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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2011–1285; Directorate Identifier 2010–SW–073–AD; Amendment 39–17544; AD 2013–16–06]**

**RIN 2120–AA64**

## Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Eurocopter Deutschland GmbH (Eurocopter) Model BO–105A, BO–105C, BO–105LS A–1, BO–105LS A–3, and BO–105S helicopters. This AD requires inspecting for debonding of the erosion protective shell (abrasion strip) on the leading edge of each main rotor blade. This AD was prompted by the discovery of abrasion strip debonding during an inspection on one Model BO–105 helicopter and also by an incident on a second Model BO–105 helicopter that lost its abrasion strip in-flight. The actions of this AD are intended to detect debonding of the main rotor blade abrasion strip, which could lead to an unbalanced main rotor, high vibrations, damage to the tail boom or tail rotor, and loss of control of the helicopter.

**DATES:** This AD is effective September 13, 2013.

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

**Examining the AD Docket**

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

**FOR FURTHER INFORMATION CONTACT:** Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On December 6, 2011, at 76 FR 76068, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to Eurocopter Model BO–105A, BO–105C, BO–105LS A–1, BO–105LS A–3, and BO–105S helicopters. The NPRM proposed to require, within 50 hours time-in-service (TIS), inspecting for debonding of the abrasion strip along the leading edge of certain part-numbered main rotor blades with a main rotor blade abrasion strip that was replaced between September 2006 and March 2010. If there is debonding in any area of the abrasion strip, the NPRM proposed to require, before further flight, replacing the main rotor blade.

On December 19, 2012, at 77 FR 75073, the **Federal Register** published our supplemental NPRM (SNPRM), which proposed to revise some of the actions of the NPRM. The SNPRM proposed clarifying that the inspection method would be a tap inspection and proposed clarifying the replacement date range of the applicable abrasion strips to be inclusive of September 1, 2006 through March 31, 2010.

The NPRM and SNPRM were prompted by Emergency AD No. 2010–0216–E, dated October 21, 2010 (and corrected October 29, 2010), issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA advises that during an inspection on a BO105 helicopter, debonding was found on the erosion protective shell of a main rotor blade, and investigation showed the debonding was caused by incorrect installation of the erosion protective shell. In addition, EASA states that an incident occurred where a second BO105 helicopter lost its erosion protective shell during hover flight. EASA advises that this condition, if not corrected, could result in loss of the main rotor blade erosion protective shell during flight, leading to an unbalanced main rotor and high vibrations, which could damage the tail boom or tail rotor or result in loss of tail rotor control and loss of control of the helicopter.

**Comments**

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (76 FR 76068, December 6, 2011) or the SNPRM (77 FR 75073, December 19, 2012).

**FAA's Determination**

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

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

The differences between this AD and the EASA AD are:

- The EASA AD allows compliance within ''10 flight hours, or 4 flight cycles, or 4 weeks, whichever occurs first,'' and this AD requires compliance within 50 hours TIS.

• The EASA AD allows you to replace the main rotor blade erosion protective shell if debonding is detected, and this AD requires you to replace the main rotor blade with an airworthy main rotor blade if debonding is detected.

• The EASA AD is applicable to the Model BO105 D helicopter; however, this AD does not include this model because it does not have a type certificate in the U.S.

**Related Service Information**

Eurocopter has issued Emergency Alert Service Bulletin (ASB) No. ASB BO105–10–124, dated July 14, 2010, for the Model BO105 helicopter, with a main rotor blade, part number (P/N) 105–15103, 105–15141, 105–15141V001, 105–15143, 105–15150, 105–15150V001, 105–15152, 105–81013, 105–87214, 1120–15101, or 1120–15103, where the main rotor blade erosion protective shell was replaced between September 2006 and March 2010. Eurocopter also issued Emergency ASB No. ASB–BO105LS–10–12, dated July 14, 2010, for the Model BO105LS A–3 helicopter, with a main rotor blade, P/N 105–15141, where the main rotor blade erosion protective shell was replaced between September 2006 and March 2010. Both Emergency ASBs exclude helicopters from this inspection if each main rotor blade was inspected at the last 600 flight hour inspection and no debonding was detected during the inspection. Both Emergency ASBs specified a one-time inspection of the main rotor blades within the next 50 flight hours to determine if debonding of the main rotor blade erosion protective shell has occurred.

Eurocopter subsequently issued Emergency ASB No. ASB BO105–10–124, Revision 1, dated October 18, 2010, and Emergency ASB No. ASB–BO105LS–10–12, Revision 1, dated October 20, 2010. These service bulletins specify the same inspection requirements as the original service bulletins, but revise the inspection compliance time from 50 flight hours to 10 flight hours. EASA classified these service bulletins as mandatory and issued EASA Emergency AD No. 2010–0216–E, dated October 21, 2010 (corrected October 29, 2010), to ensure the continued airworthiness of these helicopters.

**Costs of Compliance**

We estimate that this AD will affect 97 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. It will take about 1.0 work-hour per helicopter to perform the inspection at an average labor rate of $85 per work-hour. Based on these figures, we estimate the cost of the inspection on U.S. operators will be $8,245 or $85 per helicopter. If there is debonding, we estimate that it will take about 2 work-hours to replace a main rotor blade and required parts will cost $114,182, for a total cost of $114,352 per blade. We have no way of determining how many operators will incur replacement costs.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

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

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

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

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

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

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2013–16–06 Eurocopter Deutschland GmbH:** Amendment 39–17544; Docket No. FAA–2011–1285; Directorate Identifier 2010–SW–073–AD.

**(a) Applicability**

This AD applies to Model BO–105A, BO–105C, BO–105LS A–1, BO–105LS A–3, and BO–105S helicopters, with a main rotor blade, part number 105–15103, 105–15141, 105–15141V001, 105–15143, 105–15150, 105–15150V001, 105–15152, 105–81013, 105–87214, 1120–15101, or 1120–15103; where the main rotor blade erosion protective shell (abrasion strip) was replaced between September 1, 2006 and March 31, 2010, inclusive; certificated in any category.

**(b) Unsafe Condition**

This AD defines the unsafe condition as debonding of a main rotor blade erosion protective shell (abrasion strip). This condition could result in loss of the abrasion strip and an unbalanced main rotor, high vibration, damage to the tail boom or tail rotor, and loss of control of the helicopter.

