summarized in addendums to the 2009 risk analysis document (''Impact of Revised Health Benchmarks on Solvent Wipes Risk-Based Mass Loading Limits (RB–MLLs),'' April 2012) and the revised document comparing ELLRs to RB–MLLs (''F001–F005 Solvent-Contaminated Wipes and Laundry Sludge: Comparison of Landfill Loading Calculations and Risk-Based Mass Loading Limits,'' revised April 2012).

Therefore, based on the 2012 final risk analysis using the updated reference values, wipes contaminated with trichloroethylene (*i.e.,* wipes contaminated with trichloroethylene

[15] High and low cancer potency factors were used to calculate risks for benzene and tetrachloroethylene, because these were available. Therefore, two cancer risks were calculated for these two solvents.

[16] The final health assessment for trichloroethylene was posted on IRIS on September 28, 2011 (*http://www.epa.gov/iris/subst/0199.htm*). The assessment for tetrachloroethylene was posted on February 10, 2012 (*http://www.epa.gov/IRIS/subst/0106.htm*).

solvent itself or in F-listed solvent blends) are ineligible for the conditional exclusion for disposable wipes.[17] That is, the updated results of our 2012 final risk analysis indicate that trichloroethylene may present a substantial hazard to human health, even if disposed in a composite-lined unit. Updated reference values for trichloroethylene and for tetrachloroethylene are similarly reflected in the final risk results for disposal in an unlined landfill; wipes containing these solvents nonetheless continue to present risks above the risk criteria in the unlined landfill scenario.

Use of the updated reference values ensures that the final rule incorporates the most recent scientific data available and will prevent potential risks from disposal of wipes contaminated with trichloroethylene. The updating of the reference values does not impact our overall assessment methodology, which was externally peer reviewed and published for public comment in a 2009 NODA. The IRIS assessment development process includes an internal Agency review, two opportunities for science consultation and discussion with other federal agencies, a public hearing, public review and comment, and an independent external peer review, all of which is part of the official public record. In addition to this rigorous review process, trichloroethylene was reviewed by the EPA's Science Advisory Board and tetrachloroethylene underwent review by the National Academies of Science. Because both the risk analysis methodology and the IRIS assessments have been peer and publicly reviewed separately, it is appropriate to use the updated IRIS reference values in evaluating which solvents should be included in the conditional exclusion for solvent-contaminated wipes. Furthermore, in the background document presenting the revised risk analysis for the October 2009 NODA, the Agency noted that the health assessments for tetrachloroethylene and trichloroethylene were undergoing review as part of its process for updating the health assessments for the IRIS program.[18] Moreover, we note that trichloroethylene's eligibility status in today's rule has not changed from the 2003 proposed rule, in which EPA proposed to make wipes contaminated with trichloroethylene (in addition to ten other solvents) ineligible for the exclusion from the definition of hazardous waste for disposable wipes. Additionally, EPA notes that its 2009 revised risk analysis demonstrated, for the composite-liner scenario, that tricholorethylene at the 90th percentile would fall below target risk thresholds for the 10^{-5} cancer level (ratio = 0.1), but would exceed target risk thresholds for the 10^{-6} cancer level (ratio = 1.5).

[17] Although wipes contaminated with trichloroethylene are not eligible for the exclusion for disposable wipes, these wipes are eligible for the exclusion for reusable wipes because, under the reusable wipe exclusion, these wipes are not solid wastes subject to hazardous waste regulation, including the TC regulations.

[18] See ''Risk-Based Mass Loading Limits for Solvents in Disposed Wipes and Laundry Sludges Managed in Municipal Landfills,'' October 2009, pages 3–60 and 4–30.

IV. How do the provisions in the final rule compare to those proposed on November 20, 2003?

EPA is finalizing the conditional exclusions largely as proposed in November 2003, with some revisions. The following is a brief overview of the revisions to the proposal, with references to additional preamble discussions for more detail.

For the conditional exclusion for reusable wipes, we have determined that the Paint Filter Liquids Test (Method 9095B) is most appropriate to determine whether solvent-contaminated wipes contain no free liquids. We have also made some revisions to the container standard and have added a labeling requirement. Furthermore, we have specified that the solvent-contaminated wipes may be accumulated by the generator for up to 180 days prior to being sent for cleaning and have added recordkeeping requirements to assist in monitoring compliance with the conditional exclusion. Lastly, we have also specified that reusable wipes are only allowed to go to an industrial laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the CWA, provided the conditions of the exclusion are being met. For further discussion on the conditional exclusion for reusable wipes, see section VI of this preamble.

For the conditional exclusion for disposable wipes, we have determined that the Paint Filter Liquids Test (Method 9095B) is most appropriate to determine whether solvent-contaminated wipes contain no free liquids. Additionally, we have eliminated the condition that solvent-contaminated wipes going to landfills must contain less than 5 grams of solvent: Instead, these wipes must contain no free liquids. We have also made some revisions to the container standard. Furthermore, we have specified that the solvent-contaminated wipes may be accumulated by the generator for up to 180 days prior to being sent for disposal and have added recordkeeping requirements to assist with monitoring compliance with the conditional exclusion. We have also specified that solvent-contaminated wipes being land disposed must be managed by a landfill that is regulated under the MSWLF regulations under 40 CFR part 258, including the design criteria in section 258.40, or is operating under the hazardous waste regulations in 40 CFR parts 264 or 265. Solvent-contaminated wipes being combusted are allowed to go to a municipal waste combustor or other combustion facility that is regulated under section 129 of the CAA or is operating under the hazardous waste standards in 40 CFR parts 264, 265, or 266 subpart H, provided the conditions of the exclusion are being met. Lastly, we have expanded the scope of solvent-contaminated wipes eligible for this exclusion based on the revised risk analysis presented in the October 2009 NODA: Only one solvent, trichloroethylene, remains ineligible for this conditional exclusion based on the results of EPA's 2012 final risk analysis for this rulemaking. For further discussion on the conditional exclusion for disposable wipes, see section VII of this preamble.

Additionally, we have chosen not to finalize the provision allowing intra-company transfer of reusable and disposable wipes for the purpose of removing sufficient solvent to meet the ''no free liquids'' condition. Furthermore, we have modified certain definitions in today's rule, such as the definition for ''wipe,'' ''solvent-contaminated wipe,'' and ''no free liquids'' and have eliminated some definitions (''intra-company transfer of industrial wipes,'' ''industrial wipes handling facility,'' ''reusable industrial wipe,'' ''disposable industrial wipe,'' and ''solvent extraction'') that we determined are not needed for the final rule. For further discussion, see section VIII of this preamble.

V. When will the final rule become effective?

This rule is effective on January 31, 2014. Section 3010(b) of RCRA allows EPA to promulgate a rule with a period for the effective date shorter than six months where the Administrator finds that the regulated community does not need additional time to come into compliance with the rule. Although most provisions in today's rule do not impose additional requirements on the regulated community and, instead, provide flexibility in the regulations with which the regulated community is required to comply, some provisions in today's conditional exclusions may

differ from existing state regulations and policies (such as specific recordkeeping requirements). Taking this into account, we find it is appropriate for the rule to come into effect six months after publication in the **Federal Register**.

VI. Conditional Exclusion From the Definition of Solid Waste for Solvent-Contaminated Wipes That Are Cleaned and Reused

A. What is the purpose of this conditional exclusion?

EPA is finalizing 40 CFR 261.4(a)(26) to exclude solvent-contaminated reusable wipes from the definition of solid waste in order to establish consistent federal regulations regarding the management of reusable wipes. As stated in section III, in the 1990s, EPA developed a policy that deferred determinations and interpretations regarding regulation of solvent-contaminated wipes to authorized states or the EPA regions. This policy has led to the application of different regulatory schemes for reusable wipes: Some states exclude reusable wipes from the definition of solid waste, while others exclude reusable wipes from the definition of hazardous waste, and five states regulate reusable wipes as hazardous waste. Additionally, the specific management standards vary from state to state. Today's rule aims to provide national consistency in regards to regulations for reusable wipes.

B. Basis for Conditional Exclusion From the Definition of Solid Waste

Under RCRA, for a material to be regulated as a hazardous waste, it must first be a solid waste. There are three key considerations specific to solvent-contaminated reusable wipes that demonstrate they are not solid wastes.

The first consideration is the physical and chemical characteristics of the solvent-contaminated wipe. Under today's conditional exclusion, reusable wipes must have no free liquids at the point of transport by the generator for cleaning. This ''no free liquids'' standard minimizes the potential for releases of hazardous constituents into the environment (*e.g.,* through spills). Furthermore, the wipes must be accumulated, stored, and transported in non-leaking, closed containers, which reduces the possibility the solvents will be released to the environment.

The second consideration is that the solvent-contaminated wipes have recognized value. Laundries own the wipes and routinely count the soiled wipes received from their customers. If a wipe is missing, the customer is charged a fee. Therefore, generators have an economic incentive to manage dirty wipes appropriately and ensure they are returned to the laundry or dry cleaner. The contaminated wipes are thus managed as valuable commodities throughout their lifecycles.

The third consideration includes the characteristics of the recycling market for reusable wipes. Reusable wipes are typically managed under service contracts in which a customer contracts with a laundry or dry cleaner for the service of clean wipes. This type of business model is noteworthy because it differs from traditional hazardous waste recycling markets in which a reclaimer is typically paid by a generator to receive and manage the hazardous secondary materials and is not typically paid to send the recycled product back to the generator. In some cases, hazardous waste reclaimers gain their primary revenue from the fees charged to generators to receive and manage the hazardous waste and not from the sale of the recycled product. This creates an incentive for the hazardous waste reclaimer to overaccumulate materials, which increases the possibility of mismanagement of the hazardous wastes. However, this incentive does not exist for laundries and dry cleaners managing solvent-contaminated wipes because the laundry or dry cleaner derives its primary revenue from the service of clean wipes back to the customer. There is thus no economic incentive for a laundry or dry cleaner to overaccumulate solvent-contaminated wipes.

C. Scope and Applicability

The conditional exclusion for solvent-contaminated wipes that are cleaned and reused is applicable to wipes that, after use or after cleaning up after a spill, are contaminated with solvents and that would otherwise be regulated as hazardous waste. Specifically, this includes wipes that (1) contain one or more of the F001 through F005 solvents listed in 40 CFR 261.31 or the corresponding P- or U-listed solvents found in 40 CFR 261.33; (2) exhibit a hazardous characteristic found in 40 CFR part 261 subpart C when that characteristic results from a solvent listed in 40 CFR part 261; and/or (3) exhibit only the hazardous waste characteristic of ignitability found in 40 CFR 261.21 due to the presence of one or more solvents that are not listed in 40 CFR part 261. Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents (such as metals), are not eligible for the exclusion at 40 CFR 261.4(a)(26).

The conditional exclusion is only applicable to the contaminated wipes themselves. At the point of on-site laundering or dry cleaning or at the point of off-site transport from the generator to a laundry or dry cleaner, the solvent-contaminated wipes must contain no free liquids as defined in section 40 CFR 260.10. Free liquid spent solvent itself remains solid waste and thus, is subject to the applicable hazardous waste regulations under RCRA Subtitle C upon removal from the solvent-contaminated wipe and/or from the container holding the wipes.

D. Conditions of Exclusion

Under today's rule, generators have primary responsibility for assuring that their solvent-contaminated reusable wipes meet the conditions of the exclusion. Additionally, handling facilities that receive and process reusable wipes, such as industrial laundries or dry cleaners, also need to meet certain conditions for the wipes to remain excluded.[19]

1. Container Standard

Under today's conditional exclusion, solvent-contaminated reusable wipes must be accumulated, stored, and transported in non-leaking, closed containers that are labeled ''Excluded Solvent-Contaminated Wipes.'' Additionally, the container must be able to contain free liquids should free liquids occur, for example, from percolation and compression of the wipes. Today's container standard applies to accumulation and storage at the generating facility, transportation either on-site or off-site, and, finally, storage and management at the handling facility.

Managing reusable wipes in non-leaking, closed containers ensures that the solvents are unlikely to be released to the environment. Closed containers serve to minimize emissions, prevent spills, and reduce the risk of fires, for example, by securing the solvent-contaminated wipes from potentially incompatible wastes or ignition sources.

During accumulation of solvent-contaminated wipes, a closed container does not necessarily mean a sealed container. Instead, when solvent-contaminated wipes are being accumulated, the container is

[19] ''Handling facilities'' is a term used throughout today's preamble to refer to facilities that receive and either clean or dispose of solvent-contaminated wipes under today's conditional exclusions. These include laundries, dry cleaners, landfills, and combustors as well as RCRA interim status or permitted facilities.

considered closed when there is complete contact between the fitted lid and the rim.[20] However, when the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed. The objective of this is to prevent the release of any volatile organic emissions and to prevent a spill if the container is tipped over.

The closed container condition in today's rule is a performance-based standard and, thus, facilities have flexibility in determining how best to meet this standard based on their specific processes. For example, solvent-contaminated wipes can be accumulated in an open-head drum or open top container (*e.g.,* where the entire lid is removable and typically secured with a ring and bolts or a snap ring) and be considered closed when the cover makes complete contact between the fitted lid and the rim, even though the rings are not clamped or bolted. A tight seal minimizes emissions of volatile organic compounds (however, generators should be aware that the seals on containers can erode because of time and use, and should be checked periodically for wear and replaced as necessary). After accumulation and during transportation, this same container must be sealed in order to meet the closed container standard and thus, the rings must be clamped or bolted to the container. Containers with covers opened by a foot pedal (*e.g.,* flip-top or spring loaded lid) or with a self-closing swinging door could also be appropriate. Bags can be used, provided they meet today's closed container standard. EPA considers bags closed when the neck of the bag is tightly bound and sealed to the extent necessary to keep the solvent-contaminated wipes and associated air emissions inside the container. The bag must be able to contain liquids and must be non-leaking. (Of course, a bag leaving a trail of liquid on the ground does not meet today's container standard.) These examples of closed containers are consistent with EPA's policy on closed containers (see ''Guidance on 40 CFR 264.173(a) and 265.173(a): Closed Containers'' Robert Dellinger, December 3, 2009, and subsequent ''Closed Container Guidance: Questions and Answers'' Betsy Devlin, November 3, 2011 (RCRA Online 14826)).

Containers of reusable wipes also must be properly labeled as ''Excluded Solvent-Contaminated Wipes'' to ensure that facility employees, emergency response personnel, motor carrier inspectors, downstream transporters and handlers, and state and EPA enforcement are aware of the contents of these containers. This ensures that containers can be properly stored, handled, and inspected. Requiring a specific label establishes a national standard that can be easily recognized among different facilities, industries, and state programs.

2. Accumulation Time Limit

Generators may accumulate reusable wipes for up to 180 days prior to sending the wipes for cleaning. This 180-day clock begins at the start date of accumulation for each container (*i.e.,* the date the first solvent-contaminated wipe is placed in the container).[21]

During accumulation, wipes may contain free liquids or free liquids may result from percolation or compression of the solvent-contaminated wipes in a container. These free liquids, upon removal from the solvent-contaminated wipes and/or from the container holding the wipes, must be managed according to the applicable hazardous waste regulations found in 40 CFR parts 260 through 273. Today's accumulation standard ensures that free liquids are removed from the solvent-contaminated wipes and the container within the 180-day time frame and thus, cannot be stored indefinitely. Generators taking advantage of today's conditional exclusion likely already have contractual arrangements with laundries or dry cleaners that schedule periodic (*e.g.,* weekly) pickup of solvent-contaminated wipes and, thus, this accumulation time limit should not present an undue burden to generators.

Under today's rule, reusable wipes managed according to 40 CFR 261.4(a)(26) are not solid wastes and, thus, not hazardous wastes. Therefore, solvent-contaminated wipes managed under today's conditional exclusion do not count towards a generator's hazardous waste regulatory status. However, free liquid spent solvent removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable hazardous waste regulations found in 40 CFR parts 260 through 273, which would include counting towards determining monthly generator status.

3. No Free Liquids

Under today's conditional exclusion for reusable wipes, generators must meet the ''no free liquids'' condition as defined in 40 CFR 260.10 at the point of transporting the solvent-contaminated wipes for cleaning, either off-site or on-site. Additionally, the container holding the solvent-contaminated wipes must not contain free liquids at the point of transporting the wipes for cleaning. Free liquids removed from the solvent-contaminated wipes must be collected and managed according to the applicable hazardous waste regulations found in 40 CFR parts 260 through 273 and may count towards determining monthly generator status.

EPA explained in the November 2003 proposal that the Agency intends for compliance with the ''no free liquids'' condition to be determined by a practical test and requested comment on the proposed approach for determining if the ''no free liquids'' condition is met and whether there are other approaches EPA should have considered in the proposal (68 FR 65605). Comments received on the proposal urged EPA to define a clear and objective standard, for example, by defining which technologies would meet the ''no free liquids'' condition. However, defining a list of specific technologies is not practical, particularly if such specific technologies are not necessary to meet the condition and also because technology changes over time. Rather, EPA understands that the spirit of these comments reflects the need for a standard that clearly demonstrates whether a solvent-contaminated wipe does or does not contain free liquids.

EPA has established an official compendium of analytical and sampling methods that have been evaluated and approved for use in complying with the RCRA regulations. This compendium is entitled ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods'' (EPA Publication SW–846).[22] As explained in the November 2003 proposal, many state policies regarding solvent-contaminated wipes already use various test methods from this

[20] This is consistent with EPA's policy on closed containers (see ''Guidance on 40 CFR 264.173(a) and 265.173(a): Closed Containers'' Robert Dellinger, December 3, 2009).

[21] Generators may transfer solvent-contaminated wipes between containers to facilitate accumulation, storage, off-site transportation, or removal of free liquids. For example, a generator may wish to consolidate several partially filled containers of solvent-contaminated wipes. However, the 180-day ''clock'' for accumulation does not restart if the solvent-contaminated wipes are merely transferred to another container. This is consistent with EPA's policy on generator accumulation under the hazardous waste regulations (see ''Frequently Asked Questions about Satellite Accumulation Areas'' Robert Springer, March 17, 2004).

[22] *http://www.epa.gov/epawaste/hazard/testmethods/sw846/index.htm.*

compendium (68 FR 65599). The majority of these states require the use of the Paint Filter Liquids Test (SW–846 Method 9095B), although other specified methods include the Liquids Release Test (SW–846 Method 9096), and the Toxicity Characteristic Leaching Procedure (TCLP) (SW–846 Method 1311).[23]

Thus, for the purpose of today's final rule, EPA finds that use of one of its own established test methods is appropriate to clearly and objectively determine that there are no free liquids. The Paint Filter Liquids Test (SW–846, Method 9095B) was specifically chosen because it is currently being used by the majority of states to determine whether solvent-contaminated wipes contain free liquids and is also the test used to implement the restrictions on disposal of free liquids in the MSWLF regulations (40 CFR 258.28). The test is also simple and inexpensive to perform and typically produces clear results. It includes placing a predetermined amount of material in a paint filter and if any portion of the material passes through and drops from the filter within five minutes, the material is deemed to contain free liquids.

This does not mean that generators must conduct this test for every solvent-contaminated wipe. Rather, generators must ensure that if the Paint Filter Liquids Test was performed, the solvent-contaminated wipe would pass. In order to meet the performance standard, generators may use any of a range of methods to remove solvent from the wipe such as centrifuging, mechanical-wringing, screen-bottom drums, microwave technology, and vacuum extractors. To ensure that the solvent-contaminated wipes meet the standard, generators may conduct sampling or use knowledge regarding how much solvent is present in each wipe. Solvent-contaminated wipes that have been subject to advanced solvent extraction processes, such as centrifuges, or any other similarly effective method to remove solvent from the wipes, are likely to meet this standard. Additionally, generators must document how they are meeting the ''no free liquids'' condition (see section VI.D.4 below for additional information).

As mentioned above, some states presently rely on other test methods (*e.g.,* Liquids Release Test or Toxicity Characteristic Leaching Procedure) to determine whether solvent-contaminated wipes contain no free liquids under their state policies. Where an authorized state has specified a standard or test method for determining that solvent-contaminated wipes contain no free liquids, generators must meet that standard in lieu of the Paint Filter Liquids Test for purposes of meeting the ''no free liquids'' condition. Of course, the authorized state standard must be no less stringent than today's definition of ''no free liquids.''

4. Recordkeeping

Generators must maintain at their site documentation that they are managing wipes excluded under 40 CFR 261.4(a)(26). This documentation must include (1) the name and address of the laundry or dry cleaner that is receiving the reusable wipes; (2) documentation that the 180-day accumulation time limit is being met; and (3) a description of the process the generator is using to meet the ''no free liquids'' condition.

The purpose of documenting the name and address of the laundry or dry cleaner is to allow the state and EPA to ensure compliance with the conditions of the exclusion. EPA is not requiring a specific template or format for this information and anticipates that routine business records, such as contracts or invoices, contain the appropriate information for meeting this requirement. This documentation only needs to be updated in the event of a change to the name or address of the laundry or dry cleaner.

Documenting the 180-day accumulation time limit enables regulatory authorities to ensure the solvent-contaminated wipes are being sent for cleaning in compliance with the exclusion and are not being stored indefinitely at the generating facility. This documentation can take one of many forms, such as a service contract or invoice from the laundry or dry cleaner which describes the frequency of scheduled delivery and pick-up of wipes; a log that lists the start date of accumulation for each container of solvent-contaminated wipes; or labels on each container which include the start date of accumulation (*i.e.,* the date the first solvent-contaminated wipe is placed in the container).