**(c) Effective Date**

This AD becomes effective September 13, 2013.

**(d) Compliance**

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

**(e) Required Actions**

(1) Within 50 hours time-in-service, inspect the main rotor blade for debonding of the erosion protective shell by tap testing the abrasion strip of the leading edge of each main rotor blade.

(2) If the abrasion strip is debonding in any area, before further flight, replace the main rotor blade.

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

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

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

**(g) Additional Information**

(1) Eurocopter Emergency Alert Service Bulletin No. ASB BO105–10–124, Revision 1, dated October 18, 2010, and No. ASB–BO105LS–10–12, Revision 1, dated October 20, 2010, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) Emergency AD No. 2010–0216–E, dated October 21, 2010 (corrected October 29, 2010). You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2011–1285.

**(h) Subject**

Joint Aircraft Service Component (JASC) Code: 6210, Main Rotor Blades.

Issued in Fort Worth, Texas, on July 31, 2013.

**Lance T. Gant,**

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

[FR Doc. 2013–19158 Filed 8–8–13; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

### 15 CFR Parts 764 and 766

**[Docket No. 120207107–3621–02]**

**RIN 0694–AF59**

## Time Limit for Completion of Voluntary Self-Disclosures and Revised Notice of the Institution of Administrative Enforcement Proceedings

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This rule requires that the final, comprehensive narrative account required in voluntary self-disclosures (VSDs) of violations of the Export Administration Regulations (EAR) be received by the Office of Export Enforcement (OEE) within 180 days of OEE's receipt of the initial VSD notification. This rule also authorizes the use of delivery services other than registered or certified mail for providing notice of the issuance of a charging letter instituting an administrative enforcement proceeding under the EAR. It also removes the phrase ''if delivery is refused'' from a provision related to determining the date that notice of a charging letter's issuance is served based on an attempted delivery to the respondent's last known address. The Bureau of Industry and Security is making these changes to be better able to resolve administrative enforcement proceedings in a timely manner and provide more efficient notice of administrative charging letters.

**DATES:** This rule is effective September 9, 2013.

**FOR FURTHER INFORMATION CONTACT:** Special Agent Richard Jereski, Investigations Division, Office of Export Enforcement, Bureau of Industry and Security, US Department of Commerce, Room H4514, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230. Tel: (202) 482–5036. Facsimile: (202) 482–5889.

**SUPPLEMENTARY INFORMATION:**

### Background

The Bureau of Industry and Security (BIS), Office of Export Enforcement (OEE), investigates possible violations of the Export Administration Regulations (EAR) and orders, licenses, and authorizations issued thereunder. These investigations may result in allegations of violations that may be settled, adjudicated in an administrative enforcement proceeding, or referred to the Department of Justice for possible criminal prosecution. On November 7, 2012, BIS published a proposed rule (77 FR 66777) that set forth three changes to the EAR, which are being implemented with some revisions here. One change addresses voluntary self-disclosures in connection with OEE's conduct of investigations. The other two changes address service of notice in administrative enforcement proceedings. This rule also makes non-substantive changes to the layout of the regulations to improve readability.

*Deadline for Completing the Narrative Account Portion of a Voluntary Self-Disclosure*

Section 764.5 of the EAR provides a procedure whereby parties that believe they may have committed a violation of the EAR can voluntarily disclose the facts of potential violations to OEE. Such disclosures that meet the requirements of § 764.5 typically are afforded ''great weight'' by BIS relative to other mitigating factors in determining what administrative sanctions, if any, to seek. Section 764.5 of the EAR requires an initial notification, which is to include a description of the general nature and extent of the suspected violations and is to be made as soon as possible after the violations are discovered, and is followed by a thorough review and the completion and submission of a narrative account of the suspected violations, including providing all relevant documentation. If the person making the initial notification subsequently completes and submits the narrative account, the disclosure is deemed to have been submitted to OEE on the date of the initial notification. The date of the initial notification may be significant because information provided to OEE may be considered a voluntary disclosure only if the information ''is received by OEE for review prior to the time that OEE or another United States Government agency has learned of the same or substantially similar information from another source and has commenced an investigation or inquiry in connection with that information.'' (15 CFR 764.5(b)(3)). This rule adds a requirement that the completed narrative account be received by BIS within 180 days of BIS's receipt of the initial notification for initial notifications received on or after the effective date of this rule.

The Director of OEE may extend this 180-day time deadline at his or her discretion if US Government interests would be served by an extension or upon a showing by the party making the disclosure that more time is reasonably necessary to complete the narrative account. In response to public comments discussed below, this final rule includes some greater detail about what a request to extend the 180-day deadline should contain. Such requests should show specifically that the person making the request: (1) Began its review promptly after discovery of the violations; (2) has been conducting its review and preparation of the narrative account as expeditiously as can be expected, consistent with the need for completeness and accuracy; (3) reasonably needs the requested extension despite having acted consistently with (1) and (2); and (4) has considered whether interim compliance or other corrective measures may be needed and has undertaken such measures as appropriate to prevent recurring or additional violations. Such requests also should set out a proposed

timeline for completion and submission of the narrative account that is reasonable under the applicable facts and circumstances. They should also designate a contact person, and provide that contact person's current business street address, email address, and telephone number, for purposes of communicating with OEE regarding the extension request. (A similar requirement to designate a contact person is included in this rule regarding initial notifications). Extension requests may also include additional information that the requestor reasonably believes is pertinent to the request under the applicable facts and circumstances.

Some illustrative examples of circumstances that could, depending on the overall facts and circumstances, support a request that additional time is reasonably necessary include the following:

- Records or information from multiple entities and/or jurisdictions are needed to complete the narrative account.
- Material changes occur in the business, such as a bankruptcy, large layoffs, or a corporate acquisition or restructuring, and present difficulties in gaining access to, or analyzing, information needed to complete the narrative account.
- A pending US Government determination (such as a commodity jurisdiction determination or a classification request) is needed to complete the narrative account.

The Director of OEE may place conditions on his or her approval of an extension. OEE may obtain an agreement to toll the statute of limitations at the time that an initial notification is filed. However, if a tolling agreement that applies to any violations disclosed in the initial notification or discovered during the review conducted to prepare the narrative account has not already been obtained at the time of a request for an extension, the Director of OEE may require one as a condition of approving the extension. The Director of OEE also has discretion to require the disclosing person to undertake specific interim remedial compliance measures as a condition of granting an extension to the 180-day deadline.

Failure to meet either the 180-day deadline or an extended deadline granted by the Director of OEE would not be an additional violation of the EAR. However, that failure may reduce or eliminate the mitigating impact of the voluntary disclosure. The 180-day deadline serves as an incentive to the disclosing party, as meeting the deadline will allow information contained in the narrative account to be credited by OEE as having been disclosed on the date of the initial notification even if the information was not explicitly described in that initial notification. This new rule is designed to be consistent with the existing requirement in § 764.5(c)(1) that an initial notification be made as soon as possible after violations are discovered. Section 764.5 also will continue to acknowledge that a disclosing party may not be able to identify all of the possible violations of the EAR at the time an initial notification was made, consistent with § 764.5(c)(3), and to recommend that the review following the initial notification should cover a period of five years prior to the date of the initial notification

Imposing a deadline to complete voluntary disclosures is consistent with the practices of other agencies. The International Traffic in Arms Regulations administered by the Department of State impose a 60-day deadline (22 CFR 127.12(c)). Similarly, the Department of the Treasury's Office of Foreign Assets Control also imposes time constraints by requiring that disclosures be made within a reasonable time following the initial notification. Based on its experience with voluntary self-disclosures, BIS believes that 180 days is ample time to complete the narrative account in most instances and that requests for extensions will normally not be necessary or justified.

*Institution of Administrative Enforcement Proceedings*

Section 766.3 of the EAR sets forth the procedures for instituting administrative enforcement proceedings. Those procedures include issuing a charging letter, which constitutes the formal administrative complaint. The charging letter sets forth the essential facts about the alleged violations and certain other information about the case, and informs the respondent that failure to answer the charges will be treated as a default. Respondents must be notified of the issuance of a charging letter by one of the methods listed in § 766.3(b) of EAR. One allowable method is mailing a copy of the letter by registered or certified mail to the respondent's last known address. This rule adds, as an authorized method of notification, sending a copy of the charging letter to the respondent's last known address by express mail or by a commercial courier or delivery service. The purpose of this change is to facilitate the process of notifying the respondent in cases where the respondent's last known address is in a country with a postal service that is inefficient or unreliable or in which postal delivery tracking information is not available. It also will allow BIS to select an efficient and effective method of notifying the respondent of the issuance of the charging letter. Moreover, unlike registered and certified mail, reputable commercial courier or delivery services and the US Postal Service's express mail use point-by-point tracking or similar electronic tracking methods to provide detailed records of a parcel's delivery or attempted delivery. The use of services that provide detailed tracking information for parcels sent outside the United States will enable BIS to track and monitor the delivery status of pending notifications more efficiently and effectively.

Respondents are required to answer a charging letter within 30 days of being served with notice of its issuance. Prior to the effective date of this rule, the date of service of notice is determined under Section 766.3(c) by the date of delivery, or of attempted delivery if delivery is refused. This rule removes the phrase ''if delivery is refused'' from § 766.3(c) of the EAR, eliminating the requirement that an attempted delivery must involve documentation that the delivery was ''refused.'' The phrase ''is refused'' focuses on registered and certified mail, which include a postcard-sized hard-copy receipt that is returned to the sender after delivery or attempted delivery. This rule provides for the use of reliable mail or delivery services that do not use such a hard-copy return receipt system and can efficiently and effectively track deliveries and attempted deliveries. In addition, BIS has found that in some instances foreign postal services do not return the receipt even though the parcel or package has been not been returned, including in situations where the respondent subsequently contacts BIS about the charging letter. Moreover, some foreign postal services do not list ''refused'' as an option on a pre-printed return receipt or do not record other information when the package containing the charging letter is returned, including in situations when the package has been returned unopened. This change to § 766.3(c) would better enable BIS to determine the date of service of notice of issuance of charging letters sent to entities located in foreign countries.

*Comments on the Proposed Rule*

BIS received comments from one individual and four organizations. Most of the ideas expressed in the comments related to the 180-day limit for completing the narrative account. The comments generally supported the 180-day limit. However, one commenter

proposed a shorter time limit with possible extensions. Other commenters expressed concerns that in some cases 180 days would be inadequate.

*Comment:* Two commenters expressed approval of the 180-day limit as providing adequate time to complete the review and compile the narrative account in most cases. Both commenters noted the possibility that extensions could be granted in limited circumstances. One commenter recommended that the initial limit be set at 60 days, with the possibility of successive 30-day extensions and that the acceptable reasons for an extension narrow as the time since the initial disclosure approaches 180 days. While acknowledging that many VSDs likely could not be completed within 60 days, this commenter stated that under its proposed procedure disclosing parties would better focus on timely completion of voluntary self-disclosures without having to request more than one extension. That commenter also asserted that a 60-day deadline would align BIS's practice with those of the Directorate of Defense Trade Controls.

*Response:* This final rule does not change the basic time limit of 180 days. BIS's intent in setting the 180-day limit is to provide a basic time limit that is sufficient to complete the narrative disclosure in the large majority of voluntary self-disclosures. BIS believes that a party who has begun a voluntary self-disclosure process should be mindful of the requirements of § 764.5, including the deadline imposed by the regulation, and should be capable of organizing and managing its activities with the goal of meeting the deadline. Similarly, in situations where more than 180 days' time is reasonably necessary to complete the task, the disclosing party should be able to explain the reasons why that is the case and provide a reasonable estimate of the additional time needed. BIS further believes that procedures proposed above likely would lead to repeated requests for extensions (and related agency determinations and responses) that should be unnecessary and would themselves increase the total workload for all involved in the voluntary self-disclosure process.

In addition, BIS does not believe that its deadline needs to be ''aligned'' in the sense of being identical to those of other government agencies. The proposed rule did note that the 180-day deadline is consistent with the practices of other agencies and regulations, including in the Department of State's International Traffic in Arms Regulations and the Department of the Treasury's Office of Foreign Assets Control regulations. These examples were intended to demonstrate that by proposing a deadline for completion of voluntary self-disclosures, BIS is acting in the same general manner as other agencies that have a role in export controls. BIS believes prescribing a time limit that is reasonable with respect to EAR violations is more important than having identical time limits with other programs.