The purpose of documenting the process the generator is using to meet the ''no free liquids'' condition is to demonstrate that the generator is implementing a process that ensures that it will not illegally transport free liquid hazardous waste off-site. This documentation should include a description of any technologies, methods, sampling, or knowledge that a generator is using to ensure that solvent-contaminated wipes sent to a laundry or dry cleaner for cleaning contain no free liquids. State and EPA regulators may use this documentation to assess whether the generator is adequately meeting the ''no free liquids'' condition. This documentation only needs to be updated in the event that the generator changes its process for meeting the ''no free liquids'' condition.

5. Handling Facility Requirements

Handling facilities must accumulate, store, and manage reusable wipes in non-leaking, closed containers that are labeled ''Excluded Solvent-Contaminated Wipes'' when the wipes are not being processed or cleaned. Additionally, the container must also be able to contain free liquids should free liquids occur, for example, from percolation and compression of the wipes. See section VI.D.1 for more information regarding this closed container standard.

In the November 2003 proposal, EPA explained that solvent discharges from laundries or dry cleaners to POTWs are allowed under the wastewater exclusion found at 40 CFR 261.4(a)(2) and that local POTWs have the authority to set limits applicable to individual indirect dischargers to prevent releases and to prevent interference with operations at the POTW (68 FR 65605). Additionally, EPA noted that most states require that the laundry discharge to a POTW or have a permit for discharge under the CWA (68 FR 65592).

Some commenters were concerned that contaminated solvents removed from the solvent-contaminated wipes in laundering and discharged into waterways would adversely affect human health and the environment. Commenters believed that laundries and dry cleaners should be required to demonstrate that they are appropriately managing the solvent removed from the solvent-contaminated wipes during cleaning. However, as explained in the proposed rule, the regulations under the CWA effectively control solvent discharges either through the National Pollutant Discharge Elimination System (NPDES) or, for indirect discharges to POTWs, under the National Pretreatment Program. To eliminate confusion regarding how the CWA applies to solvent discharges from laundries and dry cleaners, we are clarifying in the regulatory language that we are allowing reusable wipes that meet the conditions of today's rule to be sent to laundries and dry cleaners whose discharges, if any, are regulated under sections 301 (effluent discharge restrictions) and 402 (permitting requirements) or section 307 (indirect discharge to a POTW of the CWA).

[23] Technical Background Document, August 2003. Docket No. EPA–HQ–RCRA–2003–0004–0003.

Though rare, free liquids may inadvertently make their way to the handling facility as a result of compression, gravity, or percolation effects on the wipes during transport or by improper management of the solvent-contaminated wipes by the generator prior to transport. In this case, free liquids must be removed from the solvent-contaminated wipes or containers and must be managed according to the applicable hazardous waste regulations found in 40 CFR parts 260 through 273 and may count towards the handling facility's generator status. EPA does not intend for this provision to require any additional effort beyond that of a handling facility's normal operations and monitoring practices. However, should free liquids be discovered at any point, these free liquids must be managed according to applicable hazardous waste regulations. The handling facility can ship the free liquid off-site as hazardous waste or can manage them as hazardous waste in an on-site recovery system.

Under this provision, removal of free liquid spent solvent by the handling facility would not automatically affect the regulatory status of the solvent-contaminated wipes. Solvent-contaminated wipes would still remain subject to the conditional exclusion provided the generator complied with the conditions of the exclusion.

Any residuals generated from cleaning solvent-contaminated wipes (*e.g.,* wastewater treatment sludge) that exhibit a hazardous characteristic according to subpart C of 40 CFR part 261 must be managed according to the applicable hazardous waste requirements of 40 CFR parts 260 through 273. This is consistent with the way the existing hazardous waste regulations apply to any waste stream.

VII. Conditional Exclusion From the Definition of Hazardous Waste for Solvent-Contaminated Wipes That Are Disposed

A. What is the purpose of this conditional exclusion?

EPA is finalizing 40 CFR 261.4(b)(18) to exclude solvent-contaminated disposable wipes from the definition of hazardous waste in order to provide a regulatory framework that is more appropriate to the level of risk posed by disposable wipes while reducing regulatory burden for the industry, many of which are small businesses.

B. Basis for Conditional Exclusion From Hazardous Waste

Under RCRA, for a solid waste to be a hazardous waste, it must either be listed as a hazardous waste under 40 CFR part 261 subpart D or exhibit a hazardous characteristic under 40 CFR part 261 subpart C. Secondary materials can also become hazardous wastes if they contain listed hazardous wastes. Thus, wipes contaminated with solvents that are listed hazardous wastes when discarded become listed hazardous wastes themselves. When wipes are contaminated with solvents that are not listed hazardous wastes when discarded, the contaminated wipe is regulated as a hazardous waste if it exhibits a hazardous waste characteristic.

As discussed above, EPA has received multiple petitions from industry that argued that regulating solvent-contaminated disposable wipes as hazardous waste is burdensome and unnecessary to protect human health and the environment. These stakeholders argued that the wipes contain insignificant concentrations of solvents and, thus, do not pose an environmental risk when disposed.

In response to stakeholders' concerns and in support of this rulemaking, EPA evaluated the potential risks from wipes contaminated with 20 listed solvents when those solvent-contaminated wipes are disposed in either a lined or unlined landfill. The results of the 2012 final risk analysis demonstrate that wipes contaminated with 19 of the 20 listed solvents evaluated do not exceed target risk criteria when disposed in a composite-lined landfill. (For more information on the 2012 final risk analysis, including the October 2009 NODA, see section III.D.)

The results of the 2012 final risk analysis support stakeholders' arguments that full hazardous waste regulation for most solvent-contaminated wipes is not necessary to ensure protection of human health and the environment. Requiring full hazardous waste regulation for disposable wipes results in needless regulatory burden on thousands of entities, many of which are small businesses. EPA is thus finalizing today a conditional exclusion for disposable wipes which applies a more appropriate regulatory framework to these materials based on the results of our 2012 final risk analysis.

C. Scope and Applicability

The conditional exclusion for disposable wipes is applicable to most wipes that, after use or after cleaning up a spill, are contaminated with solvents and that would otherwise be regulated as hazardous waste. Specifically this includes wipes that (1) contain one or more of the F001 through F005 solvents listed in 40 CFR 261.31 or the corresponding P- or U-listed solvents found in 40 CFR 261.33, with the exception of trichloroethylene; [24] (2) exhibit a hazardous characteristic found in 40 CFR part 261 subpart C when that characteristic results from a solvent listed in 40 CFR part 261; and/or (3) exhibit only the hazardous waste characteristic of ignitability found in 40 CFR 261.21 due to the presence of one or more solvents that are not listed in 40 CFR part 261. Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents (such as metals), are not eligible for the exclusion at 40 CFR 261.4(b)(18).

The conditional exclusion is only applicable to the contaminated wipes themselves. At the point of transport from the generator to a landfill or combustor, the solvent-contaminated wipes must contain no free liquids as defined in section 260.10. Free liquid spent solvent itself remains solid waste and thus, is subject to the applicable hazardous waste regulations under RCRA Subtitle C upon removal from the solvent-contaminated wipe and/or from the container holding the wipes.

D. Conditions of Exclusion

Under today's rule, generators have primary responsibility for assuring that their solvent-contaminated wipes meet the conditions of the exclusion. Additionally, handling facilities which receive and process disposable wipes, such as municipal waste combustors, also need to meet certain conditions for the solvent-contaminated wipes to remain excluded.

1. Container Standard

Under today's conditional exclusion, solvent-contaminated disposable wipes must be accumulated, stored, and transported in non-leaking, closed containers that are labeled ''Excluded Solvent-Contaminated Wipes.'' Additionally, the container must be able to contain free liquids should free liquids occur, for example, from percolation and compression of the wipes. Today's container standard

[24] Based on EPA's final risk analysis, wipes that are hazardous waste due to the presence of trichloroethylene are not eligible for the exclusion from hazardous waste for disposable wipes and thus are subject to all applicable hazardous waste regulations in 40 CFR parts 260 through 273. However, wipes contaminated with trichloroethylene are eligible for the exclusion for reusable wipes because, under the reusable wipe exclusion, these wipes are not solid wastes subject to hazardous waste regulation, including the TC regulations.

applies to accumulation and storage at the generating facility, transportation either on-site or off-site, and, finally, storage and management at the handling facility.

Managing disposable wipes in non-leaking, closed containers ensures that the solvents are unlikely to be released to the environment. Closed containers serve to minimize emissions, prevent spills, and reduce the risk of fires, for example, by securing the solvent-contaminated wipes from potentially incompatible wastes or ignition sources. Today's container standard for disposable wipes is the same as the container standard we are finalizing for the conditional exclusion for reusable wipes. See section VI.D.1 for more information regarding this standard.

2. Accumulation Time Limit

Generators may accumulate disposable wipes for up to 180 days prior to sending the wipes for disposal. This 180-day clock begins at the start date of accumulation for each container (*i.e.,* the date the first solvent-contaminated wipe is placed in the container).[25] This is the same condition finalized under the conditional exclusion for reusable wipes; see section VI.D.2 for more information.

During accumulation, wipes may contain free liquids or free liquids may result from percolation or compression of the solvent-contaminated wipes in a container. These free liquids, upon removal from the solvent-contaminated wipes or from the container holding the wipes, must be managed according to the applicable hazardous waste regulations found in 40 CFR parts 260 through 273. Today's accumulation standard ensures that free liquids are removed from the solvent-contaminated wipes and the container within the 180-day time frame and thus, cannot be stored indefinitely in lieu of being disposed. Because disposable wipes meeting the conditions of today's rule can be discarded with other solid waste trash and since the vast majority of generator facilities, if not all, regularly dispose of other solid waste trash, this accumulation time limit should not present undue burden for facilities.

[25] Generators may transfer solvent-contaminated wipes between containers to facilitate accumulation, storage, transportation, or removal of free liquids. For example, a generator may wish to consolidate several partially filled containers of solvent-contaminated wipes. However, the 180-day ''clock'' for accumulation does not restart if the solvent-contaminated wipes are merely transferred to another container. This is consistent with EPA's policy on generator accumulation under the hazardous waste regulations (see ''Frequently Asked Questions about Satellite Accumulation Areas'' Robert Springer, March 17, 2004).

Under today's rule, disposable wipes managed according to the conditions established in 40 CFR 261.4(b)(18) are not hazardous wastes. Therefore, solvent-contaminated wipes managed under today's conditional exclusion do not count towards a generator's hazardous waste regulatory status. However, free liquid spent solvent removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable hazardous waste regulations found in 40 CFR parts 260 through 273, which would include counting towards determining monthly generator status.

3. No Free Liquids

Under today's conditional exclusion for disposable wipes, generators must meet the ''no free liquids'' condition as defined in 40 CFR 260.10 at the point of transporting the solvent-contaminated wipes to be disposed at a combustor or landfill. Additionally, the container holding the solvent-contaminated wipes must not contain free liquids at the point of transporting the wipes for disposal. Free liquids removed from the solvent-contaminated wipes or the container holding the wipes must be collected and managed according to the applicable hazardous waste regulations found in 40 CFR parts 260 through 273 and may count towards determining monthly generator status. This is the same standard finalized under the conditional exclusion for reusable wipes (see section VI.D.3 for more information).

As described above, EPA has determined that the Paint Filter Liquids Test (SW–846, Method 9095B) is most appropriate for determining whether solvent-contaminated wipes contain free liquids. This does not mean that generators must conduct this test for every solvent-contaminated wipe. Rather, generators must ensure that if the Paint Filter Liquids Test was performed, the solvent-contaminated wipe would pass. In order to meet the performance standard, generators may use any of a range of methods to remove solvent from the wipe such as centrifuging, mechanical-wringing, screen-bottom drums, microwave technology, and vacuum extractors. To ensure that the wipes meet the standard, generators may conduct sampling or use knowledge regarding how much solvent is contained in each wipe. Solvent-contaminated wipes that have been subject to advanced solvent extraction processes, such as centrifuges, or any other similarly effective method to remove solvent from the wipes, are likely to meet this standard. Additionally, generators must document how they are meeting the ''no free liquids'' condition (see section VII.D.4 below for additional information).

Authorized states may establish other methods for defining ''no free liquids.'' Where an authorized state has specified a standard or test method for determining that solvent-contaminated wipes contain no free liquids, generators must meet that standard in lieu of the Paint Filter Liquids Test for purposes of meeting the ''no free liquids'' condition (see section VI.D.3 for more information). Of course, the authorized state standard must be no less stringent than today's definition of ''no free liquids.''

4. Recordkeeping

Generators must maintain at their site documentation that they are managing solvent-contaminated wipes excluded under 40 CFR 261.4(b)(18). This documentation must include (1) the name and address of the landfill or combustor that is receiving the disposable wipes; (2) documentation that the 180-day accumulation time limit is being met; and (3) a description of the process the generator is using to meet the ''no free liquids'' condition.

The purpose of documenting the name and address of the combustor or landfill is to allow the state and EPA to ensure compliance with the conditions of the exclusion. EPA is not requiring a specific template or format for this information and anticipates that routine business records, such as contracts or invoices, contain the appropriate information for meeting this requirement. This documentation only needs to be updated in the event of a change in the name or address of the combustor or landfill.

Documenting the 180-day accumulation time limit enables regulatory authorities to ensure the solvent-contaminated wipes are being sent for disposal in compliance with the conditional exclusion and are not being stored indefinitely at the generating facility. This documentation can take one of many forms, such as a service contract or invoice from the combustor, landfill, or other transporter which describes the frequency of scheduled pick-up of solvent-contaminated wipes; a log that lists the start date of accumulation for each container of solvent-contaminated wipes; or labels on each container which include the start date of accumulation (*i.e.,* the date the first solvent-contaminated wipe is placed in the container).

The purpose of documenting the process the generator is using to meet the ''no free liquids'' condition is to demonstrate that the generator is

implementing a process that ensures that it will not illegally transport hazardous waste (*i.e.,* free liquid spent solvent) off-site. This documentation should include a description of any technologies, methods, sampling, or knowledge that a generator is using to ensure that solvent-contaminated wipes sent to a combustor or landfill contain no free liquids. State and EPA regulators may use this documentation to assess whether the generator is meeting the ''no free liquids'' condition. This documentation only needs to be updated in the event that the generator changes its process for meeting the ''no free liquids'' condition.

5. Handling Facility Requirements

Handling facilities must accumulate, store, and manage disposable wipes in non-leaking, closed containers that are labeled ''Excluded Solvent-Contaminated Wipes'' when the wipes are not being processed or disposed, such as during storage at a combustor prior to being burned. Additionally, the container must also be able to contain free liquids should free liquids occur, for example, from percolation and compression of the wipes. See section VI.D.1 for more information regarding this standard.

Regarding solvent-contaminated wipes that are sent to a landfill for disposal, in the October 2009 NODA, EPA requested comment on two approaches based on the revised risk analysis for the rulemaking. The first approach would allow the disposal of solvent-contaminated wipes that did not exceed target risk criteria for an unlined landfill, based on the Agency's risk analysis, to be disposed in landfills without a liner. On the other hand, solvent-contaminated wipes that do pose a potential risk if disposed in an unlined landfill could only be disposed in a lined landfill. The second approach would direct all excluded solvent-contaminated wipes, including those that EPA estimated could be safely disposed in an unlined landfill, to be sent to a MSWLF subject to the requirements in 40 CFR 258.40(a)(2) and (b) (74 FR 55167–8). EPA stated in the October 2009 NODA that the second approach could be simpler since the generator would not need to separate the solvent-contaminated wipes and send them to separate disposal locations.

Comments were split on the two approaches; however, EPA agrees with those commenters that supported the second approach, because this approach avoids the need for generators to separate wipes contaminated with different solvents and to determine to which landfill the solvent-contaminated wipes may be sent. Based on these comments, EPA chose to allow disposable wipes to be sent to MSWLFs that are regulated under 40 CFR part 258, including the design criteria under § 258.40. This condition simplifies compliance for the tens of thousands of small businesses that are likely to take advantage of today's conditional exclusion, as well as for regulatory authorities that are responsible for monitoring compliance with this rule, while ensuring protection of human health and the environment for all solvent-contaminated wipes. Thus, under today's conditional exclusion, solvent-contaminated wipes are not allowed to be disposed in other types of landfills, such as non-hazardous waste industrial landfills operating under 40 CFR part 257, because these landfills are not required to meet design standards, such as liners. If EPA would have allowed use of the part 257 landfills, additional requirements would have been necessary to ensure that solvent-contaminated wipes are disposed in appropriate landfills, thereby increasing the burden on the regulatory community and the regulatory agencies. See section VIII for more information.

Landfills operating under the 40 CFR part 258 MSWLF standards must comply with design standards,[26] groundwater monitoring, leachate collection, and other specific management standards. These standards ensure that the solvent-contaminated wipes included under today's rule can be safely disposed without exceeding target risk criteria. All MSWLFs are required to meet the part 258 MSWLF standards. Generator facilities likely already use these landfills for disposal of other solid waste trash and thus, should not encounter difficulty in complying with this requirement.

Of course, generators may continue to send solvent-contaminated wipes to a permitted hazardous waste landfill regulated under 40 CFR parts 264 or 265. If all the conditions of the exclusion are met, these solvent-contaminated wipes would not be hazardous wastes under today's rule and thus, would not be subject to the hazardous waste standards (such as a manifest) when transported to a hazardous waste landfill.

Regarding solvent-contaminated wipes that are sent to a combustor for disposal, in the November 2003 proposed rule, we proposed that municipal and other non-hazardous waste combustors be allowed to burn solvent-contaminated wipes that meet the proposed conditions for the exclusion from the definition of hazardous waste. The Agency explained that allowing combustion of solvent-contaminated wipes in municipal waste combustors and other non-hazardous waste combustion units, such as commercial and industrial solid waste incinerators (circumstances when the wipes are used a fuel are included), is a viable alternative for managing conditionally-excluded wipes. First, combustion facility owners/operators would be screening wipes contaminated with hazardous solvents that arrive at their facilities to ensure they do not violate local permit conditions. In addition, these combustors are easily capable of destroying the solvent, as described in section IV.F.11 of the Technical Background Document (68 FR 65602). EPA went on to explain that EPA has promulgated revised air emission standard requirements under the New Source Performance Standards for municipal waste combustors and commercial and industrial solid waste incinerators (68 FR 65602).

Some commenters raised the concern that some combustion units allowed in the November 2003 proposal would not address dioxin and furan formation and that combustors receiving large quantities of solvent-contaminated wipes containing halogenated solvents (listed F001 and F002 solvents) could become a significant source of dioxin emissions. However, the New Source Performance Standards, which are promulgated under section 129 of the CAA, already require that municipal waste combustors and other solid waste combustion facilities comply with numerical emission limitations and performance standards that address emissions of dioxin and furans, as well as other air pollutants, such as mercury, particulate matter, sulfur dioxide, nitrogen oxides, semi-volatile metals, lead, cadmium, hydrogen chloride, and carbon monoxide. To eliminate confusion regarding how the New Source Performance Standards apply to municipal waste combustors and other solid waste combustion facilities, we are clarifying in the regulatory language that we are allowing disposable wipes that meet the conditions of today's rule to be sent to municipal waste combustors and other combustion facilities that are regulated under the New Source Performance Standards in section 129 of the CAA.

Of course, generators may also continue to send solvent-contaminated

[26] The 40 CFR part 258.40 regulations allow for composite liners or for a state-approved design of the landfill that ensures that the concentration values of certain contaminants listed in the rules will not be exceeded in the uppermost aquifer at the relevant point of compliance.

wipes to a hazardous waste combustor regulated under 40 CFR parts 264 or 265, or a hazardous waste boiler and industrial furnace regulated under 40 CFR part 266 subpart H. If all of the conditions of the exclusion are met, these solvent-contaminated wipes would not be hazardous waste under today's rule and thus, would not be subject to the hazardous waste standards (such as a manifest) when transported to a hazardous waste combustor.

Though rare, free liquids may inadvertently make their way to the handing facility as a result of compression, gravity, or percolation effects on the wipes during transport or by improper management of the solvent-contaminated wipes by the generator prior to transport. Under today's conditional exclusion for disposable wipes, free liquids must be removed by the handling facility and must be managed according to the applicable hazardous waste regulations under 40 CFR parts 260 through 273. EPA does not intend for this provision to require any additional effort beyond that of a handling facility's normal operations and monitoring practices. However, should free liquids be discovered at any point, these free liquids must be managed according to applicable hazardous waste regulations. Under this provision, removal of free liquid spent solvent by the handling facility would not automatically affect the regulatory status of the solvent-contaminated wipes. Solvent-contaminated wipes would still remain subject to the conditional exclusion provided the generator complied with the conditions of the exclusion.

Any residuals generated from the combustion of solvent-contaminated wipes (*e.g.,* ash) that exhibit a hazardous characteristic according to Subpart C of 40 CFR part 261 must be managed according to the applicable requirements of 40 CFR parts 260 through 273. This is consistent with the way the existing hazardous waste regulations apply to any waste stream.

VIII. Major Comments on the November 2003 Proposed Rule

EPA received several hundred comments on the November 2003 proposed rule. Commenters included generating facilities, reusable wipe suppliers and industrial laundries, disposable wipe manufacturers, environmental organizations, state agencies, and individual citizens. This section of the preamble addresses the major comments received on this rulemaking. (All comments received during the comment periods on the proposed rule and the October 2009 NODA are addressed in response to comments documents, which are available in the docket for today's rule.)

A. Definitions

In the November 2003 proposal, EPA proposed to add several definitions to 40 CFR 260.10 that related to the two exclusions for solvent-contaminated reusable and disposable wipes. These definitions were ''disposable industrial wipe,'' ''industrial wipe,'' ''industrial wipes handling facility,'' ''intra-company transfer of industrial wipes,'' ''no free liquids,'' [27] ''reusable industrial wipe,'' and ''solvent extraction.''

Comments: Definitions

Some commenters argued that definitions for ''disposable industrial wipe'' and ''reusable industrial wipe'' are not needed because these terms are only used in the preamble to the proposed rule and are not used in the regulatory language.

Another commenter urged EPA to add a definition of ''solvent-contaminated industrial wipe'' to the final rule because the phrase is used several times in the proposed regulatory language. If added, the commenter felt that this definition could then replace the language in the two proposed exclusions that explains which solvents are included in the exclusions. Still other commenters wanted EPA to expand the scope of ''solvent-contaminated industrial wipe'' to include non-listed spent solvents that are ignitable hazardous wastes. Additionally, many commenters urged EPA to clarify the scope of the conditional exclusions to include solvent-contaminated wipes that exhibit the characteristic of ignitability due to co-contaminants, arguing that EPA's proposed regulatory language did not match with its preamble discussion at 68 FR 65602.

Other commenters suggested deleting the word ''industrial'' from ''industrial wipe'' because this term may block non-industrial sources, such as laboratories, academic institutions, and government entities, from using the exclusions. Some commenters suggested modifying the definition of ''industrial wipe'' to include sponges, coveralls, uniforms, floor mats, and personal protective equipment, as these may also become contaminated with solvent and could be safely managed under the rule's conditions. Commenters also said that EPA should add other fabrics to the definition of ''industrial wipe,'' to include materials such as acrylic, rayon, acetate, and cotton tip swabs. Similarly, commenters suggested including the term ''absorbent materials'' to account for future material types.

EPA Response: Definitions

We agree with commenters that said ''disposable industrial wipe'' and ''reusable industrial wipe'' do not need to be defined in the regulations because these terms are only used in the preamble to the November 2003 proposed rule (as well as the preamble to today's rule) and are not used in the regulatory language. We have thus deleted these definitions from the final rule.

We also agree with the comments that suggested adding a definition of ''solvent-contaminated wipe'' to the regulations. This definition simplifies the exclusions in 40 CFR 261.4(a)(26) and (b)(18) because these exclusions can now simply refer to the term ''solvent-contaminated wipe'' without having to duplicate the entire definition in those places. The definition of ''solvent-contaminated wipe'' in today's final rule is generally consistent with the November 2003 proposed regulatory language, with some modifications. In response to comments that pointed out EPA's inconsistency between its preamble and proposed regulatory language, EPA has made clear in the regulatory language that solvent-contaminated wipes that are co-contaminated with contaminants that exhibit only the hazardous waste characteristic for ignitability found in 40 CFR part 261 subpart C are eligible for today's rule. (However, the exclusions are not applicable to wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents.) Additionally, EPA agrees with commenters that wipes containing non-listed spent solvents that exhibit only the hazardous waste characteristic for ignitability should also be included in the scope of this rulemaking because the same arguments presented in EPA's proposed rule (that the wipes are already likely to be ignitable because of the nature of the solvents on them and because this risk is managed by the conditions of the exclusion) also apply to this category of wipes.

Furthermore, we agree with the comments stating that the term ''industrial'' should be deleted from ''industrial wipe.'' We did not intend to make ''non-industrial'' entities, such as laboratories, academic institutions, and government agencies, ineligible for

[27] Response to comments on the definition of ''no free liquids'' can be found under section G in this section.

these conditional exclusions and agree that the term ''industrial'' confuses this issue. In today's rule we, therefore, refer to ''solvent-contaminated wipe'' or simply ''wipe'' and have deleted all references to ''industrial'' wipe.

We have simplified the definition of ''wipe'' to include several types of material and have added ''other material'' to include materials not specifically listed or potential future materials. However, we do not agree with adding items such as uniforms or personal protective equipment because these do not meet the common sense definition of ''wipe.'' We also have not evaluated whether these items could be safely managed under the rule and thus, are not including these in today's rule. Additionally, a device or unit (such as a cartridge) that contains a solvent-contaminated wipe as part of the unit does not fit today's definition of ''wipe'' and is not eligible for today's exclusions. However, if the wipes are removed from the unit, these wipes could be eligible for the exclusions, provided the conditions of the exclusions are met. Lastly, EPA confirms that cotton swabs, such as those used to clean ink jet heads, are eligible for the exclusions in today's rule, provided the conditions of the exclusions are met.

Lastly, we note that we have deleted the proposed definitions ''industrial wipes handling facility'' and ''intra-company transfer of industrial wipes'' because these definitions relate to the intra-company transfer provision, which we are not finalizing in today's rule. See section VIII.J below for our response to comments on intra-company transfers. We also deleted the definition of ''solvent extraction'' because, due to changes to the definition of ''no free liquids,'' the final rule does not use this term.

B. Solid Waste vs. Hazardous Waste Exclusion for Reusable Wipes

In the November 2003 proposal, EPA proposed to exclude reusable wipes from the definition of solid waste on the basis that reusable wipes are more commodity-like than waste-like. EPA used the criteria in 40 CFR 260.31(c), which states that a material's commodity-like properties can be a basis for a variance from being a solid waste. EPA stated that reusable wipes are more commodity-like because (1) the solvent-contaminated wipe is being partially reclaimed (that is, spun in a centrifuge, wrung out, or allowed to drain solvent); (2) the reusable wipes are counted at the laundry and the process keeps users financially accountable for the wipes; and (3) the reusable wipes are owned by the same entity (the laundry) throughout the process. EPA also requested comment on an alternative option to exclude reusable wipes from the definition of hazardous waste, which would be the same exclusion as proposed for disposable wipes.

Comments: Solid Waste vs. Hazardous Waste Exclusion for Reusable Wipes

Several commenters argued that EPA should maintain the proposed approach to exclude solvent-contaminated reusable wipes from the definition of solid waste. These commenters argued that there is no element of discard in the case of sending reusable wipes to laundering or dry cleaning facilities. The solvent-contaminated wipes are collected, handled, and re-used as valuable commodities and are not being discarded, thrown away, or abandoned. Thus, reusable wipes are not solid wastes and should be treated separately from disposable wipes. Some commenters also warned that EPA would be overriding the decisions of at least 20 states that already exclude reusable wipes from the definition of solid waste. Commenters believed that this would result in facilities in those states becoming subject to state solid waste programs, including the imposition of fees, detailed permitting requirements, restrictive management conditions, complex site assessments, and frequent testing and recordkeeping requirements on ''solid waste'' generators and processors. Furthermore, commenters believed including reusable wipes as solid wastes would discourage reuse.

Other commenters argued in favor of EPA's alternative option and supported excluding reusable wipes from the definition of hazardous waste. These commenters believed that reusable wipes were spent materials and thus, should be considered solid wastes along with disposable wipes. These commenters argued that the subject of the rulemaking should be the hazardous solvent, not the wipe itself. While laundered wipes will be reused, commenters noted that the hazardous solvent on them is intended for disposal and, therefore, the exclusion should be from hazardous waste regulation, not solid waste regulation. At least one commenter argued that EPA failed to consider all the criteria in 40 CFR 260.31(c) (partial-reclamation variance). These comments concluded that reusable wipes could not meet the specific criteria in the partial reclamation variance, and thus, should not be excluded from the definition of solid waste.

At least two commenters believed both reusable and disposable wipes should be managed as hazardous waste under the universal waste regulations. Several commenters urged EPA to make the conditions for both reusable and disposable wipes the same, regardless of the type of exclusion, to reduce burden of implementation and compliance monitoring.

EPA Response: Solid Waste vs. Hazardous Waste Exclusion for Reusable Wipes

EPA agrees with those commenters that argued that EPA should exclude reusable wipes from the definition of solid waste as the Agency proposed in the November 2003 proposed rule (and consequently, disagrees with those commenters that argued for a hazardous waste exclusion). Given the nature of the solvent-contaminated wipe, the inherent economic value of the wipe, and the characteristics of the reusable wipe market, reusable wipes managed under today's exclusion are not solid wastes. See the Agency's basis for this solid waste exclusion in section VI.B above.

Because reusable wipes are not solid wastes under today's conditional exclusion, today's rule should not impact how state solid waste programs currently apply to generators and handlers of solvent-contaminated wipes. Additionally, we generally agree with commenters that believed excluding reusable wipes from the definition of solid waste may encourage reuse because it removes the label of ''solid waste'' from the reusable wipes.[28]

Additionally, we do not agree with comments that argued that the solvent-contaminated wipe itself is a solid waste because the residuals (solvents) from the reclamation process will eventually be discarded. EPA's long-standing policy regarding legitimate recycling does not require that 100% of the hazardous secondary material be reclaimed in order to be legitimately recycled. In addition, as a condition of the exclusion, at the point of transport for cleaning or disposal, the solvent-contaminated wipes and their containers must contain no free liquids as defined in 40 CFR 260.10, thus helping to ensure that free liquid spent solvents are not being discarded.

In response to comments on the application of the partial reclamation variance criteria to reusable wipes, it was not EPA's intention in the proposal to specifically apply the criteria found in 40 CFR 260.31(c) to solvent-

[28] These benefits are estimated in section 5.4 of the ''Regulatory Impact Analysis'' for today's rule.

contaminated wipes being laundered or dry cleaned. Rather, the Agency intended to present the concept of the partial reclamation variance as a general framework to determine whether reusable wipes are ''commodity-like.'' The proposal then lists the three considerations underpinning our position that reusable wipes are ''commodity-like'' and thus, not solid wastes.

As stated in RCRA section 1004(27), ''solid waste'' is defined as ''any garbage, refuse, sludge from a waste treatment plant, or air pollution control facility and other discarded material . . . resulting from industrial, commercial, mining, and agricultural activities.'' While the spent solvent removed from solvent-contaminated wipes in the form of free liquids may be solid and hazardous wastes, the reusable wipes are not. In the November 2003 proposed rule, EPA used the ''commodity-like'' criteria as a framework for explaining why solvent-contaminated reusable wipes are not solid wastes when they meet the conditions of the exclusion, and those same considerations remain valid, including (1) the fact that solvent-contaminated wipes can be processed to remove free liquids, (2) the fact that the wipes are managed as valuable commodities throughout their lifecycle, and (3) the fact that ownership of the wipes remains the same throughout the process (68 FR 65593, November 20, 2003). However, the Agency did not intend to imply that the solid waste exclusion for solvent-contaminated wipes was the same as a partial reclamation variance. See section VI.B for further discussion of the Agency's basis for excluding reusable wipes from the definition of solid waste.

Lastly, we do not agree that reusable wipes should be managed under the universal waste standards. Universal wastes are hazardous wastes and EPA believes that reusable wipes managed under today's exclusion are not solid and hazardous wastes. Additionally, managing reusable wipes as hazardous wastes under the universal waste regulations may, as some commenters argued, increase burden on facilities generating and managing reusable wipes as a result of state solid waste program requirements.

We note that today's solid waste exclusion for reusable wipes results in the least interference with individual state programs. It is consistent with those states that already exclude reusable wipes from the definition of solid waste. Additionally, under RCRA, authorized states can be more stringent than the federal program. Thus, states that currently exclude reusable wipes from the definition of hazardous waste may continue to do so, provided the conditional exclusion is as stringent as today's final rule. The same applies for those states that wish to manage reusable wipes as hazardous waste.

C. Toxicity Characteristic Solvents

Of the listed solvents that EPA examined under the November 2003 proposal, six are solvents that are also subject to the toxicity characteristic (TC) levels found in 40 CFR 261.24.[29] For the TC solvents, EPA proposed to defer to the TC regulations, noting: ''EPA's analysis finds that even when they have been through an advanced solvent-extraction process and contain less than five grams of solvent, the levels of these solvents in contaminated industrial wipes are likely to be higher than the regulatory levels indicated in 40 CFR 261.24. Therefore, these TC solvents are ineligible for disposal in municipal and other non-hazardous waste landfills because of their potential risk, as determined when they were originally identified by EPA as TC wastes'' (68 FR 65598). In other words, under the November 2003 proposal, wipes contaminated with one or more of these six solvents would be ineligible for the conditional exclusion for disposable wipes and would continue to be regulated as hazardous waste because they exhibit the toxicity characteristic. EPA requested comment on this issue.

EPA included the TC solvents in the revised risk analysis presented in the October 2009 NODA and has since updated the analysis with the recently published IRIS reference values for tetrachloroethylene and trichloroethylene (see section III.D for further discussion of the 2009 revised risk analysis). The results of the 2012 final risk analysis using the revised IRIS values demonstrates that wipes contaminated with five of the six TC solvents do not present elevated risks when disposed in a composite-lined landfill. Wipes contaminated with trichloroethylene, however, do exceed risk-based criteria when disposed in a composite-lined landfill.

Comments: Toxicity Characteristic Solvents

Commenters objected to EPA's use of the TC criteria to prohibit solvent-contaminated wipes from being landfilled as a non-hazardous waste arguing that the TC uses assumptions and parameters that are not applicable to wipes. Commenters, therefore, requested that EPA remove the provision that prohibits solvent-contaminated wipes exhibiting the characteristic of toxicity solely as a result of contamination with a TC solvent from being disposed in municipal and other non-hazardous waste landfills if those solvents were not found to pose a significant risk.

EPA Response: Toxicity Characteristic Solvents

For solvent-contaminated wipes, EPA agrees with those commenters who argued that the TC criteria should not be used to prohibit solvent-contaminated wipes from being conditionally excluded from hazardous waste regulation. We have decided to use the results of the 2012 final risk analysis rather than apply the TC regulations to determine whether solvent-contaminated wipes can be disposed as solid wastes in MSWLFs. Therefore, wipes contaminated with benzene; chlorobenzene; o-,m-,p-creosols; methyl ethyl ketone; and/or tetrachloroethylene are eligible for the conditional exclusion for disposable wipes provided they meet the conditions of the exclusion.[30]

The Agency undertook a comprehensive risk analysis to estimate the potential risk from disposal of solvent-contaminated wipes and laundry sludge in MSWLFs. The 2009 revised risk analysis was subjected to external peer review and presented for public comment in a NODA (October 27, 2009; 74 FR 55163). In support of this analysis, EPA (1) collected and reviewed information (*e.g.,* current industry practices, state programs, landfill loadings) from a wide variety of sources (*e.g.,* site visits, data collected by EPA for RCRA and other regulatory programs, public comments, and other available information); (2) used probabilistic methods to characterize the variability and uncertainty associated with the risk modeling; (3) developed and used a state-of-the-art landfill model and examined the exposure pathways that pose the greatest potential risk; (4) included updated information for various input parameters, when such information was provided in the comments; and (5) recalculated the potential risks by using the most up-to-date human health toxicity benchmarks made available after the October 2009 NODA was published. For further discussion of the

[29] The six TC solvents are Benzene, Chlorobenzene, o-,m-,p-Creosols, Methyl ethyl ketone, Tricholorethylene, and Tetrachloroethylene.

[30] However, wipes contaminated with trichloroethylene would still be subject to the TC because the results of the final risk analysis demonstrate that these wipes present a significant risk when disposed in a composite-lined landfill. See section III.D for further discussion.

risk analysis, including peer review, see section III.D.

The 2009 revised risk analysis presented in the October 2009 NODA included a variety of conservative assumptions to ensure that potential risks from landfill disposal were assessed protectively. Furthermore, our evaluation was based on the risks at the upper end of the risk distributions, *i.e.,* the 90th percentile in the probabilistic analyses. Therefore, we are confident that the solvents present in the wipes and sludge would not present a significant risk. The 2012 final risk analysis represents a comprehensive characterization of the risk posed by these solvent-contaminated wipes and, therefore, EPA concludes that this is appropriate information to use in determining whether solvent-contaminated wipes should be excluded from the definition of hazardous waste.

The 2012 final risk analysis for the six solvents that are also TC chemicals (benzene, chlorobenzene, cresols, methyl ethyl ketone, tetrachloroethylene, and trichloroethylene) indicated that five of the chemicals have risks well below the target criteria used.[31] The one solvent that presents risks above the criteria is trichloroethylene, which is therefore ineligible for the conditional exclusion for disposable wipes being promulgated today. In addition, the exclusion only applies to disposable wipes; other industrial wastes, including solvent wastes not associated with wipes, will continue to be regulated as listed or characteristic hazardous waste, as applicable. Therefore, there are regulations in place to restrict disposal of solvent chemicals from other sources in municipal landfills.

D. Containers

In the November 2003 proposal, EPA proposed that solvent-contaminated reusable and disposable wipes must be stored in non-leaking, covered containers. The preamble explained that a covered container could range from a spring-operated safety container to a drum with its opening covered by a piece of plywood. EPA stated in the proposal that generators would not need to seal, secure, latch, or close the container every time a solvent-contaminated wipe is placed inside the container; rather, they would only need to ensure that the container was covered. EPA also proposed that solvent-contaminated wipes must be transported in containers that are designed, constructed, and managed to minimize loss to the environment. EPA explained this to mean that the containers must not leak liquids and must control emission releases to the air. The Agency stated it would consider containers that met the Department of Transportation (DOT) packaging requirements for hazardous materials to meet the proposed performance standard, as would closed, sealed, impermeable containers. Finally, EPA proposed that handling facilities, such as laundries and combustors, must contain solvent-contaminated wipes in containers that met the transportation container standard or containers that met the generator container standard.

EPA also requested comment on requiring the transportation of wipes in impermeable ''closed'' containers. In this context, closed containers were defined as containers with a lid that screws on to the top and must be sealed to be considered closed. EPA also requested comment on whether or not EPA should defer to the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) regulations for the management of solvent-contaminated wipes during accumulation at the generator's facility. In addition, for reusable wipes, EPA sought comment on adding a provision that allows wipes containing less than five grams of solvent to be transported without any management standards and on whether cloth bags have the ability to meet the proposed performance standard of minimizing loss to the environment.

Comments: Containers

Over half of the commenters supported the covered standard for containers and agreed with a performance-based standard, which allows companies flexibility in meeting the standard. Many of these commenters noted that the covered standard reflects current industry practice and that this standard is adequate to control fugitive air emissions and potential risk of fire. These commenters stated that many businesses use large quantities of solvent-contaminated wipes each day, so to unseal and seal a container every time a wipe is placed inside it would be overly burdensome. Other commenters supported the performance-based standard because they feared a specific container standard (*e.g.,* a 55-gallon drum) could force laundries to purchase new vehicles in order to transport the required containers. Commenters also argued that EPA regulations should be consistent with DOT and OSHA standards for covered containers.

The remaining commenters opposed the covered standard, arguing it would not sufficiently protect human health and the environment. These commenters disagreed with EPA's assertion that containers covered with plywood or cardboard would be sufficient to prevent air emissions or prevent spills during accumulation and transportation. These commenters also opposed the use of cloth and woven polypropylene bags to store solvent-contaminated wipes because these bags are permeable and thus, would not prevent releases of free liquid spent solvent. They urged EPA to strengthen the container standard by requiring a performance-based ''closed'' container standard and requiring the use of impermeable bags. These commenters also called for one consistent container standard throughout the handling process, because there was no reason for having different standards for on-site accumulation, transportation, and handling.

EPA Response: Containers

EPA agrees with those commenters who argued that a strengthened container standard is necessary to protect human health and the environment. In the proposal, EPA explained that plywood over a container would meet the covered container standard; however, EPA acknowledges that this scenario would not always prevent releases, especially if the container was accidentally overturned. Therefore, EPA is not finalizing the proposed covered container standard and is instead requiring that solvent-contaminated wipes be accumulated, stored, and transported in non-leaking, closed containers, such as containers with a spring-loaded lid or an impermeable bag. Today's standard addresses commenters' concerns regarding spills and exposures to solvents in a covered container (*e.g.,* simply covering a container with plywood would not meet today's container standard and cloth bags, if used, would have to be non-leaking).

Regarding the closed container standard, EPA agrees with those commenters that argued that it is burdensome to unseal and seal a container every time a wipe is placed in the container. Therefore, today's closed container standard is defined to allow for flexibility during accumulation of solvent-contaminated wipes; during accumulation, a closed container does not need to be sealed and is considered closed when there is complete contact between the fitted lid and the rim,

[31] Risks for the five solvents in composite-lined landfills were below one tenth of the target risk criteria. See the risk results in ''F001–F005 Solvent-Contaminated Wipes and Laundry Sludge: Comparison of Landfill Loading Calculations and Risk-Based Mass Loading Limits,'' revised, April 2012, in the docket for the final rule.

except when it is necessary to add or remove solvent-contaminated wipes. Then, when the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions.