*Comment:* Several commenters expressed concern that although the 180-day deadline should generally be sufficient, there may be instances where the time limit would be inadequate. One commenter stated that large organizations with operations in multiple countries may need to obtain records from and interview employees at multiple locations in order to complete an investigation and prepare a thorough final narrative. One commenter noted that the proposed rule authorized the Director of OEE to act at his or her discretion, which the commenter characterized as authorization to act with ''unfettered discretion.'' The commenter also stated its belief that the rule would not afford a disclosing party a regulatory right to an extension of time even if circumstances warranted an extension. Finally, the commenter described as ''not comforting,'' BIS's statement in the preamble to the proposed rule that requests for extensions would, in most instances, not be necessary or justified. Commenters recommended several changes, which are described below.

One such recommendation was to state in the rule the circumstances that would justify an extension. Another recommendation was to state in the rule that extensions would not be unreasonably refused when more time is shown to be reasonably necessary to complete the account. A third recommendation was to allow disclosing parties to submit, within 180 days of the initial disclosure, either a completed narrative account or a supplemental filing that indicates the status of the company's review, including interim remedial measures it has already taken and an action plan with the company's timeline for completion of the review and submission of the final narrative account.

*Response:* BIS does not believe that it is possible to identify in advance all of the circumstances that would make it in the government's interest to grant an extension or those that would make an extension reasonably necessary to complete the narrative account. The facts and circumstances of each matter vary depending on, *inter alia,* the items, destinations and parties involved, the nature and extent of the violations, and the size, scope, and structure of disclosing parties and their export activities and compliance programs. Therefore, case-by-case requests by disclosing parties and decisions by an authorized official are necessary. This final rule sets out in greater detail the types of information that should be included in a request, and as with the preamble to the proposed rule, the preamble to this final rule provides illustrative examples of the type of circumstances that could provide support for a request that additional time is reasonably necessary. These examples are not an exclusive list, and extension requests and the consideration of those requests will, of necessity, be made on a case-by-case basis, but the examples provide guidance about the type of situations that, depending on the overall facts and circumstances, may justify an extension beyond 180 days. BIS believes that in most instances 180 days should be adequate to complete the narrative account. However, as discussed above, in appropriate instances the Director of OEE may grant an extension to a person seeking an extension of time. In most circumstances, tolling agreements will be signed and agreed upon prior to the extension being provided.

*Comment:* Some commenters expressed a desire for more precision concerning the procedures for submitting a voluntary self-disclosure. Specifically, they asked that the rule state precisely when the 180-day time period begins to run and when during the 180-day period a request for extension may be submitted. These commenters also asked for more information about the timing of a request for an extension. They asked whether a request for an extension may be submitted with the initial disclosure, whether a request may be submitted after the 180 days has elapsed, and what would happen if a disclosing party submitted a request before the 180 days had elapsed, but too late for BIS to make a decision and respond within 180 days.

*Response:* BIS agrees with the comments summarized in the immediately preceding paragraph that it would be more helpful to provide more information about the procedures surrounding the 180-day deadline and for requesting an extension than was provided in the proposed rule. In response to those comments, this final rule provides that guidance. This final rule states that, for purposes of calculating the 180-day deadline, the date of initial notification is the date that the initial notification is received

by OEE. BIS will notify the disclosing party in writing of the date that the initial notification was received. To enable such notification, BIS has added a new requirement that parties should designate a contact person in their initial notification and provide that person's contact information. For the narrative account to be considered timely under paragraph (c)(2)(iii) of § 764.5, the disclosing party must submit the completed narrative account in time for BIS to receive it within 180 days of BIS' receipt of the initial notification or, where appropriate, seek and receive an extension from BIS. As this rule indicates, however, initial notifications should be sent so that they are received by OEE as soon as possible and narrative accounts should be complete, accurate, and timely submitted.

This final rule also states that to be considered, a request for an extension of time to submit the narrative account must be received by OEE before the deadline for receipt of the narrative account. The Director of OEE will evaluate all of the facts and circumstances surrounding a request and any related investigation(s) in deciding whether to grant an extension. Requests for an extension should be made as soon as possible once a disclosing person determines that it will be unable to meet the deadline or the extended deadline where an extension previously has been granted, and possesses the information needed to prepare an extension request in accordance with paragraph (c)(2)(iv)(B). Parties who request an extension shortly before the deadline incur the risk that the Director of OEE will be unable to properly consider and determine the request and communicate his or her decision before the deadline. That said, BIS believes that disclosing parties typically will need some time after the initial notification to acquire the facts that may justify an extension and prepare the extension request, including proposing a reasonable extended timeline for the completion and submission of the narrative account. BIS expects it will be rare for parties to request an extension of time in their initial disclosure, because it is unlikely that disclosing parties will have at the time of the initial notification all information pertinent to an extension request or the ability to show that an extension is needed despite prompt and diligent efforts to complete their review and prepare a narrative account.

The Director of OEE also is unlikely to grant extension requests that appear be ''boilerplate'' requests not based on the particular facts and circumstances, or to grant repeated requests or requests that appear to be submitted on a routine, ''it can't hurt to ask'' basis. As discussed in the preamble, this final rule provides additional detail concerning the contents of an extension request, which should limit the number of routine or boilerplate requests.

*Comment:* One commenter recommended that BIS impose a reasonableness standard as to both tolling agreements and remedial measures that may be required when granting an extension. The commenter asserted that tolling agreements extending back more than five years prior to the initial disclosure have sometimes been required.

*Response:* BIS understands that there may be times when meeting the 180-day deadline will not be possible (see discussion above); however, as also discussed, BIS must be able to appropriately remedy matters brought to light in a disclosure and will require (in most cases) the signing of a tolling agreement to extend the statutory limit. BIS will continue its practice of seeking appropriate tolling agreements and remedial measures that take into account the specific facts and circumstances of each case in requiring a tolling agreement and any remedial measures.