Today's closed container standard more adequately addresses fugitive air emissions from the solvent-contaminated wipes than the proposed covered container standard and thus, will adequately protect facility employees, inspectors, emergency response personnel, transporters, and other downstream handlers. Moreover, EPA's non-leaking, closed container standard remains a performance-based standard, which many commenters supported because it provides generators the flexibility to meet the standard in a way that best suits their business without increasing compliance costs. Today's container standard should not be overly burdensome since several trade associations and laundries already encourage their members and customers to use closed or sealed containers during storage and transportation of solvent-contaminated wipes.

EPA also agrees with those commenters that argued that substantively different container standards for solvent-contaminated wipes during accumulation, transportation, and handling are not necessary. Today's container standard applies to solvent-contaminated wipes under both conditional exclusions and applies to accumulation and storage at the generating facility, transportation either on-site or off-site, and, finally, storage and management at the handling facility. This represents a simple and straightforward approach that eases implementation and compliance monitoring. Additionally, this condition replaces the proposed management condition for transporters and handlers to manage solvent-contaminated wipes in containers ''designed, constructed, and managed to minimize loss to the environment,'' which was subjective and thus, more difficult to interpret than today's container standard.

Furthermore, although today's rule does not impact how DOT or OSHA regulations apply to solvent-contaminated wipes, EPA has determined that it is not appropriate to rely solely on these regulations in lieu of a container standard.

E. Accumulation Time Limit

In the November 2003 proposal, EPA did not propose a time limit on accumulation for disposable wipes. However, EPA did propose to apply the speculative accumulation limits on reusable wipes consistent with other conditional exclusions from the definition of solid waste for recycling activities. The speculative accumulation provision requires that, in any calendar year, 75 percent of the material accumulated for recycling must actually be recycled. In addition, EPA requested comment on whether specific time limits should be imposed for accumulation and storage of both reusable and disposable wipes and specifically requested comment on whether generators should follow the accumulation time limits in 40 CFR 262.34 that are applicable for their generator status (*i.e.,* 90 days for large quantity generators and 180 days for small quantity generators). If the accumulation time limits in 40 CFR 262.34 were included in the final rule, generators would have to mark any container in which the solvent-contaminated wipes were being accumulated with a label that included the date accumulation started.

Comments: Accumulation Time Limit

The majority of commenters believed accumulation time limits for solvent-contaminated wipes are unnecessary and unwarranted. These commenters argued that because the wipes are no longer subject to regulation as hazardous waste there was no need for an accumulation time limit (and noted that EPA does not require accumulation limits on other solid non-hazardous wastes). Other commenters indicated that requiring transportation at 90 or 180 days would be burdensome for facilities generating small quantities of solvent-contaminated wipes. For reusable wipes, most commenters believed accumulation time limits were unnecessary because the vast majority of generators have contracts with laundries that stipulate weekly pickup of their solvent-contaminated wipes.

The remaining commenters suggested adopting an accumulation time limit. These commenters argued that accumulation limits would decrease the time solvent-contaminated wipes are managed on-site, thereby decreasing the risk of adverse affects to human health, such as from fires and volatilization. Furthermore, these commenters believed that generators do not have an incentive to remove solvent-contaminated wipes, and thus, specific accumulation time limits would be necessary in order to prevent over accumulation of wipes at generator facilities.

Several commenters supported applying the speculative accumulation provision to reusable wipes. These commenters believed reusable wipes should have the same management standards as other recycled hazardous secondary materials that are excluded from regulation under 40 CFR 261.4(a).

EPA Response: Accumulation Time Limit

EPA agrees with commenters that argued accumulation time limits for solvent-contaminated wipes are necessary. During the accumulation period, solvent-contaminated wipes may contain free liquids or free liquids may occur, for example, from percolation or compression of wipes in a container. Thus, in the absence of accumulation limits, generators may have an incentive to store solvent-contaminated wipes containing free liquids indefinitely in order to avoid potential hazardous waste disposal costs of the free liquid spent solvent. This accumulation time limit is appropriate because, although the solvent-contaminated wipes are not hazardous wastes when managed under today's exclusions, the free liquid spent solvent is subject to the applicable hazardous waste regulations upon its removal from the wipe and/or the container holding the wipe.

EPA, therefore, agrees with commenters that supported an accumulation time limit. An accumulation time limit ensures that free liquid hazardous waste solvent is removed within an appropriate timeframe. This condition also decreases the maximum amount of time that solvent-contaminated wipes are managed on-site, which further decreases the risk of adverse affects to human health, such as from fires and volatilization. Therefore, in today's final rule, EPA is establishing an accumulation time limit for both reusable and disposable wipes which allows solvent-contaminated wipes to be accumulated by the generator for up to 180 days prior to cleaning or disposal. Today's accumulation standard is necessary to ensure the proper disposition of the solvent-contaminated wipes and the free liquids that may accumulate in containers.

The regulations at 40 CFR 262.34 establish accumulation time limits based on the quantity of hazardous waste generated; however, solvent-contaminated wipes under today's exclusions are not hazardous wastes and thus, do not count towards the

generator's status. Therefore, strict compliance with the hazardous waste accumulation time limits presents an odd situation where a generator could be generating large amounts of excluded solvent-contaminated wipes, but only a small amount of other hazardous waste. It would seem inappropriate to require an accumulation time limit for solvent-contaminated wipes that are based on quantities of hazardous waste that don't include the solvent-contaminated wipes.

Furthermore, applying speculative accumulation limits, which is consistent with how other hazardous secondary materials excluded from the definition of solid waste are managed, is not appropriate. Solvent-contaminated wipes may contain free liquids during accumulation and applying speculative accumulation limits to today's exclusions would have allowed generators to accumulate solvent-contaminated wipes, and the associated free liquid spent solvent, for up to a year. This amount of time would likely have increased the quantity of free liquid spent solvent managed onsite and thus, may increase adverse affects to human health, such as from fires and volatilization.

To ensure solvent-contaminated wipes and any associated free liquid spent solvent are managed appropriately, while at the same time allowing the greatest flexibility and ease of compliance for generators, EPA chose to establish a flat 180-day accumulation time limit for all facilities generating solvent-contaminated wipes. This straightforward accumulation time limit is easier to implement by the tens of thousands of facilities that generate solvent-contaminated wipes. The 180-day accumulation time limit is what is currently required for small quantity generators under 40 CFR 262.34 and thus, provides the greatest flexibility for generators managing excluded solvent-contaminated wipes.[32]

We agree with commenters that reusable wipes are routinely picked up by laundries on a periodic (*e.g.,* weekly) basis and, thus, today's accumulation time limit is not likely to impose an undue burden. Additionally, disposable wipes meeting the conditions of today's rule may be discarded with a facility's other solid waste trash, which is likely collected on a frequent basis. We also note that the free liquids, upon removal from the solvent-contaminated wipes or from the container holding the wipes, are subject to the applicable hazardous waste regulations, including accumulation time limits in 40 CFR 262.34.

F. Labeling

In the November 2003 proposal, EPA proposed that containers managing disposable wipes be labeled ''Exempt Solvent-Contaminated Wipes'' to alert downstream handlers to the contents of the container and ensure proper handling and/or inspection of the materials. EPA did not propose a similar labeling condition for reusable wipes because laundries and dry cleaners typically have agreements with their customers and thus, already know what is in the container of wipes that arrive. However, EPA requested comment on whether a labeling requirement was necessary for reusable wipes containers.

Comments: Labeling

Some commenters agreed with EPA that containers that hold disposable wipes should be labeled. These commenters believed that labeling was necessary in order to allow identification of the containers' contents for emergency response personnel, motor carrier inspectors, transporters, and downstream handlers. Other commenters also believed that labeling is good business practice and that it would not be burdensome to implement.

On the other hand, other commenters were opposed to the labeling requirement because it constituted an undue burden on generators. These commenters also argued that the DOT labeling requirements would be sufficient and that EPA should not create a duplicative label. Furthermore, these commenters noted that since generators would have contractual arrangements with any handling facility, the downstream handlers would already know the contents of the containers. Some commenters also argued that facilities generating both non-hazardous wipes—that is wipes that are not used with listed hazardous waste and do not exhibit characteristics of hazardous waste—and excluded disposable wipes would need to separate the wipes in order to meet the labeling condition, even though both types would be sent to, for example, the same MSWLF.

The majority of commenters, however, recommended the same labeling requirement should apply to both disposable and reusable wipes. Most of these commenters did not take a position on whether or not such a requirement was necessary, but argued that, if a label was necessary, then it should apply equally to both disposable and reusable wipes.

EPA Response: Labeling

EPA agrees with the majority of commenters that the labeling requirement should be applied to both disposable and reusable wipes. Concerns regarding air emissions and potential fire risk apply to all solvent-contaminated wipes regardless of their ultimate disposition. Although DOT packaging requirements may apply, as appropriate, to the transport of reusable and disposable wipes, it is important to require labeling during accumulation, storage, and at the handling facility in order to communicate the contents to facility employees, emergency response personnel, downstream handlers, and state and EPA inspectors, as well as transporters and motor carrier inspectors. Thus, in today's rule, we are requiring that solvent-contaminated wipes must be managed in containers labeled ''Excluded Solvent-Contaminated Wipes.'' Imposition of this condition addresses comments that urged EPA to adopt the same labeling standard for both types of wipes in order to ease implementation and understanding of the regulations, especially for facilities that use both reusable and disposable wipes.

The Agency does not believe that this condition places an undue burden on facilities, as labels are relatively inexpensive and can be affixed to containers with relative ease. Additionally, generators of disposable wipes, which have generally been heretofore regulated as hazardous wastes, have already had to comply with labeling requirements under the hazardous waste regulations.

G. ''No Free Liquids'' and ''Dry'' Conditions

In the November 2003 proposal, EPA proposed that reusable wipes going to an industrial laundry or dry cleaner and disposable wipes going to a combustor must have no free liquids when sent off-site. We proposed defining ''no free liquids'' as allowing no liquid solvent to drip from the wipe when sent off-site and no free liquids in the bottom of the container in which the wipes are transported for cleaning or disposal. EPA explained that generators could meet the ''no free liquids'' condition by ensuring that a solvent-contaminated wipe held for a short period of time, such as when being moved from one container to another, does not drip. Facilities could use mechanical

[32] The regulations at 40 CFR 262.34 also allow small quantity generators to accumulate hazardous wastes for up to 270 days if the generator must transfer the waste to a facility located more than 200 miles from the generator. However, because solvent-contaminated wipes managed under today's rule can go to municipal solid waste landfills, we anticipate that transportation distances will be shortened given the greater number of available options under today's rule.

wringers, solvent extraction technologies or process knowledge to meet the standard. Screen-bottom drums could also be used to ensure no liquid solvent was in the bottom of the container used to transport the solvent-contaminated wipes for cleaning or disposal.

For wipes going to a landfill, EPA proposed that the solvent-contaminated wipes meet a ''dry'' condition. ''Dry'' was defined as a wipe containing less than five grams of solvent. To meet the ''dry'' condition, generators could use a centrifuge or other solvent extraction technologies, use less than five grams of solvent per wipe, or use normal business records that indicate solvent usage rates, such as the total amount of solvent used each month divided by the number of wipes used each month. Generators could also conduct sampling to ensure the solvent-contaminated wipes met the condition.

EPA also requested comment on a ''no free liquids when wrung'' condition that would require that each wipe not drip solvent when hand wrung.

Comments: No Free Liquids

Many commenters supported the ''no free liquids'' condition for solvent-contaminated wipes going to laundries/dry cleaners and combustors. Some commenters noted that this is already standard practice for solvent-contaminated wipes going to laundries and dry cleaners and is used by many states in their regulations for reusable wipes. Commenters believed that ensuring that the solvent-contaminated wipes do not contain free liquids would prevent releases of solvents in transportation to handling facilities.

Most commenters urged EPA not to place a specific limit on the maximum amount of solvent or the concentration of solvent on a wipe and not to place a numerical limit on the number of shop towels laundries or dry cleaners can accept on an annual basis. They asserted that a limit on the number of solvent-contaminated wipes that can be sent for cleaning would adversely impact the manufacturing process and would be confusing and essentially impossible to implement. They also argued that limits on the amount or concentration of solvent are unnecessary, particularly because CWA/NPDES permits impose enforceable limits on point source discharges to waterways from laundries and dry cleaners through industrial user and pretreatment requirements.

Some commenters suggested that EPA clarify the ''no free liquids'' condition and recommended that EPA specify permissible technologies that are presumed to meet the ''no free liquids'' condition. Other commenters disagreed that EPA should compile a list of acceptable technologies. Moreover, some commenters urged EPA to finalize a standard that is simple enough for hundreds of thousands of businesses to apply daily and clear enough to avoid confusion during inspections and enforcement.

Many commenters did not support EPA's alternative condition of ''no free liquids when wrung'' because requiring each solvent-contaminated wipe to be wrung would unnecessarily expose employees to solvents. Additionally, ''when wrung'' is too subjective a standard and creates confusion (for example, ''when wrung'' is dependent on the size and strength of the individual doing the wringing). Still other commenters supported the ''when wrung'' alternative, arguing that the condition would result in more solvent removed from the wipe.

EPA Response: No Free Liquids

EPA agrees with commenters that supported the ''no free liquids'' condition, particularly because this is currently standard industry practice and is used by many states in their programs, and thus, is already familiar to the regulated community and state regulators. One concern, however, is how to define and make the ''no free liquids'' condition an objective, clear, and enforceable standard. Some commenters suggested defining a list of solvent extraction technologies to meet this standard; however, it is not appropriate to require the use of specific technologies, particularly if such specific technologies are not necessary under certain circumstances to meet the condition and may impose unnecessary cost on businesses. Furthermore, technologies evolve over time and rulemaking would be required to incorporate new technologies into the rule. To reduce confusion, we have deleted the definition of ''solvent extraction'' from the final rule and have eliminated any reference to this term in the definition of no free liquids.

Presently, many state agencies have established several methods for verifying compliance with state-imposed ''no free liquids'' conditions. The majority of states require the use of the Paint Filter Liquids Test (SW–846, Method 9095), while other states require the Liquids Release Test (SW–846, Method 9096) or the Toxicity Characteristic Leaching Procedure (TCLP) (SW–846, Method 1311), among other state defined standards. Defining ''no free liquids'' in terms of an objective test enables better implementation and compliance monitoring. By defining ''no free liquids'' in terms of a standard test, we are also addressing the spirit of many commenters that argued that EPA should specify technologies that would meet this condition (*i.e.,* EPA should finalize a more objective definition of ''no free liquids''). While all of the above tests are objective, for today's rule, EPA is using the Paint Filter Liquids Test for determining whether solvent-contaminated wipes contain free liquids. The Paint Filter Liquids Test is already used for determining compliance with the ''no free liquids'' condition by many states and is also the test used to implement the restrictions on disposal of free liquids in the MSWLF regulations (40 CFR 258.28). The Paint Filter Liquids Test is simple, straightforward, and generally less costly than the other test methods considered.

EPA notes that generators do not have to conduct the Paint Filter Liquids Test for every solvent-contaminated wipe. Rather, generators must ensure that if the Paint Filter Liquids Test was performed, the wipe would pass.

Where authorized states have defined ''no free liquids'' using a different standard, generators in those states must meet the state standard for purposes of meeting the ''no free liquids'' condition. This ensures that today's rule complements existing state policies and, thus, does not place an unnecessary burden on states and the regulated community to change existing practices. Of course, the authorized state standard must be no less stringent than today's definition of ''no free liquids.'' See section VI.D.3 for more information.

EPA agrees with the majority of commenters that argued a specific limit on the maximum amount of solvent, or the concentration of solvent on a wipe, or a numerical limit on the number of shop towels laundries or dry cleaners can accept on an annual basis is not necessary and would be burdensome to implement. We agree that the regulations under the CWA already impose enforceable limits on point source discharges to waterways through industrial user and pretreatment requirements. Today's rule enforces this by requiring that solvent-contaminated wipes only be sent to laundries and dry cleaners whose discharge, if any, are regulated under applicable sections of the CWA.

Moreover, EPA agrees that the ''no free liquids when wrung'' condition could increase, or at least be perceived to increase, workers' exposure to solvents. Today's definition of when solvent-contaminated wipes contain no free liquids is sufficient to reduce the

probability of free liquids being transported under today's rule.

Comments: ''Dry'' Condition

The majority of comments on this issue disagreed with EPA's proposed ''dry'' condition for disposable wipes going to landfills. Specifically, commenters argued that the five gram limit per wipe was arbitrary, inconvenient, unworkable, time-consuming, and potentially cost-prohibitive to businesses, many of which are small businesses. Additionally, some commenters pointed out that wipes vary in terms of size, composition, absorbency, and thickness and that, in some cases, a wipe may meet the ''dry'' condition (less than five grams of solvent) but still have liquid solvent that could drip from the wipe and thus, be released to the environment. In response to EPA's proposed methods of meeting the ''dry'' condition, commenters stated that solvent extraction technology was not easily attainable or affordable. Commenters also argued that EPA's proposal to use normal business records to comply with the condition would be difficult to implement and may in fact be an incentive for facilities to use more disposable wipes than necessary, such as dividing the amount of solvent by an even larger amount of wipes used each month. Therefore, many commenters urged EPA to abandon the ''dry'' condition and require solvent-contaminated wipes going to landfills to meet the ''no free liquids'' or ''no free liquids when wrung'' condition instead. Many commenters also argued that the same standard should be applied to both reusable and disposable wipes in order to ease implementation, especially for facilities that use both types of wipes.

Of the few commenters that did support the ''dry'' condition, some argued that this approach is the only practical way to assure disposable wipes do not contain excessive levels of solvents when sent to municipal or non-hazardous waste landfills. Other commenters supported the ''dry'' condition as long as EPA specified in the regulations which extraction technologies can be presumed to meet the five gram standard, which would assist implementation and compliance monitoring.

Still another commenter argued that the five gram limit per wipe was not stringent enough because the solvent would exceed the Land Disposal Restriction standards for disposal.

EPA Response: ''Dry'' Condition

Based on the comments, the Agency has decided not to finalize the ''dry'' condition for disposable wipes going to landfills, as it would be burdensome to implement and enforce. In addition, as noted by commenters, setting a firm quantitative limit on the amount of solvent in each wipe does not take into account the diverse sizes and types of wipes in the marketplace. For example, it's possible that some wipes could contain less than five grams of solvent and still have free liquids. Some commenters believed we could improve the ''dry'' condition by specifying a list of technologies that could be used to achieve the standard; however, we understand that these technologies are expensive and may not always be necessary depending on the type of wipe and the amount of solvent used. Furthermore, technology changes over time and thus, specifying a list in the regulations may unnecessarily preclude newer technologies.

In choosing what standard to use in place of the ''dry'' condition, we relied on the results of our risk analysis, which evaluated various industries, the amount of solvent that was typically placed on wipes, and how much solvent would eventually be placed into landfills. After estimating the amount of solvent that could be on a wipe before disposal and the number of generators potentially disposing of solvent-contaminated wipes into a MSWLF, the 2012 final risk analysis demonstrated that 19 of the 20 solvents evaluated did not exceed target risk criteria when placed into a composite-lined landfill. Therefore, the ''no free liquids'' condition is appropriate to use to ensure that solvent-contaminated wipes going to landfills do not exceed the risk thresholds. Furthermore, the ''no free liquids'' condition is consistent with what is currently required in the 40 CFR part 258 MSWLF standards. By using the same standard for disposable and reusable wipes, we are able to address those comments that urged EPA to finalize the same condition for both types of wipes in order to ease implementation and understanding of the regulations, especially for facilities that use both reusable and disposable wipes.

EPA does not agree with the commenter that argued that the five gram limit per wipe was not stringent enough because the solvent would exceed the Land Disposal Restriction standards for disposal. The Agency has conducted a robust risk analysis that demonstrates the solvent-contaminated wipes included under the exclusion for disposable wipes do not exceed risk thresholds when disposed in a composite-lined landfill.

H. Recordkeeping

In the November 2003 proposal, EPA did not propose any recordkeeping requirements for the conditional exclusion for reusable wipes or for the conditional exclusion for disposable wipes. However, we did request comment on a number of recordkeeping options, such as requiring handling facilities that receive shipments of solvent-contaminated wipes with free liquids to submit a notification to the state or EPA region. Additionally, we requested comment on whether we should require generators to keep basic information, such as the volume of solvent-contaminated wipes generated, where the wipes were sent, and how many shipments were sent off-site. We also requested comment on whether generators and handlers should certify that shipments sent and received met either the ''no free liquids'' or ''dry'' condition, as appropriate, and whether generators should certify that their employees are adequately trained to manage the solvent-contaminated wipes. Lastly, we requested comment on whether the accumulation time limits in 40 CFR 262.34 should be required. If so, then the generator would have to include a label stating the date accumulation started.

Comments: Recordkeeping

Many commenters urged EPA not to finalize any recordkeeping or reporting requirements. These commenters argued that these requirements would be duplicative of other regulations, for example, OSHA training requirements and 40 CFR 261.2(f). These commenters stated that additional recordkeeping, such as one-time notifications, certifications, or shipping records would place unnecessary burdens on generators and handling facilities, while providing little, if any, additional environmental benefit. Additionally, commenters stated that the goal of this regulation is to simplify requirements and exclude properly managed solvent-contaminated wipes from hazardous waste regulations; requiring additional recordkeeping thus runs counter to that goal.

Other commenters argued for recordkeeping requirements, including records of volumes of solvent-contaminated wipes generated, employee training certifications, records of shipments, a management plan for meeting the ''no free liquids'' condition, manifests, biennial reports, notifications, and certifications of meeting the ''no free liquids'' condition, as well as a log or notifications to the generator, state, or EPA when shipments

of solvent-contaminated wipes are received that contain free liquids. These commenters stated that recordkeeping requirements are essential to hold generators and handling facilities accountable under today's rule. The commenters argued that recordkeeping requirements would not be overly burdensome to generators and could easily be maintained as part of existing standard business records. Additionally, such recordkeeping would assist implementing agencies with ensuring that solvent-contaminated wipes are properly managed.

EPA Response: Recordkeeping

EPA agrees with commenters that support incorporating recordkeeping requirements into the final rule. In evaluating whether to require recordkeeping for the conditional exclusions for reusable wipes and disposable wipes, we balanced the need to enable proper implementation and compliance monitoring of the rule's conditions with the desire to avoid needless paperwork requirements that may be burdensome to generators and handling facilities, a concern raised by the commenters who argued against recordkeeping requirements. We also considered which recordkeeping requirements would be appropriate for these conditionally excluded materials.

After reviewing the comments, we chose to require generators to maintain records at their site that document (1) the name and address of the handling facility (*i.e.,* laundry, dry cleaner, landfill, or combustor); (2) that the 180-day accumulation time limit is being met; and (3) the description of the process the generator is using to ensure the solvent-contaminated wipes meet the ''no free liquids'' condition at the point of being sent for cleaning or disposal.

The purpose of requiring the name and address of the handling facility is to ensure that the solvent-contaminated wipes are being managed in compliance with the conditional exclusion (*e.g.,* for reusable wipes, that they are sent for cleaning and, for disposable wipes, that they are sent to an appropriate landfill or combustor). This information can be easily maintained by the generator using routine business records, such as contracts and invoices and, thus, should not pose significant burden on a facility.

Documenting the accumulation time limit is important to enable regulatory authorities to monitor compliance with the condition and to ensure that solvent-contaminated wipes are not stored indefinitely in lieu of sending the solvent-contaminated wipes to be cleaned or disposed. This condition is particularly important because the solvent-contaminated wipes can be accumulated with free liquids under the exclusion. Thus, there may be an incentive for a generator to store such wipes indefinitely in order to avoid the hazardous waste disposal costs associated with the free liquid spent solvent.

Requiring the description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids is critical for assisting implementation and compliance monitoring of this key condition of today's rule. Today's rule only extends to the solvent-contaminated wipe and the conditional exclusions do not include any free liquid spent solvent, which would continue to be subject to the hazardous waste regulations, as appropriate. It is therefore imperative that the condition of ''no free liquids'' be met. In order to ensure that this condition is properly implemented, it is appropriate to require documentation of the process, methodology, and/or knowledge that is being used to ensure the solvent-contaminated wipes managed under today's rule meet the ''no free liquids'' condition.

We disagree with commenters who wanted additional recordkeeping requirements, such as biennial reports or records on amounts of solvent-contaminated wipes generated. We do not find these records are necessary to ensure that solvent-contaminated wipes meet the conditions of today's rule. Records of shipments are also unnecessary as long as the generator documents the name and address of the laundry, dry cleaner, combustor, or landfill where the solvent-contaminated wipes are being sent. This documentation then would only have to be updated in the event the name or address of the destination facility changed. This serves to keep paperwork burden to a minimum.

Furthermore, we are convinced that requiring a log or notification to the generator, state or EPA region by a handler (*e.g.,* laundry) that receives solvent-contaminated wipes containing free liquids is not necessary. First, under today's rule, free liquid spent solvent must be managed according to the hazardous waste regulations, as appropriate. Thus, any liquid spent solvent that is discovered upon receipt, for example, by a laundry, must be managed as hazardous waste, if applicable. (Under today's rule, handlers are not allowed to send back shipments of free liquid waste to the generator as was proposed in November 2003. See section VIII.I below for more information.) This creates a strong incentive for generators to ensure that the solvent-contaminated wipes meet the ''no free liquids'' condition prior to sending the wipes to a handler because the generator is likely to incur a fee imposed by the handling facility for the hazardous waste disposal of the free liquid spent solvent wastes.

Additionally, in today's rule we have more clearly defined ''no free liquids'' using a performance standard based on the Paint Filter Liquids Test. This test provides a more objective definition than the November 2003 proposed definition, which specified only that no liquid solvent could drip from the wipe. Today's standard strengthens the ''no free liquids'' condition sufficiently so that solvent-contaminated wipes meeting the standard are not likely to produce free liquids in transit (as a result of compression, gravity, or percolation).

Secondly, if a handling facility did receive a shipment of solvent-contaminated wipes that contained free liquid spent solvent, the spent solvent would become subject to the reporting and recordkeeping requirements of the hazardous waste regulations as appropriate to the amount of hazardous waste generated in that month by the handling facility. EPA finds that any additional reporting requirements would be duplicative of what is already required under the hazardous waste regulations.

I. Handling Facilities

Laundries and Dry Cleaners

EPA proposed to conditionally exclude from the definition of solid waste solvent-contaminated reusable wipes that are sent to an industrial laundry or dry cleaner. Specifically, EPA proposed to require that these handling facilities manage the solvent-contaminated wipes in non-leaking, covered containers or in containers that are designed, constructed, and managed to minimize loss to the environment before the wipes enter the handling process. If free liquids accumulate in containers that arrive at a laundry or dry cleaner, EPA proposed that the handling facility either remove the free liquids and manage them as hazardous waste or return the closed container to the generator. Additionally, laundries and dry cleaners could dispose of the treatment residuals in solid waste landfills if they did not exhibit a hazardous waste characteristic.

Comments: Laundries and Dry Cleaners

Some commenters were concerned that contaminated solvents removed

from the solvent-contaminated wipes in laundering and discharged into waterways would adversely affect human health and the environment. Commenters believed that laundries and dry cleaners should be required to demonstrate that they are appropriately managing the solvent removed from the solvent-contaminated wipes during cleaning. At least one commenter stated that generators should only be allowed to send solvent-contaminated wipes to facilities that have been issued a valid NPDES or State Pollutant Discharge Elimination System permit, pursuant to section 402 of the CWA, or that have a pretreatment permit with a POTW, pursuant to section 307 of the CWA.

A few commenters believed that the conditions for management of solvent-contaminated wipes at laundries and other such handling facilities needed to be strengthened and that EPA should require more specific provisions for container management, storage time limitations, and notification requirements.

Some commenters argued against additional requirements on laundries and dry cleaners and other such handling facilities because the proposed conditions, in conjunction with existing regulatory programs, such as the effluent limitation guidelines for wastewater discharges from industrial laundries and applicable OSHA workplace exposure standards, already provide appropriate safeguards to protect the environment and human health. These commenters pointed out that solvent-contaminated wipes arriving at a laundry or dry cleaner already meet the standard of ''no free liquids.'' Commenters added that the solvents contaminating the wipes and removed during the laundering process are captured by laundry wastewater treatment systems designed to ensure compliance with applicable wastewater pretreatment permits. Comments stated that solvents not captured by an industrial laundry's wastewater treatment system are safely conveyed to a POTW where secondary biological treatment effectively destroys these organic compounds. Additionally, in response to EPA's request for comment on placing specific limits on the maximum amount of solvent on a wipe or a numerical limit on the number of shop towels laundries or dry cleaners can accept on an annual basis, most commenters asserted that limits on the amount or concentration of solvent are unnecessary because CWA/NPDES permits impose enforceable limits on point source discharges to waterways (from laundries and dry cleaners) through industrial user and pretreatment requirements.

EPA Response: Laundries and Dry Cleaners

We agree with those commenters that argued against additional requirements, beyond the management conditions included in today's rule, because, as the commenters argued, laundry and dry cleaner discharges are regulated under the CWA, which ensures that the solvents removed from solvent-contaminated wipes during the cleaning process are properly managed to avoid adverse affects on human health and the environment. EPA also agrees with commenters that placing specific limits on the maximum amount of solvent, or the concentration of solvent on a wipe, or a numerical limit on the number of shop towels laundries or dry cleaners can accept on an annual basis is unnecessary because the CWA already imposes enforceable limits on point source discharges to waterways through industrial user and pretreatment requirements. (See section VI.D.5 for more information.) Thus, to reduce confusion, we are clarifying in the regulatory language that we are allowing reusable wipes (that meet the conditions of today's rule) to be sent to laundries and dry cleaners whose discharges, if any, are regulated under the applicable provisions of the CWA.

Because we agree with commenters seeking strengthened management conditions, we are requiring in today's rule that handling facilities must accumulate, store, and manage reusable wipes in non-leaking, closed containers that are labeled ''Excluded Solvent-Contaminated Wipes'' when the wipes are not being processed or cleaned. Additionally, the container must also be able to contain free liquids should free liquids occur, for example, from percolation and compression of the wipes. (See section VI.D.1 for further discussion on this requirement.) However, we disagree that conditions, such as accumulation time limits for the laundry or further recordkeeping, are necessary. The business of a laundry or dry cleaner is to clean wipes in order to provide them to their customers in exchange for revenue. We do not see an incentive for a laundry or dry cleaner to overaccumulate solvent-contaminated wipes and thus, do not see a need to regulate to this end. As for recordkeeping, please see section VIII.H below for our response to comments regarding this issue. We also agree with commenters that compliance with applicable OSHA workplace exposure standards, in conjunction with today's requirement that solvent-contaminated wipes be managed in closed, non-leaking containers, provide appropriate safeguards to protect workers.

Landfills

In the Agency's November 2003 proposal, EPA proposed to allow solvent-contaminated wipes to be disposed in either a MSWLF or another non-hazardous waste landfill that meets the standards under 40 CFR part 257 subpart B.[33] In addition, EPA also proposed to make 11 solvents ineligible for the exclusion because these solvents are included in the TC or because they failed EPA's risk screening analysis for the November 2003 proposed rule. In EPA's October 2009 NODA, which requested comment on EPA's 2009 revised risk analysis for the solvent-contaminated wipes rulemaking, EPA requested comment on two additional approaches for managing disposable wipes. The first approach would allow the disposal of solvent-contaminated wipes that did not exceed target risk criteria for an unlined landfill, based on the Agency's risk analysis, to be disposed in landfills without a liner; solvent-contaminated wipes that did exceed target risk criteria for an unlined landfill could only be disposed in a lined landfill. The second approach would direct all excluded solvent-contaminated wipes, including those that could safely be disposed in an unlined landfill, be sent to a Subtitle D MSWLF subject to the requirements in 40 CFR 258.40(a)(2) and (b) (74 FR 55167–8).

Comments: Landfills

Some commenters supported EPA's first approach to allow solvent-contaminated wipes to be disposed in both types of landfills (lined and unlined) depending on the type of solvent used on the wipe and whether that solvent posed a risk, based on the Agency's 2009 revised risk analysis.

Other commenters supported the second approach to allow solvent-contaminated wipes to be disposed only in MSWLFs. These commenters argued that this approach would be easier to implement because it avoids the need for generators to separate wipes by solvent, particularly for wipes used in different parts of a facility, and then determine whether the solvent-

[33] The 40 CFR part 258 MSWLF regulations include design standards, groundwater monitoring, and other specific management standards. The 40 CFR part 257 Subpart B Non-Municipal Non-Hazardous Waste Disposal Unit regulations establish minimum federal criteria, such as location restrictions and groundwater monitoring, but do not require liners or other design and management standards (although states may require additional standards).

contaminated wipes could be sent to an unlined or lined landfill.

EPA Response: Landfills

EPA agrees with those commenters that supported a requirement that all solvent-contaminated wipes be sent only to MSWLFs operating under the 40 CFR part 258 standards.[34] This represents the most straightforward approach and imposes the least burden to implement and enforce. Under this approach, generators will not need to keep track of which excluded wipes are contaminated with which solvents and whether those solvent-contaminated wipes are being sent to a lined or an unlined landfill.

Although this approach may technically narrow the number of options for a generator from those in our proposal (because a generator will not be able to use a 40 CFR part 257 non-hazardous waste landfill), this will not constitute an undue restriction for the following reasons: (1) Generators are likely already using one or more of the 1,908 MSWLFs that operate under the 40 CFR part 258 standards for disposal of their other solid waste trash; [35] (2) a 40 CFR part 257 non-hazardous waste landfill may not accept solvent-contaminated wipes as these landfills are often set up for specific purposes, such as for large quantities of construction and demolition waste; and, (3) we do not have any indication that there is a significant cost advantage for using a 40 CFR part 257 non-hazardous waste landfill as compared to a 40 CFR part 258 MSWLF.

Any potential benefit gained from allowing the use of a non-hazardous waste landfill is likely to be insignificant, especially in light of the increased complexity for implementation and compliance monitoring that would be required to ensure that certain solvent-contaminated wipes were being sent to the appropriate landfill.

Combustors

EPA proposed that municipal and other non-hazardous waste combustors be allowed to burn solvent-contaminated wipes that meet the proposed conditions for the exclusion from the definition of hazardous waste. For solvent-contaminated wipes going to combustors, EPA proposed to require that these handling facilities manage the solvent-contaminated wipes in non-leaking, covered containers or in containers that are designed, constructed, and managed to minimize loss to the environment before the wipes enter the handling process. If free liquids accumulate in containers that arrive at a combustor, EPA proposed that the handling facility either remove the free liquids and manage them as hazardous waste or return the closed container to the generator. Additionally, combustors could dispose of the residuals in solid waste landfills if they did not exhibit a hazardous waste characteristic.

Comments: Combustors

Several commenters supported allowing combustion of solvent-contaminated wipes in a municipal waste combustor or other combustion facility. These commenters stated that EPA's 2003 risk screening analysis demonstrates that such combustion practices would be protective of human health and the environment when conducted in accordance with applicable permit conditions. Additionally, commenters stated that this management option would provide an environmentally beneficial recycling alternative to disposal and would allow facilities to use solvent-contaminated wipes as supplemental fuels in lieu of virgin fuels.

Some commenters raised the concern that some combustion units allowed in the November 2003 proposal would not address dioxin and furan formation and that combustors receiving large quantities of solvent-contaminated wipes containing halogenated solvents (listed F001 and F002 solvents) could become a significant source of dioxin emissions.

Additionally, at least one commenter argued that the proposed management conditions for combustors were not adequately protective of human health and the environment. This commenter argued that combustors routinely dump incoming waste into a large bin or concrete pit where it is then placed into the combustion unit via a clam shell, backhoe, or similar equipment. This commenter stated that the solvent-contaminated wipes could pose a risk to the environment, either through volatilization, release of free liquids, or potential fire. Commenters urged EPA to specify some minimum standards for management of solvent-contaminated wipes to be burned in combustors to address risk from fugitive emissions during the storage and processing of these wipes prior to and during combustion.

At least one commenter stated that EPA should allow the solvent-contaminated wipes to be used for energy recovery in cement kilns (which are generally regulated under hazardous waste regulations and thus, have been heretofore receiving disposable wipes).

EPA Response: Combustors

EPA agrees with commenters that support allowing combustion of solvent-contaminated wipes in municipal waste combustors and other combustion facilities. As explained in the November 2003 proposal, combustion facility owners/operators will be screening wipes contaminated with hazardous solvents that arrive at their facilities to ensure they do not violate local permit conditions. In addition, these combustors are easily capable of destroying the solvent, as described in section IV.F.11 of the Technical Background Document (68 FR 65602).

EPA does not agree with commenters that raised concerns that certain combustion units would not address dioxin and furan formation from combustors receiving large quantities of solvent-contaminated wipes containing halogenated solvents. As explained in the November 2003 proposal, EPA has promulgated revised air emission standard requirements under the New Source Performance Standards for municipal waste combustors and commercial and industrial solid waste incinerators (68 FR 65602). Thus, municipal waste combustors and other combustion facilities must comply with emission standards, including those that address dioxin and furan emissions. To reduce confusion, we have revised the regulatory language to be clear that we are allowing disposable wipes (that meet the conditions of today's rule) to be sent to municipal waste combustors and other combustion facilities that are regulated under the New Source Performance Standards in section 129 of the CAA.

EPA agrees with commenters' concern about the management of solvent-contaminated wipes prior to combustion. The provisions in today's rule will adequately address those commenters' concerns. Specifically, under today's rule, solvent-contaminated wipes must not contain free liquids when transported to a municipal waste combustor or other combustion facility. EPA has clarified this standard by defining ''no free liquids'' using the Paint Filter Liquids Test. The use of this test enables proper implementation of the ''no free liquids'' condition and, combined with today's requirement that generators document how they are meeting this condition,

[34] Solvent-contaminated wipes could also be sent to hazardous waste landfills operating under 40 CFR parts 264 and 265.

[35] *Municipal Solid Waste Generation, Recycling, and Disposal in the United States Tables and Figures for 2010,* November 2011 *http://www.epa.gov/wastes/nonhaz/municipal/pubs/msw_2010_data_tables.pdf.*

should minimize the possibility of free liquids occurring after the solvent-contaminated wipes leave the generator. If, however, free liquids do reach the combustor, they must be removed and managed under the applicable hazardous waste regulations.

Additionally, EPA is requiring that solvent-contaminated wipes be accumulated, stored, and transported in non-leaking, closed containers that are labeled as ''Excluded Solvent-Contaminated Wipes.'' This container standard will prevent release of the solvent to the air or through spills while being managed by the combustor.

EPA confirms that solvent-contaminated wipes may continue to be sent to RCRA hazardous waste combustors, boilers, and industrial furnaces (as well as hazardous waste landfills) regulated under 40 CFR parts 264, 265, or 266 subpart H, which includes cement kilns that are operating under these regulations. To further clarify this point, we have added these citations to the final regulatory language for this exclusion.

Comments: Free Liquids Received by Handling Facilities

Some commenters agreed with EPA's proposal to maintain the conditional exclusion for solvent-contaminated wipes that contain some free liquids when received by the handling facility. Commenters argued that free liquids may inadvertently make their way to the handling facility as a result of compression, gravity, or percolation effects on the wipes during transport or by improper management of the solvent-contaminated wipes by the generator prior to transport. These commenters agreed that the handling facility should be allowed to manage the liquids as hazardous waste or send the shipment back to the generator. At least one commenter stated that the handling facility should not be considered the generator of the solvents contained on the solvent-contaminated wipes and should not be responsible for removing the free liquids. Some commenters argued that EPA should allow handling facilities to recover the free liquid spent solvent through use of appropriate technology without classifying the liquid as hazardous waste.

Other commenters disagreed with EPA's proposed approach and argued that a handler who discovers free liquids should not be allowed to return the container with the solvent-contaminated wipes and free liquid to the generator. These commenters argued that containers with liquid hazardous waste should not be considered as having met the conditional exclusion and should only be transported by licensed hazardous waste transporters to permitted hazardous waste facilities. Additionally, commenters argued that allowing shipments to be returned to the generator may create problems in which the generator refuses to accept the returned solvent-contaminated wipes, or goes out of business after sending the wipes to the receiving facility.

In a similar vein, some commenters noted that generators have their own incentives to ensure there are no free liquids because generators could incur additional transportation (if the container is returned) or additional disposal costs (if the container and its contents are managed by the receiver as hazardous waste).

EPA Response: Free Liquids Received by Handling Facilities

EPA agrees with commenters that supported EPA's proposal to maintain the conditional exclusion for solvent-contaminated wipes that contain some free liquids when received by the handling facility. In the November 2003 proposal, EPA acknowledged that free liquids may be generated during transport to a handling facility, despite best efforts by the generator. Today's final rule further decreases the frequency of free liquids occurring during transport by defining the ''no free liquids'' condition for wipes using an objective test method and requiring generators to document their method for meeting this condition. Additionally, we agree with commenters who stated that generators have an economic incentive to ensure the solvent-contaminated wipes contain no free liquids.

However, if free liquids are observed in a container at the handling facility, EPA is requiring handlers to manage the free liquids according to all applicable hazardous waste regulations in 40 CFR parts 260 through 273. The wipes themselves may remain under the exclusion provided that the conditions of the exclusion were met (*e.g.,* the solvent-contaminated wipes and the container contained no free liquids at the point of transport by the generator). We do not agree with commenters that argue the handling facility should not be responsible for removing free liquids and that the containers with free liquids should be sent back to the generator. This approach would be inconsistent with the requirements for managing hazardous waste and increases the time the free liquids spend in transit, and the possibility of their release, since the generator would likely have to send them off-site again for their ultimate disposition. This approach supports those commenters who argued that containers with liquid hazardous waste should only be transported by licensed hazardous waste transporters to permitted hazardous waste facilities and should not be sent back to generators because these generators may refuse to accept the waste or may have gone out of business.

Laundries or dry cleaners may also recycle free liquid spent solvent within their allowed accumulation period (*e.g.,* 90 or 180 days) without a RCRA permit under the provisions of 40 CFR 261.6(c), which exempts the recycling process itself from certain hazardous waste requirements.

If the generator complies with the conditions of today's rule, free liquids during transport should be a very rare occurrence. Today's rule provides a strong incentive for generators to meet the ''no free liquids'' condition because handling facilities will likely expect them to bear the additional costs to manage the free liquids as hazardous waste.

J. Other Major Comments

EPA also sought comment on a few additional issues, including (1) co-contaminants; (2) intra- and inter-company transfers; (3) exotic solvents; and (4) state authorization.