*Comment:* One commenter recommended that BIS specify what constitutes a completed narrative account. The commenter suggested that an explicit definition of a completed VSD would ensure consistency and uniformity and lead to a more efficient and transparent process for all parties. BIS could then request additional information or documentation as needed. The commenter proposed that the elements set forth in § 764.5(c)(3), (4) and (5) should satisfy the requirements of a voluntary self-disclosure. This commenter also recommended that a disclosing party who ''prepares a VSD in good faith that reasonably addresses all applicable elements in § 764.5(c)(3), (4) and (5), . . . should be granted the presumption of acceptance as 'complete' when received by OEE.''

*Response:* BIS agrees with this comment to the extent that it may be helpful to the disclosing party to know when and how they can meet the 180-day deadline. To be considered a complete submission for purposes of meeting the 180-day deadline (or the extended deadline if one is granted by BIS), the voluntary disclosure must meet all of the relevant requirements of Section 764.5 of the EAR, including paragraphs (c)(3), (c)(4), and (c)(5). In response to public comments on the proposed rule, paragraph (c)(2)(iii) of § 764.5 in this final rule so provides. In addition, as discussed in the preamble, paragraph (c)(2)(iv) provides greater detail concerning the contents of an extension request. Under paragraph (c)(2)(iv), a person making an extension request may also submit additional information it reasonably believes is pertinent under the applicable facts and circumstances. As currently with regard to initial notifications and narrative accounts submitted to BIS, OEE may seek supplemental information from a person making an extension request after its receipt and review of the request.

*Comment:* BIS received several comments concerning informing the disclosing party about the status of the investigation. One recommendation was that BIS ''communicate the status of the investigation of the voluntary self-disclosure, akin to the status updates in SNAP–R'' (the system for electronically submitting export license applications and certain other documents to BIS and monitoring their status). Another recommendation was that BIS be required to acknowledge receipt of a completed disclosure within some reasonable time after its receipt. One commenter acknowledged that it is perhaps impractical to require BIS to complete all action on a voluntary self-disclosure within a specified time period, possibly 180 days, but stated that it is practical to expect that BIS will dispose of a voluntary self-disclosure as promptly as possible given the circumstances of the disclosure. This commenter recommended that OEE be required to send the disclosing party a status report within 180 days of the receipt of the completed VSD and every 90 days thereafter.

*Response:* BIS works to resolve voluntary self-disclosures promptly. However, voluntary self-disclosures vary in number, size, and complexity. In addition, other investigations and activities can affect the amount of resources that BIS can devote to resolving voluntary self-disclosures. Therefore, BIS cannot set a time limit for completion of investigations made in response to voluntary self-disclosures.

*Comment:* Two commenters expressed approval of allowing service of charging documents by private courier. One noted that doing so would be a modernization of BIS procedures.

*Response:* BIS concurs.

**Non-substantive Changes to Layout To Improve Readability**

In addition to the changes proposed in the proposed rule and those made in

response to the public comments, this final rule reorganizes § 764.5(c)(2) by breaking it into multiple designated paragraphs, each addressing separate topics, with italicized headers to improve readability.

**Rulemaking Requirements**

1. Executive Orders 13563 and 12866 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). This rule is consistent with the goals of Executive Order 13563. This rule has been determined not to be a significant rule for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501, *et seq.,* unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. This rule involves an approved information collection entitled ''Procedure for Voluntary Self-Disclosure of Violations'' (OMB control number 0694–0058). BIS believes that the changes to the voluntary disclosure procedures that this rule describes would have no material effect on the burden imposed by this collection. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to Jasmeet Seehra, Office of Management and Budget (OMB), by email to *jseehra@omb.eop.gov* or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, Room 2099B, 14th Street and Pennsylvania Ave. NW., Washington, DC 20230 or by email to *publiccomments@bis.doc.gov* referencing RIN 0694–AF59 in the subject line.

3. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.,* generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute. Under section 605(b) of the RFA, however, if the head of an agency certifies that a rule will not have a significant impact on a substantial number of small entities, the statute does not require the agency to prepare a regulatory flexibility analysis. Pursuant to section 605(b), the Chief Counsel for Regulations, Department of Commerce, submitted a memorandum to the Chief Counsel for Advocacy, Small Business Administration, certifying that this rule will not have a significant impact on a substantial number of small entities. This final rule adds a new requirement that parties that decide to submit an initial notification should include their name and contact information with the notification. This request for contact information was not in the proposed rule. However, because the requirement to include contact information in any voluntarily submitted initial notification will not have a significant additional impact on a substantial number of small entities or increase the economic burden more than a nominal amount, no changes were necessary to the rationale for the certification in the proposed rule (77 FR 66777, 66778, November 7, 2012). BIS received no comments on that rationale and it is not being changed for this final rule. Therefore it is not repeated here.

On August 21, 2001, the Export Administration Act of 1979, as amended, expired and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended most recently by the Notice of August 15, 2012, 77 FR 49699 (August 16, 2012), has continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*). BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

**List of Subjects**

*15 CFR Part 764*

Administrative practice and procedure, Exports, Law enforcement, Penalties.

*15 CFR Part 766*

Administrative practice and procedure, Confidential business information, Exports, Law enforcement, Penalties.

For the reasons stated in the preamble, parts 764 and 766 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows.

## PART 764—[AMENDED]

■ 1. The authority citation for part 764 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

■ 2. Revise § 764.5(c)(2) to read as follows:

**§ 764.5 Voluntary self-disclosure.**

* * * * *

(c) * * *

(2) *Initial notification.* (i) *Manner and content of initial notification.* The initial notification should be in writing and be sent to the address in paragraph (c)(7) of this section. The notification should include the name of the person making the disclosure and a brief description of the suspected violations, and should designate a contact person regarding the initial notification and provide that contact person's current business street address, email address, and telephone number. The notification should describe the general nature and extent of the violations. OEE recognizes that there may be situations where it will not be practical to make an initial notification in writing. For example, written notification may not be practical if a shipment leaves the United States without the required license, yet there is still an opportunity to prevent acquisition of the items by unauthorized persons. In such situations, OEE should be contacted promptly at the office listed in paragraph (c)(7) of this section.