Co-Contaminants

In the November 2003 proposal, EPA stated that the rule ''is not intended to override EPA's mixture and derived from rule regarding contaminants on industrial wipes other than the solvents specified in this proposal'' (see 68 FR 65602). Thus, if the solvent-contaminated wipes contain a listed waste other than the identified solvents, the wipes would remain listed hazardous waste and would not be eligible for the exclusion. EPA also proposed that solvent-contaminated wipes that exhibit a characteristic of hazardous waste other than ignitability due to co-contaminants (*i.e.,* any contaminant other than a solvent) would not be eligible for the conditional exclusions. However, EPA proposed that wipes co-contaminated with ignitable waste would remain eligible for the exclusions if they met the other conditions. EPA based this proposal on the fact that the solvent-contaminated wipes could be ignitable due to the nature of the solvents on them, and because the conditions would adequately address this risk.

Comments: Co-Contaminants

Some commenters encouraged EPA to allow the conditional exclusions to apply regardless of the presence of co-

contaminants, including the presence of other listed hazardous waste or characteristic waste. These comments claimed prohibiting solvent-contaminated wipes that contain co-contaminants will reduce or eliminate the eligibility of the majority of wipes from the exclusions.

Other commenters agreed with EPA's proposal not to allow solvent-contaminated wipes to be excluded if they were hazardous due to co-contaminants arising from other listed hazardous waste or exhibiting a hazardous waste characteristic. They argued that no assessment was made of the co-contaminants associated with the solvent-contaminated wipes, in particular metals, and EPA must ensure that other hazardous constituents do not result in adverse risk or environmental impact. These commenters also opposed allowing ignitable wipes to be eligible for the exclusions if the co-contaminant is an ignitable non-solvent constituent.

EPA Response: Co-Contaminants

EPA agrees with commenters that solvent-contaminated wipes that are hazardous due to the presence of co-contaminants that are other listed hazardous waste or that exhibit a hazardous waste characteristic (other than ignitability) should not be eligible for the conditional exclusions. Therefore, EPA is finalizing the provision regarding co-contaminants as proposed. That is, wipes contaminated with non-solvent listed waste (for example, as a result of a hazardous waste spill clean-up) or that exhibit a hazardous waste characteristic other than ignitability due to a non-solvent contaminant are not eligible for the conditional exclusions. EPA agrees with commenters that we did not evaluate the risks posed by solvent-contaminated wipes that are contaminated with other listed hazardous wastes and thus, it is not appropriate to exclude them in this rulemaking. Likewise, solvent-contaminated wipes that exhibit a characteristic due to constituents other than one of the excluded solvents (*e.g.,* co-contaminant metals) are not included in the conditional exclusions (with one exception for ignitable-only wastes) for similar reasons (*i.e.,* solvent-contaminated wipes contaminated with these other co-constituents were not evaluated).

We agree with commenters who sought to make solvent-contaminated wipes that are co-contaminated with ignitable-only wastes eligible for the conditional exclusion. Because solvents are often ignitable, as a practical matter it would be difficult to distinguish between those solvent-contaminated wipes that are ignitable due to the solvent from those that are ignitable due to a non-solvent co-contaminant. And such a distinction is unnecessary because the conditions of the exclusion (*e.g.,* no free liquids and closed, non-leaking containers) address the issue of ignitibility no matter what the source.

Intra- and Inter-Company Transfers

EPA proposed to allow intra-company transfers of solvent-contaminated wipes with free liquids, which would allow facilities to send their wipes to another facility within their same company that would remove sufficient solvent from the wipes so they could meet the ''dry'' condition or the ''no free liquids'' condition, as appropriate. The receiving facility would have to manage the extracted solvent according to the applicable hazardous waste regulations found under 40 CFR parts 260 through 273. We proposed this provision to encourage additional solvent recycling and energy recovery, as well as to assist facilities in meeting the ''no free liquids'' or ''dry'' condition.

The Agency also requested comment on allowing inter-company transfers of solvent-contaminated wipes with free liquids, which would allow generators to ship solvent-contaminated wipes with free liquids to any facility if the receiving facility uses a solvent extraction and/or recovery process to remove enough solvent from the wipes for them to meet the ''no free liquids'' condition.

Comments: Intra- and Inter-Company Transfers

Some commenters supported allowing intra-company transfers of solvent-contaminated wipes containing free liquids, if the receiving facility has a solvent-extraction and/or recovery process. These commenters argued that intra-company transfers would allow smaller facilities access to solvent extraction equipment or technologies at larger facilities, thus increasing solvent reuse while decreasing off-site disposal costs. At least one commenter, however, did not agree that allowing intra-company transfers would significantly increase solvent recycling because facilities are unlikely to invest in such extraction technologies.

Other commenters argued that intra- and inter-company transfers of solvent-contaminated wipes with free liquids should not be eligible for the exclusions. These commenters stated that excluding saturated solvent-contaminated wipes transported off-site for solvent reclamation runs counter to the premise that wipes contain no free liquids. They argued that it is not appropriate to allow free liquid spent solvent waste to be transported without RCRA controls, such as a manifest and other minimum protections. They further argued that allowing free liquid spent solvents to be transported freely to multiple sites creates an opportunity for further exposure and potential for environmental releases.

EPA Response: Intra- and Inter-Company Transfers

EPA has chosen not to finalize the provision allowing intra-company or inter-company transfers for solvent extraction. We agree with those commenters who argued that allowing off-site transport of saturated solvent-contaminated wipes runs counter to the premise of today's rule. Saturated solvent-contaminated wipes inherently present greater risk of environmental release than wipes containing no free liquids and the conditions of today's rule may not be adequate to address the risks posed by transport of solvent-contaminated wipes containing free liquids.

Although we acknowledge commenters' arguments that intra-company transfers may allow smaller facilities access to solvent extraction equipment and technologies and therefore increase solvent reuse, we note that, since this rule was proposed in November 2003, EPA has finalized 40 CFR 261.4(a)(23), which allows off-site transfers of hazardous secondary materials being reclaimed under the control of the generator, provided certain conditions are met. Therefore, generators of solvent-contaminated wipes that wish to transfer their wipes within the same company for the purposes of reclamation may use this exclusion, promulgated in October 2008 (73 FR 64668).

Exotic Solvents

In the November 2003 proposal, EPA stated that it had learned of new, ''exotic'' solvents on the market, such as terpenes and citric acids, that, while labeled as non-hazardous, could actually be flammable (68 FR 65600). Stakeholders had informed the Agency that, under certain conditions that have yet to be determined, the solvent-contaminated wipes that contain these exotic solvents may spontaneously combust. To prevent combustion, generators have wet down the wipes with water.

In the proposal, EPA requested information and comments on these exotic solvents and how they are presently managed. The Agency stated that some stakeholders have suggested that EPA should allow generating

facilities that are using one of these exotic solvents to wet down the wipes with water and thus, allow the off-site transport of these solvent-contaminated wipes with free liquids.

Comments: Exotic Solvents

A few commenters urged EPA to include special conditions for handling of such exotic solvents in the final rule, noting that wipes that contain certain vegetable-based oils could increase the possibility of spontaneous combustion during storage. These commenters recommended that EPA give special consideration to the use of water to mitigate potential spontaneous combustion due to these exotic solvents.

Another commenter argued that there is no need to address exotic solvents in the final regulation since the current hazardous waste regulations adequately cover such waste streams. The commenter added that while adding water to the wipes might reduce ignitability, it would also add waste volume and confuse the issue of free liquids.

Still another commenter disagreed with the term exotic solvents because the term suggests that such solvents are particularly dangerous, when, in fact, these solvents are almost always less potentially harmful to human health and the environment than the petroleum-based solvents they often replace. The commenter stated that these solvents typically exhibit a high flash point (>140 degrees F), are readily biodegradable, and have a low human and environmental toxicity than the more flammable petroleum-based solvents. This commenter stated that the most common concern with citrus-based solvents is their biodegradability, because, as the substance breaks down, heat is generated. This commenter also said that some citrus-based solvents biodegrade rapidly enough to generate significant quantities of heat and, if this heat is not allowed to dissipate, as with a closed container of solvent-contaminated wipes, the heat can raise the solvent to its flash point, thus causing spontaneous combustion.

This commenter argued that the safety considerations in preventing spontaneous fires have long been considered an acceptable practice. This commenter stated that often, wipes are wetted to the point where they would not pass a ''no free liquids'' test. This practice, the commenter stated, however, does not violate current state policies nor would it violate the Agency's proposed solvent-contaminated wipes rule because citrus-based solvents are not RCRA regulated hazardous waste. As long as citrus-based solvents are not commingled with other RCRA regulated solvents, the commenter argued that the wetting of wipes containing citrus-based solvents to the point at which the wipes contain free liquids is not of regulatory concern.

EPA Response: Exotic Solvents

EPA agrees with commenters that stated wipes contaminated with exotic solvents that do not exhibit a hazardous waste characteristic and which are not listed hazardous wastes are not subject to RCRA hazardous waste regulation and are thus, outside the scope of today's rulemaking. In some cases, however, although the solvent may not exhibit a hazardous characteristic based on its flash point, a wipe contaminated with that solvent may be hazardous because it can oxidize and spontaneously combust. EPA did not intend to imply in the November 2003 proposal that wipes contaminated with these solvents would not be ignitable under RCRA. EPA considers wastes that can spontaneously combust at any point in their management as potentially meeting the definition of ignitibility under 40 CFR 261.21(a)(2). Generators are responsible for making a hazardous waste determination as is required for any wastestream.

We recognize that generators and handlers may sometimes wet down wipes contaminated with exotic solvents to prevent spontaneous fires from occurring. Although wetting these wipes may be appropriate for managing the on-site risk of spontaneous combustion, we do not agree that these wipes should be allowed special consideration under today's exclusions. If wipes contaminated with solvents must be wetted to the point where they would not pass a ''no free liquids'' test at the point of transport for cleaning or disposal, then EPA believes they should not be eligible for today's exclusions. This approach is consistent with wipes containing F-listed solvents that would not pass the ''no free liquids'' test at the point of transport from the generator to the handling facility in order to minimize release of solvents to the environment. While EPA supports generators' choices to use less toxic solvents, we encourage generators to work with their suppliers to understand and become aware of any potential hazards that could arise from using solvents in conjunction with wipes, and to appropriately classify and manage them.

Comments: State Authorization

Some commenters argued that EPA should require the rule be implemented in all 50 states to ensure national consistency of the regulations regarding solvent-contaminated wipes. At least one commenter noted that, because this regulation is not specifically authorized under the Hazardous and Solid Waste Amendments of 1984 (HSWA), it will not be effective automatically in all states and thus, EPA should conduct comprehensive outreach with the states to adopt the proposed conditional exclusions when they are finalized.

Other commenters argued that EPA's final rule should allow states to adopt the federal rule with modifications and should allow states to adopt equally protective provisions, which will enable consistency with the states' current policies, many of which have been in effect since 1994. Additionally, these commenters urged EPA to be cognizant of the fact that many states have had over a decade of experience in establishing cost-effective, practical, and protective regulatory programs for solvent-contaminated wipes. The commenters argued that EPA should be cautious to avoid interfering with pre-existing and equally-protective state programs that already are in place for the management of solvent-contaminated wipes.

Another commenter argued that, with respect to the rule's reusable wipes provision, EPA has not made clear whether it considers the exclusion to be an ''exit'' mechanism from otherwise applicable hazardous waste regulatory requirements or, in light of EPA's pre-existing decision to allow states to determine their own regulatory status of reusable wipes, a first-time hazardous waste ''entry'' mechanism for listed solvent-containing laundered wipes. This commenter argued, if the former is the case, EPA should clarify that as a matter of federal law, the full set of RCRA-authorized state hazardous waste regulations should be immediately applicable to reusable wipes unless and until the provisions of the final rule for reusable wipes are implemented lawfully by authorized states. If the latter is the case, then consistent with EPA's prior determinations regarding the status of hazardous waste listings involving solvent ''mixtures'' under the HSWA amendments, the commenters argued those provisions of the final rule must be classified as a ''HSWA rule'' that is immediately effective in all respects in all states. In either case, in order to comply with its own RCRA state authorization regulations and guidance, the commenters stated that EPA needs to clarify that states whose current policies governing reusable wipes are less stringent in any respect than the new federal conditional exclusion must amend their RCRA-

authorized hazardous waste regulations as necessary to ensure that all the conditions of the final exclusion for reusable wipes are provided for in duly promulgated regulations of those states.

EPA Response: State Authorization

EPA does not agree that we should require the rule be implemented in all 50 states. Under RCRA section 3006, EPA may authorize qualified states to administer the RCRA Subtitle C hazardous waste program within the state. Following authorization, the authorized state program operates in lieu of the federal regulations. Authorized states are required to modify their programs only when EPA promulgates federal requirements that are more stringent or broader in scope than existing federal requirements. RCRA section 3009 allows states to impose standards more stringent than those in the federal program (see 40 CFR 271.1). Therefore, authorized states may, but are not required to, adopt federal regulations, both HSWA and non-HSWA, that are considered less stringent than previous federal regulations. See section X for more information on state authorization under RCRA. Because today's rule finalizes conditional exclusions from the definition of solid and hazardous waste, it is less stringent than previous federal regulations and thus, EPA cannot mandate that the rule become effective in all 50 states. However, we encourage states to adopt today's exclusions to reduce regulatory burden and maximize national consistency of regulations regarding solvent-contaminated wipes.

EPA agrees with commenters that states may adopt the federal rule with modifications provided their state programs are at least as stringent as the federal program per the provisions of 40 CFR 271.21(e). This allows some consistency with the states' current policies, which have been in effect for many years. For example, we specifically allow authorized states to specify a different standard or test method for determining that solvent-contaminated wipes contain no free liquids. Where an authorized state standard exists, generators must meet that standard in lieu of the Paint Filter Liquids test for purposes of meeting the ''no free liquids'' condition. Of course, the authorized state standard must be no less stringent than today's definition of ''no free liquids.''

EPA does not agree that today's rule establishes for the first time that solvent-contaminated wipes are solid and hazardous wastes. In fact, the 1994 Shapiro memo plainly describes that a ''wiper can only be defined as listed hazardous waste if the wiper either contains listed waste, or is otherwise mixed with hazardous waste. Whether or not a used wiper contains listed hazardous waste, is mixed with listed hazardous waste, only exhibits a characteristic of hazardous waste, or is not a waste at all, is dependent on site-specific factor(s); this is not a new policy.'' [36] Clearly, EPA has always considered solvent-contaminated wipes subject to solid and hazardous waste determinations. Therefore, today's rule conditionally excluding solvent-contaminated wipes is promulgated under the authority of sections 2002, 3001–3010 and 7004 of the Solid Waste Disposal Act of 1965 and is not a HSWA rule.

In response to the argument that reusable wipes must be managed as hazardous wastes unless and until the state adopts the conditional exclusion, we note that, as stated in the November 2003 proposal, the 1994 Shapiro memo established federal policy with regard to solvent-contaminated wipes that deferred the determination of their regulatory status in case-specific scenarios to the states and EPA Regions (68 FR 65617). This deferral has resulted in the development of various state programs for reusable wipes. Therefore, authorized states whose programs include less stringent requirements than today's final rule are required to modify their programs to maintain consistency with the federal program per the provisions of 40 CFR 271.21(e). In addition, any states that delineate their program for reusable wipes in guidance documents or interpretive letters will need to promulgate enforceable regulations, as required by 40 CFR 271.21(a). Because today's rule is a non-HSWA rule, the current state requirements remain in place until the state adopts requirements equivalent to these federal requirements.

IX. Major Comments on Risk Analysis

The Agency received comments on both the risk screening analysis from the November 2003 proposal and on the revised risk analysis presented in the October 2009 NODA. Many of the comments and criticisms of the original analysis from November 2003 were addressed by the revisions to the risk analysis undertaken and published for comment in the October 2009 NODA. In the following responses, we will first address the comments on the landfill loading calculations (*i.e.,* how much of the solvents and sludges might be disposed in landfills under an exclusion) in the 2003 risk screening analysis for the November 2003 proposal and in the 2009 revised risk analysis for the October 2009 NODA. We will then respond to the comments on how the Agency calculated the risk-based mass loading limits for the solvents and the sludges in the 2003 risk screening analysis for the November 2003 proposal and in the 2009 revised risk analysis for the October 2009 NODA.

Comments: November 2003 Solvent Loading Calculations

The Agency received many public comments in response to EPA's November 2003 proposed rule regarding the approach and assumptions used in estimating the quantity of solvent which might be disposed in a landfill, known as landfill loading. Most of these comments were related to how the Agency chose the various values used as inputs to the calculations. Some commenters criticized the use of ''high-end assumptions'' for key input data, while other commenters suggested we underestimated these input data. For disposable wipes, the input data questioned included the following: number of generators, quantity of solvent on a wipe, the percent of wipes in a sector containing the solvents, and number of generators using a single landfill for disposal. For reusable wipes, the key input data at issue included quantity and distribution of wipes washed at each laundry, concentrations of solvents in washwater, partitioning of solvents to the sludge, and number of laundries using a single landfill for sludge disposal.

EPA Response: November 2003 Solvent Loading Calculations

In response to these comments, we completely revised the landfill loading calculations and presented our new analysis in the October 2009 NODA (see the document entitled ''Landfill Loadings Calculations for Disposed Solvent-Contaminated Wipes and Laundry Sludge Managed in Municipal Landfills,'' October 2008; this is referred to below as the ''Landfill Loadings Report''). The Landfill Loadings Report, and the associated appendices, includes improvements in referencing and describing the assumptions used for the above input data, such as the amount of solvent on each wipe, the fraction of wipes containing the listed solvent, and the number of wipes used per facility. To account for the variability in these parameters (*e.g.,* facilities using

[36] See ''Industrial Wipers and Shop Towels under the Hazardous Waste Regulations,'' Michael Shapiro, February 14, 1994. This memo can be found in RCRA Online, Number 11813 and in the docket for today's rule.

different quantities of solvent), we used a probabilistic analysis, such that the calculation inputs account for the full range of data available. Therefore, we did not use ''high-end'' parameters in our analysis, except as part of a range which also includes less conservative values. The probabilistic approach used in the revised landfill loading analysis addresses the potential to overestimate or underestimate the input data used in the solvent loading calculations. The Landfill Loadings Report also includes an analysis of uncertainty and sensitivity, which were evaluated using a probabilistic analysis. Therefore, we believe that this analysis presented in the October 2009 NODA addresses the comments received on the landfill loading calculations presented in the November 2003 proposal.

Comments: 2009 Revised Risk Analysis Solvent Loading Calculations

As described earlier in the background section of this notice, we undertook an external peer review of the 2009 revised risk analysis and addressed those comments prior to presenting the new risk analysis in the October 2009 NODA. Commenters generally supported our conclusion that 10 of the 30 solvents have no use, or very limited use, as solvents on wipes. However, some commenters stated that EPA used limited data sets, resulting in over-conservative mass loading levels for the disposable wipes. One commenter indicated that extreme solvent loading values are inconsistent with the implicit assumption that the solvent-contaminated wipes meet the conditions of the exclusion (*e.g.,* no free liquids). The commenter stated that establishing an ''upper bound'' for the amount of solvent on each wipe would more accurately account for the ''no free liquids'' condition.

Another commenter provided comments specific to the analysis for solvent loadings for reusable wipes. This commenter provided updated information collected in surveys for various input parameters related to the sludge generated by facilities that laundered reusable wipes (*e.g.,* the quantity of wastewater generated and the quantity of towels being processed).

EPA Response: 2009 Revised Risk Analysis Solvent Loading Calculations

In response to comments on over-conservative mass loading levels for disposable wipes, we note that the report typically used distributions that resulted in the best fit of the available data. While setting an upper bound for the amount of solvent on a wipe is one approach to account for the ''no free liquids'' condition, selecting a precise value for this upper bound is difficult. The initial sensitivity analysis presented in the report (*i.e.,* section 2.4.2 of the Landfill Loadings Report) suggests that the amount of solvent on the solvent-contaminated wipes is not a particularly sensitive input parameter, so modifications in this parameter are not expected to affect the results significantly. To fully respond to the comment, we conducted further sensitivity analyses by truncating this parameter at a lower value (to be more consistent with observed data) and confirmed that this change would lower the landfill loading estimates by less than 10%. Therefore, we find that the slightly more conservative approach used in conducting the analysis is reasonable.

Regarding the information provided by one commenter for reusable wipes, we decided to modify our analysis to incorporate the more recent data, where appropriate. We made a case-by-case evaluation of the data provided by the commenter, and modified the calculations accordingly. Using the updated data on the pounds of towels processed per year and the resulting washwater used lowered the mass loadings calculated for sludges generated by the laundries by about 50%. These changes had little effect on the overall risks presented by the combined disposal of disposable wipes and laundry sludges, because the sludges represented a relatively small fraction of the combined risk for the solvents. However, the effect of these modifications was sufficient to reduce the combined risk results presented in the October 2009 NODA for tetrachloroethylene in a composite-lined landfill, such that this chemical would meet the target risk criteria (a cancer risk of 1.0×10^{-5}, based on the 90th percentile estimated landfill loading and the 90th percentile risk-based mass loading limit). As noted in the background section of this notice, the Agency has since issued a new human health assessment for tetrachloroethylene, which included updated health-based values. When we substituted the new health-based values for tetrachloroethylene in our final risk evaluation (see the Addendum in the docket for this rulemaking), the combined risks for this chemical in a composite-lined unit dropped even further, such that the risks were well below the target risk criteria, with or without the modifications to the sludge data based on the commenter's new data.