(ii) *Initial notification date.* For purposes of calculating when a complete narrative account must be submitted under paragraph (c)(2)(iii) of this section, the initial notification date is the date the notification is received by OEE. OEE will notify the disclosing party in writing of the date that it receives the initial notification. At OEE's discretion, such writing from OEE may be on paper, or in an email message or facsimile transmission from OEE, or by any other method for the transmission of written communications. Where it is not practical to make an initial notification in writing, the person making the notification should confirm the oral notification in writing as soon as possible.

(iii) *Timely completion of narrative accounts.* The narrative account required by paragraph (c)(3) of this section must be received by OEE within 180 days of the initial notification date for purposes of paragraph (b)(3) of this section, absent an extension from the Director of OEE. If the person making

the initial notification subsequently completes and submits to OEE the narrative account required by paragraph (c)(3) of this section such that OEE receives it within 180 days of the initial notification date, or within the additional time, if any, granted by the Director of OEE pursuant to paragraph (c)(2)(iv) of this section, the disclosure, including violations disclosed in the narrative account that were not expressly mentioned in the initial notification, will be deemed to have been made on the initial notification date for purposes of paragraph (b)(3) of this section if the initial notification was made in compliance with paragraphs (c)(1) and (2) of this section. Failure to meet the deadline (either the initial 180-day deadline or an extended deadline granted by the Director of OEE) would not be an additional violation of the EAR, but such failure may reduce or eliminate the mitigating impact of the voluntary disclosure under Supplement No. 1 to this part. For purposes of determining whether the deadline has been met under this paragraph, a complete narrative account must contain all of the pertinent information called for in paragraphs (c)(3), (c)(4), and (c)(5) of this section, and the voluntary self-disclosure must otherwise meet the requirements of this section.

(iv) *Deadline extensions.* The Director of OEE may extend the 180-day deadline upon a determination in his or her discretion that U.S. Government interests would be served by an extension or that the person making the initial notification has shown that more than 180 days is reasonably needed to complete the narrative account.

(A) *Conditions for extension.* The Director of OEE in his or her discretion may place conditions on the approval of an extension. For example, the Director of OEE may require that the disclosing person agree to toll the statute of limitations with respect to violations disclosed in the initial notification or discovered during the review for or preparation of the narrative account, and/or require the disclosing person to undertake specified interim remedial compliance measures.

(B) *Contents of Request.* (*1*) In most instances 180 days should be adequate to complete the narrative account. Requests to extend the 180-day deadline set forth in paragraph (c)(2)(iii) of this section will be determined by the Director of OEE pursuant to his or her authority under this paragraph (c)(2)(iv) based upon his consideration and evaluation of U.S. Government interests and the facts and circumstances surrounding the request and any related investigations. Such requests should show specifically that the person making the request:

(*i*) Began its review promptly after discovery of the violations;

(*ii*) Has been conducting its review and preparation of the narrative account as expeditiously as can be expected, consistent with the need for completeness and accuracy;

(*iii*) Reasonably needs the requested extension despite having begun its review promptly after discovery of the violations and having conducted its review and preparation of the narrative account as expeditiously as can be expected consistent with the need for completeness and accuracy; and

(*iv*) Has considered whether interim compliance or other corrective measures may be needed and has undertaken such measures as appropriate to prevent recurring or additional violations.

(*2*) Such requests also should set out a proposed timeline for completion and submission of the narrative account that is reasonable under the applicable facts and circumstances, and should also designate a contact person regarding the request and provide that contact person's current business street address, email address, and telephone number. Requests may also include additional information that the person making the request reasonably believes is pertinent to the request under the applicable facts and circumstances.

(C) *Timing of requests.* Requests for an extension should be made before the 180-day deadline and as soon as possible once a disclosing person determines that it will be unable to meet the deadline or the extended deadline where an extension previously has been granted, and possesses the information needed to prepare an extension request in accordance with paragraph (c)(2)(iv)(B) of this section. Requests for extension that are not received before the deadline for completing the narrative account has passed will not be considered. Parties who request an extension shortly before the deadline incur the risk that the Director of OEE will be unable to consider the request, determine whether or not to grant the extension, and communicate his or her decision before the deadline, and that any subsequently submitted narrative account will be considered untimely under paragraph (c)(2)(iii) of this section.

* * * * *

## PART 766—[AMENDED]

■ 3. The authority citation paragraph for part 766 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

■ 4. Section 766.3 is amended by revising paragraphs (b)(1) and (c) to read as follows:

### § 766.3 Institution of administrative enforcement proceedings.

* * * * *

(b) * * *

(1) By sending a copy by registered or certified mail or by express mail or commercial courier or delivery service addressed to the respondent at the respondent's last known address;

* * *

(c) The date of service of notice of the issuance of a charging letter instituting an administrative enforcement proceeding, or service of notice of the issuance of a supplement or amendment to a charging letter, is the date of its delivery, or of its attempted delivery, by any means described in paragraph (b)(1) of this section.

Dated August 5, 2013.

**Kevin J. Wolf,**

*Assistant Secretary for Export Administration.*

[FR Doc. 2013–19364 Filed 8–8–13; 8:45 am]

BILLING CODE 3510–33–P

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## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

**[TD 9622]**

**RIN 1545–BI96**

## Guidance Regarding Deferred Discharge of Indebtedness Income of Corporations and Deferred Original Issue Discount Deductions; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to final regulations and removal of temporary regulations (TD 9622) that were published in the **Federal Register** on Wednesday, July 3, 2013 (78 FR 39984). The final regulations provide necessary guidance regarding the accelerated inclusion of deferred discharge of indebtedness (also known as cancellation of debt (COD)) income (deferred COD income) and the accelerated deduction of deferred original issue discount (OID) (deferred OID deductions) under section 108(i)(5)(D) (acceleration rules), and the calculation of earnings and profits as a

result of an election under section 108(i). In addition, these regulations provide rules applicable to all taxpayers regarding deferred OID deductions under section 108(i) as a result of a reacquisition of an applicable debt instrument by an issuer or related party.

**DATES:** This correction is effective on August 9, 2013 and is applicable on or after July 2, 2013.

**FOR FURTHER INFORMATION CONTACT:** Robert M. Rhyne, at (202) 622–7790 (not a toll free number).

**SUPPLEMENTARY INFORMATION:**

## Background

The final regulations and removal of temporary regulations (TD 9622) that are the subject of this correction are under section 108(i) of the Internal Revenue Code.