Responses to all comments on the landfill loading estimate used in the November 2003 proposal and the October 2009 NODA are provided in the docket.[37] The docket also contains the final landfill loadings report (''Landfill Loadings Calculations For Solvent-Contaminated Wipes,'' January 2012), which reflects the modifications made in response to the public comments and external peer reviewer comments on the risk analysis.

Comments: Other Aspects of 2003 Risk Screening Analysis for November 2003 Proposal

EPA received many comments on other aspects of the 2003 risk screening analysis used to support the November 2003 proposal. Most of these comments were addressed in the 2009 revised risk analysis in the October 2009 NODA. Several commenters expressed concern that the 2003 risk screening analysis was overly conservative. Concerns expressed included the following: use of a simple deterministic approach based on high end or average input values; landfill assumptions did not consider liners or chemical degradation mechanisms; use of the highest leachate concentrations; use of fixed distance to receptors, as well as others.

Other commenters expressed concerns that the 2003 risk screening analysis underestimated risk.[38] Other comments questioned our exposure assumptions, our use of generic Dilution and Attenuation Factors (DAFs) to estimate exposure point concentrations, and our lack of response to the peer reviewer comments. We also received comments that the 2003 risk screening analysis failed to consider other important indirect exposure pathways for humans and the environment (*e.g.,* runoff and erosion, particulate emissions, and possible food chain risks).

Commenters also stated that the 2003 risk screening analysis only considered a single solvent constituent from a single source going to a single landfill, and that EPA assumed that the landfill receives wipes from no other sources. Commenters noted that the target risk criteria used were inadequate to allow margins for other contaminants migrating from the landfill.

[37] See the docket for ''Response to Comments on the 2003 Proposal on the Landfill Loadings Calculations for Solvent-Contaminated Wipes,'' and ''Response to Comments on the 2009 NODA on the Landfill Loadings Calculations for Solvent-Contaminated Wipes,'' and ''EPA's Response to Peer Reviewer Comments on the Landfill Loadings Calculations for Solvent-Contaminated Wipes.''

[38] Many of these comments concerned our assumptions for the amount of solvent contained on the wipes; the new Landfill Loadings Report presented in the October 2009 NODA addressed these comments, as described previously.

EPA Response: Other Aspects of 2003 Risk Screening Analysis for November 2003 Proposal

In response to comments on the 2003 risk screening analysis for the November 2003 proposal, the Agency undertook a more robust risk analysis. This 2009 revised risk analysis, which was presented in the October 2009 NODA, was probabilistic in nature and used Monte Carlo methods to characterize the variability and uncertainty associated with the modeling. The 2009 revised risk analysis results included solvent-specific, risk-based mass loading limit (RB–MLL) estimates for both unlined and composite-lined landfill scenarios. In addition, the Agency developed and used a new landfill coupled reactor model (LFCR), which allowed the modeling to account for solvent biodegradation and partitioning between air, water, and solid phases while in the landfill. The LFCR model was run to develop distributions of estimates of landfill leachates, which were used as input to EPA's Composite Model for Leachate Migration with Transformation Products (CMTP) groundwater model. The time-averaged solvent concentrations were used as input to the downstream exposure model.

The probabilistic approach used in the 2009 revised risk analysis addresses the potential to either overestimate or underestimate the risks from disposal of solvent-contaminated wipes and sludges in landfills. For example, the 2009 revised risk analysis presented in the October 2009 NODA addresses the exposure assumption comments primarily through the use of data distributions for exposure factors, which were developed based on EPA's guidance (*e.g.,* the EPA Exposure Factors Handbook). Regarding the use of generic DAFs, the 2009 revised risk analysis did not use generic DAFs, but rather reflected solvent-specific modeling with a probabilistic analysis, which included national-level modeling using EPA's CMTP groundwater model. As noted in the background section of this notice, we submitted the 2009 revised risk analysis for extensive peer review and responded to the comments, as appropriate. Our full response to the peer reviewer comments on the 2009 revised risk analysis is in the docket for today's final rule.

In the 2009 revised risk analysis, we also reevaluated the potential for risk via indirect exposure pathways, as well as the potential for significant impacts on the environment. We developed the RB–MLLs for the exposure pathways that pose the greatest potential concern. We considered the physical and chemical properties of the chemicals of interest and focused our evaluation primarily on direct exposure pathways. The 20 solvents evaluated include a range of volatile and semi-volatile organic chemicals, most of which have relatively short environmental half-lives (as compared to persistent organic chemicals). The primary release mechanisms from landfills are diffusion and advection into the air and leaching to groundwater. The generally low values for partition coefficients for these solvents strongly suggest that indirect exposure pathways will either be incomplete or contribute negligibly to total exposure. The conclusion that these solvents are insignificant contributors to risk via indirect exposure pathways (for a landfill source) is consistent with other risk analyses of landfill waste management scenarios undertaken by the Agency.[39] Furthermore, landfills maintain controls for particulate air releases and for soil erosion and runoff; regulations for MSWLFs include run-on/runoff controls (40 CFR 258.26), daily cover (§ 258.21), and compliance with the CAA requirements (§ 258.24). Thus, the primary focus of the risk modeling was to assess direct exposure pathways to the air and groundwater. The commenters did not provide any information to suggest that these indirect exposure pathways would alter the RB–MLLs.

Regarding multiple facilities using the same landfill, the 2009 risk analysis presented in the October 2009 NODA evaluated multiple facilities disposing of solvent-contaminated wipes in one landfill. We used a Monte Carlo analysis to represent the variability of generator and landfill locations; the distribution used ranged from 2 to 67 generators per landfill. In addition, the overall loadings assumed were conservative estimates, as described in the Landfill Loadings Report.

EPA disagrees with suggestions by a commenter that EPA should use more restrictive target risk criteria to address other possible sources of the solvents of concern. The Agency believes that the risk criteria used (1E–5 cancer risk and HQ less than or equal to 1.0 for non-cancer risk) are appropriate for a listing decision, especially in light of the conservative approach used in the overall risk evaluation. Furthermore, we point out that the 2012 final risk analysis indicates that the risks for the solvent-contaminated wipes in composite-lined landfills were well below the target risk criteria for all of the solvents (except for trichloroethylene, which is not eligible for the exclusion for disposable wipes), *i.e.,* the solvent landfill loadings are more than a factor of ten below the risk-based mass loading limits.[40] Therefore, even if the Agency used lower target risk criteria, as suggested by the commenter, the disposal of solvent-contaminated wipes and sludge in composite-lined landfills would not present a significant risk for the solvent chemicals included in the exclusion.

Comments: Assumptions for Reusable Wipes

Commenters on the 2003 risk screening analysis for the November 2003 proposal stated that EPA did not consider exposures resulting from solvent-contaminated wipes and laundering processes, other than to evaluate the sludge and solvent-contaminated wipes disposed in a MSWLF. Other possible exposure pathways noted were worker exposure at the laundering facility; the release of constituents not treated at the POTW; and air emissions from laundries affecting nearby residences.

Some commenters also noted that EPA neglected to consider contamination of wipes from the materials that the solvent removes from the equipment. Information submitted by one commenter indicated that even after processing by a professional laundering service, cloth shop towels may contain levels of chemicals (metals) that are potentially harmful to workers using the wipes. However, another commenter dismissed this point, stating that claims about residual metals in clean, laundered shop towels are entirely without merit.

EPA Response: Assumptions for Reusable Wipes

The purpose of the 2003 risk screening analysis for the November 2003 proposed rule and the 2009 revised risk analysis presented in the October 2009 NODA was to characterize the potential risk from the disposal of solvent-contaminated wipes and laundry sludge in landfills. Therefore, occupational exposures, such as exposures resulting from the partitioning of solvents to air and wastewater during laundering and dry cleaning operations, were not

[39] For example, see EPA's evaluation of potential risks from landfill disposal for paint production wastes as described in the proposed rule; 66 FR 10060, February 13, 2001.

[40] See Table 5 in ''F001–F005 Solvent-Contaminated Wipes and Laundry Sludge: Comparison of Landfill Loading Calculations and Risk-Based Mass Loading Limits,'' revised, April 2012, in the docket for the final rule.

considered. Our analyses assumed that workers are appropriately protected by regulation and guidance provided by OSHA.[41]

Concerning exposure to residents living in close proximity to laundering/dry cleaning facilities, given the range of exposures captured by the modeling scenarios in the 2009 revised risk analysis presented in the October 2009 NODA, and the fact that ambient air exposures were not significant, any ambient air impacts from laundering/dry cleaning operations should be less significant than those considered under our landfill disposal scenario. The 2009 revised risk analysis assumed that ambient air exposure could occur as close as 25 meters from the landfill, a fairly conservative assumption. Despite this, none of the 90th percentile RB–MLLs were based on ambient air exposures. Indoor air exposures resulting from showering with contaminated groundwater and groundwater ingestion were found to be the key exposures considered, and these risks drove the analysis. With regard to partitioning of solvents to wastewater, any risks associated with these discharges would be addressed by the CWA, under NPDES permits or local POTW pretreatment standards, if necessary.

In response to the possibility of co-contaminants, we first note that solvent-contaminated wipes that exhibit a characteristic (except for ignitability) due to constituents other than one of the excluded F- and corresponding P- and U-listed solvents (*e.g.,* co-contaminant metals) are not eligible for the conditional exclusions. Similarly, wipes contaminated with other listed hazardous wastes would not be eligible for the conditional exclusions. Regarding other possible contaminants, we note that the F-, P-, and U-code solvent listings are based on the toxicity and/or ignitability hazards presented by the specific solvents included in the listing descriptions. The language in the listings illustrates EPA's concern with the solvent chemicals. Other potential constituents in the solvent wastes vary widely across industries, such that it would be exceedingly difficult, if not impossible, to categorize and evaluate risks associated with these wastes if we considered all other hazardous constituents and characteristics. Because of the wide variability in constituents that might be present in wastes from use of the solvents and the identified hazards posed by the solvents, we focused our evaluation on the solvent chemicals themselves. We find that this is the most practical approach to evaluating risks posed by solvent-contaminated wipes.

Regarding the potential for laundered towels to contain residual metals, we note that the study cited by the commenter was limited to metal contaminants, not listed solvents. As described in the above paragraph, EPA did not attempt to evaluate possible co-contaminants on the wipes. The exclusion is for wipes contaminated with F-listed solvents, not metal-contaminated wipes. The solvent-contaminated wipes are still subject to the TC for metals, which would help to address any potential metal residuals in the laundered wipes. In addition, any residual metals still on the towels after laundering would likely be tightly bound to the fibers, making any transfer from laundered towels to workers unlikely.

Comments: Other Aspects of the 2009 Revised Risk Analysis Presented in the October 2009 NODA

Commenters were generally supportive of the 2009 revised risk analysis presented in the October 2009 NODA. However, we received comments on some aspects of the analysis. Many of the comments submitted were related to the way EPA calculated the estimated landfill loading rates (ELLRs) for solvents disposed in landfills; we addressed these comments as described previously (see comments on the revised solvent loading calculations above). Comments on other aspects of the 2009 revised risk analysis are described below.

One commenter stated that EPA should use data for laundry sludge measured using a leaching test in its risk analysis (*i.e.,* the TCLP). The commenter also argued that EPA was overly-conservative in not considering the likelihood that the monitoring of groundwater wells near the landfill would limit exposure and in the assumptions EPA used for well locations near landfills. In addition, the commenter provided results of a survey that indicated a ''majority'' of laundry facilities send their sludges to lined landfills, arguing that this reflected the general trend over the past 20 years away from unlined landfills.

Another commenter generally concluded that EPA's 2009 revised risk analysis is ''scientifically defensible.'' The commenter suggested that the use of lined Subtitle D landfills for disposal of solvent-contaminated wipes and laundry sludge ''would be permissible, but not required, to adequately protect human health and the environment.'' However, the commenter indicated that a number of input assumptions used in EPA's 2009 revised risk analysis are unnecessarily conservative, resulting in significant over-estimation of the risks posed. In particular, the commenter stated that EPA used population distribution assumptions to calculate exposure concentrations for both the groundwater and air pathways that assumed higher population percentages located closer to a landfill than actually occurs. The commenter also states that, because exposure concentration is a function of distance from the source, using the EPA distributions result in an overestimation of calculated risk.

The commenter also stated that our modeling underestimated the effect of biodegradation, noting that this could lower the peak contaminant concentration to which individuals would be exposed. Finally, the commenter criticized the Agency's approach in comparing the ELLRs to the RB–MLLs for the various solvents, which used a comparison of two upper bound values (*i.e.,* the 90th percentile ELLR and 90th percentile RB–MLL). The commenter stated that this results in a level of protectiveness that exceeds EPA's stated goal of ensuring that 90 percent of the hypothetical individuals living near a landfill will not be exposed to solvent releases at levels of concern. As an alternative, the commenter suggested the use of ratios that combine the 90th percentile RB–MLLs and the 50th percentile ELLRs.

EPA Response: Other Aspects of the 2009 Revised Risk Analysis Presented in the October 2009 NODA

EPA disagrees with the comments regarding the use of TCLP data from laundry sludge and finds that using the new landfill model (LFCR) rather than TCLP leachate data for modeling solvent releases from disposed solvent-contaminated wipes and sludge presented several advantages. The landfill model we used captured a broad variety of conditions needed to back-calculate acceptable levels of solvent loadings for a national rule. Our approach allowed calculation of releases to all media, including air. Using this approach, we were able to consider the potential risk for a range of chemicals based on their properties and transport characteristics, regardless of whether empirical release data, such as TCLP, were available. Furthermore, the TCLP data submitted by the commenter were severely limited (*e.g.,* the submitted samples were taken in the 1990s, some samples were not analyzed for the organic constituents of interest, and

[41] For example, worker exposures to airborne contaminants are limited based on 29 CFR 1910.1000 Tables Z–1 and Z–2.

there was no supporting QA/QC data provided).

EPA disagrees that the groundwater modeling scenario we used was based on overly conservative assumptions. This reasonable groundwater exposure scenario, developed to be protective of highly exposed individuals, has been implemented to support various EPA risk analyses, which have withstood extensive external peer reviews. EPA also disagrees with the commenter's assumption that, in an unlined landfill scenario, comprehensive monitoring is being done to assess potential impacts to groundwater, and that such monitoring would prevent potential risk. While monitoring is required for many landfills, there are exceptions to this requirement (*e.g.,* for smaller landfills, as defined in § 258.1(f)(1)). In any case, protectiveness should not rely on groundwater monitoring to protect nearby residents from potential exposures. Rather, our risk analysis seeks to estimate risks to highly exposed individuals that rely on groundwater sources near landfills. If we rely on well monitoring, then groundwater releases might not be detected until aquifers have been contaminated. That approach would be inconsistent with the preventive intent of RCRA to prospectively avoid releases into the environment that may threaten human health and the environment. Therefore, relying on monitoring is not appropriate in our risk analysis.

With respect to the issue of landfill and well locations, we note that these locations can change over time. Therefore, EPA used probabilistic analyses to incorporate the variability and uncertainty in the data. Landfill locations for this risk analysis were based on the locations found in EPA's landfill database. We implicitly assumed that off-site landfills provide a reasonable representation of the distribution of MSWLFs across the United States. From this database, we obtained a sample population of locations and correlated parameters (*e.g.,* aquifer type, climate center, soil types, and aquifer temperature) necessary to run the source and fate and transport models. The commenter's claim that their survey shows that the ''majority'' of laundry facilities dispose of their sludge in a lined landfill is not sufficient to demonstrate that there are no potential risks from disposal in unlined units. Nonetheless, we modeled both an unlined and composite-lined landfill scenario to assess the full range of potential risks. The Agency found that disposal in composite-lined landfills was a necessary condition for the exclusion to adequately protect human health and the environment.

With respect to population distributions, we acknowledge that the 2009 revised risk analysis used conservative receptor locations. However, our analysis does not directly consider population risk; rather this national-level risk analysis was designed to be protective of highly exposed individuals. Regarding the groundwater pathway, we used a probabilistic approach for well placement that was based on residential well locations taken from surveys of MSWLFs. Similarly for the air risk evaluation, the specific distances to receptors were selected to ensure complete coverage in the air estimates, particularly near the source of the emissions where the greatest impact can be observed; this analysis was conducted using a conceptual site model that is plausible anywhere in the contiguous 48 states.

This approach for receptor location is reasonable for this national-level analysis. In a supplemental report, one commenter provided an alternative assessment that evaluated the well distances with respect to population density surrounding twelve landfills in four states. However, the commenter's density analysis and the referenced state regulations are only snapshots of a limited number of existing landfill scenarios and are not sufficiently representative of potential exposures to releases from other landfill scenarios throughout the nation. Landfills are subject to various state requirements (*e.g.,* different buffer zones), and twelve landfills in four states are clearly less representative than the data used by EPA for the nation as a whole.

EPA disagrees with the commenter who stated that our modeling underestimated the effect of biodegradation. The landfill model we used incorporated biodegradation of the solvents in the landfill using the available biodegradation data. We also modeled some degradation in groundwater (*i.e.,* hydrolysis). Some types of transformation processes in groundwater, such as biodegradation, are more site specific and can be highly variable. This would be much more difficult to simulate in groundwater using a generic model such as the EPA CMTP, especially without extensive biodegradation data on subsurface aquifer conditions nationwide, which the commenter did not provide. Thus, for this national-level analysis, we conservatively assumed that these processes do not occur, and biodegradation was not included in the subsurface environment beyond the landfill.

Regarding our comparison of the 90th percentile values of the ELLRs and RM–MLLs, our analysis was designed to be protective of 90 percent of hypothetically exposed individuals across all of the landfill sites in the United States. This is consistent with EPA guidance, which states that ''For the Agency's purposes, high end risk descriptors are plausible estimates of the individual risk for those persons at the upper end of the risk distribution,'' or conceptually, individuals with ''exposure above about the 90th percentile of the population distribution.'' [42] While the applied approach is conservative, comparing the 90th percentiles is appropriate for achieving this goal. The ELLRs at selected percentiles are analogous to the RB–MLLs in that they represent a best estimate of the actual value at each percentile. We disagree with the comparison suggested by the commenter (*i.e.,* comparing the central tendency ELLR to the 90th percentile RB–MLL) because it would not be protective of 90 percent of hypothetically exposed individuals. Comparing the respective 90th percentiles is appropriately and reasonably conservative, given the considerable uncertainty associated with the loading limits.

Responses to all comments on the calculation of the RB–MLLs used in the November 2003 proposal and the 2009 revised risk analysis presented in the October 2009 NODA are provided in the docket.[43]

X. How will these regulatory changes be administered and enforced?

A. Applicability of Rules in Authorized States

Under RCRA section 3006, EPA may authorize qualified states to administer the RCRA Subtitle C hazardous waste program within the state. Following authorization, the authorized state program operates in lieu of the federal regulations. EPA retains enforcement authority to enforce the authorized state Subtitle C program, although authorized states have primary enforcement authority. EPA also retains its authority under sections 3007, 3008, 3013, 3017, and 7003. The standards and

[42] See ''Guidance for Risk Characterization,'' accessible at *http://www.epa.gov/OSA/spc/2riskchr.htm.*

[43] See the docket for the documents ''Response to Comments on the Solvent Contaminated Wipes 2003 Screening Risk Analysis'' and ''Response to Comments on the Solvent Contaminated Wipes 2009 Risk Analysis: Risk-Based Mass Loading Limits.''

requirements for state authorization are found at 40 CFR part 271.

Prior to enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA), a state with final RCRA authorization administered its hazardous waste program entirely in lieu of EPA administering the federal program in that state. EPA did not issue permits for any facilities in that state, since the state was now authorized to issue RCRA permits. When new, more stringent federal requirements were promulgated, the state was obligated to enact equivalent authorities within specified time frames. However, the new requirements did not take effect in an authorized state until the state adopted the equivalent state requirements.

In contrast, under RCRA section 3006(g) (42 U.S.C. 6926(g)), which was added by HSWA, new requirements and prohibitions imposed under HSWA authority take effect in authorized states at the same time that they take effect in unauthorized states. While states must still adopt HSWA related provisions as state law to retain final authorization, EPA implements the HSWA provisions in authorized states, including the issuance of any permits pertaining to HSWA requirements, until the state is granted authorization to do so.

Authorized states are required to modify their programs only when EPA promulgates federal requirements that are more stringent or broader in scope than existing federal requirements.[44] RCRA section 3009 allows states to impose standards more stringent than those in the federal program (see 40 CFR 271.1). Therefore, authorized states may, but are not required to, adopt federal regulations, both HSWA and non-HSWA, that are considered less stringent than previous federal regulations.

B. Effect on State Authorization

Today's rule amends the definition of solid waste to conditionally exclude solvent-contaminated reusable wipes and the definition of hazardous waste to conditionally exclude solvent-contaminated disposable wipes. These definitions were promulgated under the authority of sections 2002, 3001–3010 and 7004 of the Solid Waste Disposal Act of 1965 (later amended by RCRA and by HSWA). Today's rule amends the application of the RCRA Subtitle C ''base'' program to certain wastes and is thus a non-HSWA rule.

Because, today's conditional exclusions are not HSWA regulations, today's regulatory provisions are not immediately effective in authorized states. They are only immediately applicable in those states and territories that do not have final authorization for the base (non-HSWA) portion of the RCRA program, including Indian country.

Today's rule includes requirements and conditions that are less stringent than those required under the base RCRA hazardous waste program. Thus, states, except as described below, are not required to adopt the conditional exclusions. However, the Agency encourages states to adopt this rule as soon as possible to reduce regulatory burden on businesses and maximize national consistency, while maintaining protection of human health and the environment. In addition, if a state were, through implementation of state waiver authorities or other state laws, to allow compliance with the provisions of today's rule in advance of adoption or authorization, EPA would not generally consider such implementation a concern for purposes of enforcement or state authorization.

Of course, states cannot implement requirements that are less stringent than the federal requirements in today's rule. As we stated in the November 2003 proposal, the 1994 Shapiro memo established federal policy with regard to solvent-contaminated wipes that deferred the determination of their regulatory status to the states and EPA regions (68 FR 65617). This deferral has resulted in the development of various state programs for reusable wipes. Today's conditional exclusion for reusable wipes is generally consistent with many of these state policies; however, some conditions required by today's final rule may be more stringent than some existing state programs. As a result, authorized states whose programs include less stringent requirements than today's final rule are required to modify their programs to maintain consistency with the federal program per the provisions of 40 CFR 271.21(e). In addition, any states that delineate their program for reusable wipes in guidance documents or interpretive letters will need to promulgate enforceable regulations, as required by 40 CFR 271.7. Because today's rule is a non-HSWA rule, the current state requirements remain in place until the state adopts the equivalent to these federal requirements.

C. Enforcement

Under today's final rule, reusable wipes are excluded from the definition of solid waste and disposable wipes are excluded from the definition of hazardous waste provided certain conditions are met. To retain the conditional exclusion, each party operating under the conditional exclusion is responsible for ensuring that all the conditions in the final rule are met. Failure to maintain all of the required conditions at all times will result in loss of the exclusion. Facilities taking advantage of the conditional exclusion that fail to meet one or more of the conditions may be subject to enforcement action, and the solvent-contaminated wipes will be considered to be hazardous waste from the point of their generation (*i.e.,* from the point when the generator finished using them). EPA could choose to bring an enforcement action under RCRA section 3008(a) for violations of the hazardous waste requirements. States could choose to enforce for violations of state hazardous waste requirements under state authorities.

As with any violation, EPA and authorized states have enforcement mechanisms available that range in severity. In addition, EPA and authorized states have flexibility in applying these mechanisms to the various responsible parties as appropriate to the specific circumstances. Some of the enforcement mechanisms include sending a notice of violation, ordering that the situation be remedied, or assessing fines or other penalties as appropriate.

Generators, transporters, laundries, dry cleaners, disposal, combustion, or other handling facilities claiming the conditional exclusions must be able to demonstrate to the appropriate regulatory agency that the applicable conditions are being met. In an enforcement action, the facility claiming the conditional exclusion bears the burden of proof pursuant to 40 CFR 261.2(f), to demonstrate conformance with the conditions specified in the regulation.

Additionally, the conditional exclusions in today's rule do not affect the obligation to promptly respond to and remediate any releases of solvents and wipes managed within the conditional exclusion. If a hazardous solvent is spilled or released, then the solvent would be discarded. Any management of the released material not in compliance with applicable federal and state hazardous waste requirements could result in an enforcement action. For example, a person who spilled or

[44] EPA notes that decisions regarding whether a state rule is more stringent or broader in scope than the federal program are made when the Agency authorizes state programs.

otherwise released a hazardous solvent, and failed to immediately clean it up, could potentially be subject to enforcement for illegal disposal of the hazardous waste. The hazardous waste could also potentially be addressed through enforcement orders, such as orders under RCRA sections 3013 and 7003.

XI. Administrative Requirements for This Rulemaking

A. Executive Order 12866—Regulatory Planning and Review and Executive Order 13563—Improving Regulation and Regulatory Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is a ''significant regulatory action'' because it raises novel legal or policy issues under section 3(f)(4) of Executive Order 12866. Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011) and any changes made in response to OMB recommendations have been documented in the docket for this action.

In addition, EPA prepared an analysis of the potential costs and benefits associated with this action. This analysis is contained in ''Regulatory Impact Analysis for Conditional Exclusions from Solid and Hazardous Waste for Solvent-Contaminated Wipes.'' A copy of the analysis is available in the docket for this action and the analysis is briefly summarized here.

Entities that may be affected by the final rule include facilities that use reusable and/or disposable wipes in conjunction with solvents that are hazardous wastes when discarded. EPA identified approximately 90,549 facilities in 13 economic sub-sectors (based on five- or six-digit North American Industry Classification System (NAICS) codes)[45] that generate solvent-contaminated wipes and, therefore, will be affected by the final rule. This estimate includes 576 large quantity generators (LQGs) and 89,973 small quantity generators (SQGs). Collectively, these LQGs and SQGs generate approximately 2.2 billion solvent-contaminated wipes each year. Note that conditionally exempt small quantity generators (CESQGs) are conditionally exempt from 40 CFR parts 262 through 270 provided they comply with the requirements at 40 CFR 261.5. Therefore, we have assumed that they are not affected by the final rule.

Handlers of solvent-contaminated wipes are also affected by today's rule. These include solid waste management facilities that manage solvent-contaminated disposable wipes once they have been discarded (*i.e.,* hazardous and non-hazardous landfills/combustors), and industrial laundries and dry cleaners that clean solvent-contaminated reusable wipes. EPA identified eight industries (based on five- or six-digit NAICS codes) with facilities that handle solvent-contaminated wipes and, therefore, will be affected by the final rule. In particular, EPA estimates that approximately 3,730 solid waste management facilities and 359 industrial laundries and dry cleaners will be affected by the final rule.

Excluding non-monetary benefits, EPA estimates that the final rule will result in a net *savings* of approximately $18.0 million per year (2011 dollars). The net savings of $18.0 million per year factored in the annualized *total one-time cost* of the final rule across all facilities of approximately $123,000 to $164,000 in the first-year after promulgation of the final rule, *total annual costs* of approximately $6.4 million and *total annual savings* of approximately $24.4 million across all affected entities. EPA evaluated these costs and savings over a 10-year period.

The primary benefit of the final rule is the annual savings associated with RCRA regulatory compliance. However, EPA also anticipates that the final rule will result in other expected benefits, including (1) pollution prevention and waste minimization benefits, (2) fire safety benefits, and (3) potential benefits to industrial laundries and dry cleaners by excluding solvent-contaminated reusable wipes from the definition of solid waste—that is, removing the ''waste'' label. The other expected benefits of the final rule are estimated at between $3.7 million and $9.9 million per year (2011 dollars).

Pollution prevention and waste minimization benefits of the final rule take the form of avoided future purchases of virgin solvents if captured spent solvent ''free liquids'' are recycled.[46] The final rule excludes disposable wipes from hazardous waste requirements, provided the solvent-contaminated wipes contain no free liquids. Therefore, the final rule provides a strong economic incentive for generators to remove free liquid spent solvent, which is then made available to be recycled. Furthermore, under the hazardous waste regulations, LQGs may have had only 90 days to accumulate solvent-contaminated wipes. However, under the final rule, generators may accumulate solvent-contaminated wipes, along with free liquids, for up to 180 days. Longer accumulation periods increase the potential for a generator to accumulate sufficient amounts of spent solvent to make recycling more economically feasible. The total annual pollution prevention and waste minimization benefits are estimated to be between $0.21 million and $0.96 million.

Fire safety benefits of the final rule are attributed to several specific rule conditions, including (1) wipes must be stored in non-leaking, closed containers, which ensures that the wipes are contained and are not exposed to the environment and potential ignition sources; (2) wipes must be labeled ''Excluded Solvent-Contaminated Wipes,'' which ensures that the generators, handlers, as well as other personnel, such as state and EPA enforcement, are aware of the contents of the containers and can handle them appropriately (*e.g.,* not store the wipes next to an open flame); and (3) wipes must not contain free liquids, which reduces the likelihood of fire ignition. The total annual fire safety benefits from reusable wipes are estimated to be between $0.23 million and $2.31 million.[47]

Excluding reusable wipes from the definition of solid waste—that is, removing the label of ''waste,'' may increase the economic value of a product. The total annual benefits from these impacts are estimated to be between $3.3 million and $6.6 million per year.

Adding the net savings to the other expected benefits, the net benefits of the final rule are estimated at between $21.7 million and $27.8 million per year (2011 dollars).

B. Paperwork Reduction Act (Information Collection Request)

The information collection requirements in this rule will be submitted for approval to OMB under the *Paperwork Reduction Act,* 44 U.S.C.

[45] NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

[46] EPA only estimates this benefit for disposable wipes, because reusable wipes are already required to contain no free liquids under most existing state programs.

[47] Solvent-contaminated disposable wipes are currently subject to the hazardous waste requirements, including the hazardous waste container standards in 40 CFR 265 Subpart I. Therefore, EPA expects there would be no incremental fire safety benefits associated with solvent-contaminated disposable wipes from this rule.

3501 *et seq.* The information collection requirements are not enforceable until OMB approves them. The information collection request has been updated since the November 2003 proposed rule to reflect the final rule requirements and to respond to public comments.

The information requirements established for this action are voluntary to the extent that the conditional exclusions being finalized today are voluntary and represent an overall reduction in burden, as compared with the alternative information requirements associated with managing the solvent-contaminated wipes as hazardous waste. The information requirements help ensure that (1) entities operating under today's rule are held accountable to the applicable requirements; and (2) inspectors can verify compliance with the conditions of today's rule when needed.

For the information collection requirements applicable to conditionally excluded solvent-contaminated wipes, the aggregate annual burden to respondents over the three-year period covered by this ICR is estimated to be 65,064 hours, with a cost to affected entities of $3,384,436. This cost includes an estimated labor cost of $1,604,680 and an operation and maintenance cost of $1,779,756, which includes the purchase of container labels. EPA estimates that the burden savings under today's rule as compared to the existing hazardous waste requirements will be 14,497 hours and $557,706 per year. Thus, the *net* impacts under the final rule are estimated to be 50,567 hours and $2,826,730 per year. There are no capital/startup costs and no costs for purchases of services. There are no reporting requirements associated with today's rule. EPA estimates that 67,851 respondents will be required to keep records. The average annual recordkeeping burden is estimated to be almost one hour per respondent. This estimate includes time for reading the regulations, affixing labels to containers, and maintaining at the site specified documentation that the excluded solvent-contaminated wipes are being managed in accordance with today's final rule. There are no administrative costs to the Agency. Burden is defined at 5 CFR 1320.3(b).

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 OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the **Federal Register** to display the OMB control number for the approved information collection requirements contained in this final rule.

C. Regulatory Flexibility Act

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

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

After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The small entities that are affected by this final rule include entities that use or handle solvent-contaminated reusable and disposable wipes. EPA's analysis estimates that 57,786 small entities are located in states that are expected to adopt the final rule, which includes 55,327 generators and 2,459 handlers. We have determined in our ''Regulatory Impact Analysis for Conditional Exclusions from Solid and Hazardous Waste for Solvent-Contaminated Wipes'' that the economic impacts of the final rule on the smallest of the small entities, firms with only one employee, range from only 0.01 percent to 0.54 percent of total annual revenue. These results are well below the one percent screening criterion used to identify firms that might experience significant economic impacts. Furthermore, all affected entities generating or handling solvent-contaminated *disposable* wipes are expected to incur savings as a result of the final rule.

Although this final rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. Today's rule establishes consistent regulations for reusable wipes with the intention that these requirements complement existing industry practices and thus minimize any additional burden on small entities. Additionally, EPA plans to develop and/or support user-friendly compliance assistance tools, such as the summary chart available in the docket for today's rule, which provides an overview of the exclusion for reusable wipes and disposable wipes.

D. Unfunded Mandates Reform Act

This action contains no federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for state, local, or tribal governments or the private sector. The action imposes no enforceable duty on any State, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. Under the final rule, EPA is modifying its hazardous waste management regulations under RCRA to (1) conditionally exclude from the definition of hazardous waste solvent-contaminated disposable wipes and (2) conditionally exclude from the definition of solid waste solvent-contaminated reusable wipes. The conditional exclusions are considered less stringent than the current Federal regulations because they exclude certain materials now regulated by RCRA Subtitle C. Thus, authorized states are not required to adopt the final rule, provided their program is at least as stringent as the federal program. In addition, even if the final rule is adopted by their state, generators of solvent-contaminated wipes may opt to continue to manage such wipes under the current federal hazardous waste regulations rather than under the conditional exclusions.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. RCRA, (42 U.S.C. 6901 to 6992k) establishes the relationship between states and the federal government with respect to

hazardous waste management, including provisions for authorized state hazardous waste programs (42 U.S.C. 6926, section 3006) and retention of state authority (42 U.S.C. 6929, section 3009). Under section 3009 of RCRA, states and their political subdivisions may not impose requirements less stringent for hazardous waste management than the federal government. Therefore, although the final rule prevents state and local laws that are less stringent with respect to management of solvent-contaminated wipes, the final rule does not have federalism implications beyond those already established by RCRA. Thus, Executive Order 13132 does not apply to this action.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited comment on the proposed action from State and local officials.

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

Subject to the Executive Order 13175 (65 FR 67249, November 9, 2000) EPA may not issue a regulation that has tribal implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by tribal governments, or EPA consults with tribal officials early in the process of developing the proposed regulation and develops a tribal summary impact statement.

EPA has concluded that this action may have tribal implications. However, it will neither impose substantial direct compliance costs on tribal governments, nor preempt tribal law. This action may have tribal implications to the extent that generating facilities on tribal lands use solvents on wipes or handling facilities located on tribal lands may receive solvent-contaminated wipes.

EPA did not consult directly with representatives of tribal governments early in the process of developing this regulation; however, EPA did conduct extensive outreach with the public, which included two public comment periods and a public meeting. Additionally, we specifically solicited comment on the November 2003 proposed rule from tribal officials.

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

This action is not subject to EO 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined in EO 12866, and because the Agency does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in section III.D.

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

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, we have concluded that this rule is not likely to have any adverse energy effects because the rule addresses management of solvent-contaminated wipes under RCRA and will not have significant impacts on energy supply, distribution, or use.

I. National Technology Transfer and Advancement Act of 1995

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

This rulemaking includes environmental monitoring or measurement consistent with the Agency's Performance Based Measurement System (''PBMS''). For certain conditions, such as today's container standard, EPA has decided not to require the use of specific, prescribed technical standards. Rather, the rule will allow the use of any method that meets the prescribed performance criteria. The PBMS approach is intended to be more flexible and cost-effective for the regulated community; it is also intended to encourage innovation and improved data quality. EPA is not precluding the use of any method, whether it constitutes a voluntary consensus standard or not, as long as it meets the performance criteria specified.

The rulemaking does involve a technical standard for one condition of today's exclusions. For the definition of ''no free liquids,'' EPA has determined that the Paint Filter Liquids Test, (SW–846, Method 9095B) is most appropriate to determine whether solvent-contaminated wipes contain no free liquids (although the no free liquids standard may also be determined using another standard or test method as defined by an authorized state). This test is included in EPA's official compendium of analytical and sampling methods entitled ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods'' (EPA Publication SW–846), which have been evaluated and approved for use in complying with the RCRA regulations.[48] The Paint Filter Liquids Test was specifically chosen because it is currently being used by the majority of states to determine whether solvent-contaminated wipes contain free liquids and is also the test used to implement the restrictions on disposal of free liquids in the MSWLF regulations (40 CFR 258.28). The Paint Filter Liquids Test is also simple and inexpensive to perform and typically produces clear results.

J. Executive Order 12898: Environmental Justice

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided for human health or the environment. Specifically, EPA has concluded that today's action will not result in disproportionate adverse impacts to the communities of concern because (1) the results of the 2012 final risk analysis demonstrate that solvent-contaminated wipes and sludge from laundries and dry cleaners disposed in MSWLFs do not pose significant risk to human health and the environment; (2) the conditions of the rule (such as

[48] *http://www.epa.gov/epawaste/hazard/testmethods/sw846/index.htm.*

ensuring that solvent-contaminated wipes are stored in non-leaking, closed containers and that such wipes contain no free liquids at the point of being sent for disposal or cleaning) address potential hazards during accumulation, storage, transportation, and handling; and (3) we do not anticipate any increased affects from transportation as, to the extent this rule changes the destination of solvent-contaminated wipes, they would likely be disposed with other solid wastes and thus, transported along well established solid waste hauler routes.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register.** This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective January 31, 2014.

List of Subjects

40 CFR Part 260

Environmental protection, Hazardous waste.

40 CFR Part 261

Environmental protection, Hazardous waste, Solid waste.

Dated: July 22, 2013.

Gina McCarthy,

Administrator.

For the reasons set out in the preamble, parts 260 and 261 of title 40, Chapter I of the Code of Federal Regulations, are amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

■ 1. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921–6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

Subpart B—Definitions

■ 2. Section 260.10 is amended by adding in alphabetical order the definitions of ''No free liquids,'' ''Solvent-contaminated wipe,'' and ''Wipe'' to read as follows:

§ 260.10 Definitions.

* * * * *

No free liquids, as used in 40 CFR 261.4(a)(26) and 40 CFR 261.4(b)(18), means that solvent-contaminated wipes may not contain free liquids as determined by Method 9095B (Paint Filter Liquids Test), included in ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods'' (EPA Publication SW–846), which is incorporated by reference, and that there is no free liquid in the container holding the wipes. No free liquids may also be determined using another standard or test method as defined by an authorized state.

* * * * *

Solvent-contaminated wipe means—

(1) A wipe that, after use or after cleaning up a spill, either:

(i) Contains one or more of the F001 through F005 solvents listed in 40 CFR 261.31 or the corresponding P- or U-listed solvents found in 40 CFR 261.33;

(ii) Exhibits a hazardous characteristic found in 40 CFR part 261 subpart C when that characteristic results from a solvent listed in 40 CFR part 261; and/or

(iii) Exhibits only the hazardous waste characteristic of ignitability found in 40 CFR 261.21 due to the presence of one or more solvents that are not listed in 40 CFR part 261.

(2) Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions at 40 CFR 261.4(a)(26) and 40 CFR 261.4(b)(18).

* * * * *

Wipe means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

* * * * *

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 3. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y), and 6838.

Subpart A—General

■ 4. Section 261.4 is amended by adding paragraphs (a)(26) and (b)(18) to read as follows:

§ 261.4 Exclusions.

(a) * * *

(26) Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided that

(i) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled ''Excluded Solvent-Contaminated Wipes.'' The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

(ii) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for cleaning;

(iii) At the point of being sent for cleaning on-site or at the point of being transported off-site for cleaning, the solvent-contaminated wipes must contain no free liquids as defined in § 260.10 of this chapter.

(iv) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in 40 CFR parts 260 through 273;

(v) Generators must maintain at their site the following documentation:

(A) Name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;

(B) Documentation that the 180-day accumulation time limit in 40 CFR 261.4(a)(26)(ii) is being met;

(C) Description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site or at the point of being transported off-site for laundering or dry cleaning;

(vi) The solvent-contaminated wipes are sent to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act.

(b) * * *

(18) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for

disposal are not hazardous wastes from the point of generation provided that

(i) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled ''Excluded Solvent-Contaminated Wipes.'' The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

(ii) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for disposal;

(iii) At the point of being transported for disposal, the solvent-contaminated wipes must contain no free liquids as defined in § 260.10 of this chapter.

(iv) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in 40 CFR parts 260 through 273;

(v) Generators must maintain at their site the following documentation:

(A) Name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;

(B) Documentation that the 180 day accumulation time limit in 40 CFR 261.4(b)(18)(ii) is being met;

(C) Description of the process the generator is using to ensure solvent-contaminated wipes contain no free liquids at the point of being transported for disposal;

(vi) The solvent-contaminated wipes are sent for disposal

(A) To a municipal solid waste landfill regulated under 40 CFR part 258, including 40 CFR 258.40, or to a hazardous waste landfill regulated under 40 CFR parts 264 or 265; or

(B) To a municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act or to a hazardous waste combustor, boiler, or industrial furnace regulated under 40 CFR parts 264, 265, or 266 subpart H.

* * * * *

[FR Doc. 2013–18285 Filed 7–30–13; 8:45 am]

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FEDERAL REGISTER

Vol. 78 Wednesday,
No. 147 July 31, 2013

Part IV

The President

Notice of July 29, 2013—Continuation of the National Emergency With Respect to Lebanon

Federal Register
Vol. 78, No. 147
Wednesday, July 31, 2013

Presidential Documents

Title 3—

The President

Notice of July 29, 2013

Continuation of the National Emergency With Respect to Lebanon

On August 1, 2007, by Executive Order 13441, the President declared a national emergency with respect to Lebanon pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of certain persons to undermine Lebanon's legitimate and democratically elected government or democratic institutions; to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation; to reassert Syrian control or contribute to Syrian interference in Lebanon; or to infringe upon or undermine Lebanese sovereignty and contribute to political and economic instability in that country and the region.

Certain ongoing activities, such as continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems, serve to undermine Lebanese sovereignty, contribute to political and economic instability in Lebanon, and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on August 1, 2007, and the measures adopted on that date to deal with that emergency, must continue in effect beyond August 1, 2013. In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Lebanon declared in Executive Order 13441.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
July 29, 2013.

[FR Doc. 2013–18632
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