## Need for Correction

As published, the final regulations and removal of temporary regulations (TD 9622) contains errors that may prove to be misleading and are in need of clarification.

## List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

## Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

## PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.108(i)–0 is amended by revising paragraph (b) to read as follows:

**§ 1.108(i)–0 Definitions and effective/applicability dates.**

* * * * *

(b) *Effective/Applicability dates*—(1) *In general.* The rules of this section, § 1.108(i)–1, and § 1.108(i)–2, apply on or after July 2, 2013, to reacquisitions of applicable debt instruments in taxable years ending after December 31, 2008. In addition, the rules of § 1.108(i)–3 apply on or after July 2, 2013, to debt instruments issued after December 31, 2008, in connection with reacquisitions of applicable debt instruments in taxable years ending after December 31, 2008.

(2) *Prior periods.* For rules applying before July 2, 2013, see § 1.108(i)–0T, § 1.108(i)–1T, § 1.108(i)–2T, and § 1.108(i)–3T, as contained in 26 CFR part 1, revised April 1, 2013.

■ **Par. 3.** Section 1.108(i)–1 is amended by revising the third and fourth sentences of paragraph (b)(2)(iii)(D), and the fifth and seventh sentences of paragraph (c) *Example 3* (ii) to read as follows:

**§ 1.108(i)–1 Deferred discharge of indebtedness income and deferred original issue discount deductions of C corporations.**

* * * * *

(b) * * *

(2) * * *

(iii) * * *

(D) * * * Appropriate adjustments must be made to take into account any issuances or redemptions of stock, or similar transactions, occurring during the taxable year of distribution or any of the preceding three taxable years. If the electing corporation has a short taxable year for the year of the distribution or for any of the preceding three taxable years, the amounts are determined on an annualized basis. * * *

* * * * *

(c) * * *

*Example 3.* * * *

(ii) * * * However, under paragraph (b)(2)(iii)(A) of this section, S's distribution to P is an impairment transaction and the net value acceleration rule is applied with respect to the assets, liabilities, and deferred items of P (S's successor). * * * Accordingly, under the net value acceleration rule of paragraph (b)(2)(iii)(A) of this section, S is required to take into account its $400 of deferred COD income immediately before the distribution, unless value is restored to P pursuant to paragraph (b)(2)(iii)(C) of this section.

* * * * *

**Martin V. Franks,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 2013–19227 Filed 8–8–13; 8:45 am]

**BILLING CODE 4830–01–P**

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## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Parts 1 and 602

**[TD 9622]**

**RIN 1545–BI96**

## Guidance Regarding Deferred Discharge of Indebtedness Income of Corporations and Deferred Original Issue Discount Deductions; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations and removal of temporary regulations; correction.

**SUMMARY:** This document contains corrections to final regulations and removal of temporary regulations (TD 9622) that were published in the **Federal Register** on Wednesday, July 3, 2013 (78 FR 39984). The final regulations provide necessary guidance regarding the accelerated inclusion of deferred discharge of indebtedness (also known as cancellation of debt (COD)) income (deferred COD income) and the accelerated deduction of deferred original issue discount (OID) (deferred OID deductions) under section 108(i)(5)(D) (acceleration rules), and the calculation of earnings and profits as a result of an election under section 108(i). In addition, these regulations provide rules applicable to all taxpayers regarding deferred OID deductions under section 108(i) as a result of a reacquisition of an applicable debt instrument by an issuer or related party.

**DATES:** This correction is effective on August 9, 2013 and applicable on or after July 2, 2013.

**FOR FURTHER INFORMATION CONTACT:** Robert M. Rhyne, at (202) 622–7790 (not a toll free number).

**SUPPLEMENTARY INFORMATION:**

## Background

The final regulations and removal of temporary regulations (TD 9622) that are the subject of this correction are under section 108(i) of the Internal Revenue Code.

## Need for Correction

As published, the final regulations and removal of temporary regulations (TD 9622) contains errors that may prove to be misleading and are in need of clarification.

## Correction of Publication

Accordingly, the final regulations and removal of temporary regulations (TD 9622), that are the subject of FR Doc. 2013–15881, are corrected as follows:

1. On page 39986, column 2, in the preamble, under the paragraph heading ''Special Analyses'', lines 19 and 20, the language ''and the deduction of deferred original issue discount that is otherwise'' is corrected to read ''and the deduction of deferred OID that is otherwise''.

**Martin V. Franks,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 2013–19225 Filed 8–8–13; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 117

**[Docket No. USCG–2013–0707]**

### Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), Chesapeake, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulations.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the operation of the I64 Bridge across the Atlantic Intracoastal Waterway, South Branch of the Elizabeth River, mile 7.1, at Chesapeake, VA.

This deviation is necessary to facilitate maintenance work on the moveable spans. This temporary deviation allows the drawbridge to remain in the closed to navigation position.

**DATES:** This deviation is effective from 7 a.m. on Sept 13, 2013 to 5 p.m. Sept 29, 2013.

**ADDRESSES:** The docket for this deviation, [USCG–2013–0707] 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 Mrs. Kashanda Booker, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6227, email *Kashanda.l.booker@uscg.mil.* If you have questions on reviewing the docket, call Barbara Hairston, Program Manager, Docket Operations, (202) 366–9826.

**SUPPLEMENTARY INFORMATION:** The Virginia Department of Transportation, who owns and operates this bridge, has requested a temporary deviation from the current operating regulation set out in 33 CFR 117.997(e), to facilitate maintenance of the moveable spans on the structure.

The current operating schedule for the bridge is set out in 33 CFR 117.997 (e) which requires the bridge open on signal if at least 24 hours notice is given. The I64 Bridge has a vertical clearance in the closed position of 65 feet above mean high water.

Under this temporary deviation, the drawbridge will be closed to navigation each day, from 7 a.m. to 5 p.m., on Friday September 13, 2013 to Sunday September 15, 2013; and on Friday September 20, 2013 to Sunday September 22, 2013; with inclement weather dates, from 7 a.m. to 5 p.m., on Friday September 27, 2013 through Sunday, September 29, 2013. The bridge will operate under normal operating schedule at all other times.

Vessels able to pass under the bridge in the closed position may do so at anytime and are advised to proceed with caution. There is no immediate alternate route for vessels transiting this section on the South Branch of the Elizabeth River; however, vessels requiring an opening may proceed before and after the closure periods. The bridge will not be able to open for emergencies. The Coast Guard will also inform additional waterway users through our Local and Broadcast Notices to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation.

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

Dated: July 31, 2013.

**Waverly W. Gregory, Jr.,**

*Bridge Program Manager, Fifth Coast Guard District.*

[FR Doc. 2013–19353 Filed 8–8–13; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 117

**[Docket No. USCG–2013–0719]**

### Drawbridge Operation Regulations; Townsend Gut, Boothbay Harbor and Southport, ME

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Southport SR27 Bridge across Townsend Gut, mile 0.7, between Boothbay Harbor and Southport, Maine. The bridge owner, Maine Department of Transportation will be performing electrical repairs at the bridge. This deviation allows the bridge to remain in the closed position for four hours to facilitate scheduled bridge maintenance.

**DATES:** This deviation is effective between 8 a.m. and 12 p.m. on August 21, 2013 and August 22, 2013.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG–2013–0719 and are available online at *www.regulations.gov,* inserting USCG–2013–0719 in the ''Keyword'' and then clicking ''Search''. They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Mr. John McDonald, Project Officer, First Coast Guard District, telephone (617) 223–8364, *john.w.mcdonald@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** The Southport SR27 Bridge, across Townsend Gut, mile 0.7, between Boothbay Harbor and Southport, Maine, has a vertical clearance in the closed position of 10 feet above mean high water and 19 feet above mean low water. The bridge operating regulations are listed at 33 CFR 117.537.

The waterway is transited by recreational and commercial fishing boats. There is an alternate route for navigation around Southport.

The bridge owner, Maine Department of Transportation, requested a temporary deviation from the normal operating schedule to facilitate deck repairs at the bridge.

Under this temporary deviation the Southport SR27 Bridge may remain in the closed position between 8 a.m. and 12 p.m. on August 21, 2013, with a rain date of August 22, 2013.

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

Dated: July 30, 2013.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 2013–19349 Filed 8–8–13; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 117

**[Docket No. USCG–2013–0607]**

## Drawbridge Operation Regulation; Delaware River, NJ; Correction

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation; correction.

**SUMMARY:** On July 15, 2013, the Coast Guard published a temporary deviation entitled ''Drawbridge Operation Regulation; Delaware River, NJ'' for the operating schedule that governs the bascule span of the Tacony-Palmyra Bridge, across the Delaware River, between the townships of Tacony, PA and Palmyra, NJ. The deviation cited incorrect vertical clearances in the navigable channel. This notice corrects that error.

**DATES:** Effective August 9, 2013.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Terrance Knowles, Environmental Protection Specialist, Coast Guard; telephone 757–398–6587, email *Terrance.A.Knowles@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, at 202–366–9826.

**SUPPLEMENTARY INFORMATION:** On July 15, 2013 (78 FR 42010), the Coast Guard published a temporary deviation from the operating schedule that governs the bascule span of the Tacony-Palmyra Bridge (Route 73), across the Delaware River, mile 107.2, between the townships of Tacony, PA and Palmyra, NJ. The deviation cited incorrect vertical clearances in the navigable channel during the rehabilitation project. This notice corrects that error. Subsequent to the publication of that notice, the Coast Guard discovered that the two vertical clearances, 53 feet and 50 feet above mean high water (MHW), were incorrect.

### Correction

In the notice (FR Doc. USCG–2013–0607) published on July 15, 2013 (78 FR 42010), make the following corrections on page 42011. In the **SUPPLEMENTARY INFORMATION** section, paragraph two, the vertical clearance in the closed position to vessels is 50 feet above MHW (not 53 feet). And, the clearance may be reduced by approximately 3 feet to 47 (not 50 feet) above MHW.

Dated: July 19, 2013.

**Waverly W. Gregory, Jr.,**

*Bridge Program Manager, Fifth Coast Guard District.*

[FR Doc. 2013–19356 Filed 8–8–13; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 165

**[Docket No. USCG–2013–0670]**

**RIN 1625–AA00**

## Safety Zone; James River; Newport News, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone around the USNS Del Monte. This safety zone will restrict vessel traffic on a portion of the James River within a 1500 foot radius of the USNS Del Monte. This action is intended to restrict vessel traffic movement in the vicinity of the James River to protect mariners from the hazards associated with live fire and explosive training events.

**DATES:** This rule will be effective from 8 a.m. on August 19, 2013, until 4 p.m. on August 22, 2013.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG–2013–0670]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email LCDR Hector Cintron, Waterways Management Division Chief, Sector Hampton Roads, Coast Guard; telephone (757) 668–5581, email *Hector.L.Cintron@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

### Table of Acronyms

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

### A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the event plan was received on July 16, 2013, which is only 34 days prior to the event date. As such, it is impracticable to provide a full comment period due to lack of time. Delaying this regulation's effective date for comment would is impracticable as immediate action is needed to ensure the safety of the other vessels transiting the event area. The Coast Guard will provide advance notifications to users of the effected waterways of the safety zone via marine information broadcasts and local notice to mariners.

### B. Basis and Purpose

From August 19 through August 22, 2013, the Naval Special Warfare Development Group will conduct a training exercise on the USNS Del Monte in the James River in the vicinity of the James River Reserve Fleet. Due to the need to protect mariners from the hazards associated with a live fire and explosives training, such as the accidental discharge of ammunition and, dangerous projectiles, vessel traffic will be temporarily restricted within 1500 feet of the USNS Del Monte.

### C. Discussion of the Rule

The Coast Guard is establishing a 1500 foot radius safety zone on specified waters of James River around approximate position 37°06′11″ N/076°38′40″ W in the vicinity of the James River Reserve Fleet. This safety zone is being established in the interest of public safety during the live fire and explosive training exercise and will be

enforced from 8 a.m. on August 19, 2013, to 4 p.m. on August 22, 2013. Access to the safety zone will be restricted during the specified dates and times. Except for vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the safety zone.

**D. Regulatory Analyses**

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

*1. Regulatory Planning and Review*

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those orders. Although this regulation restricts access to the navigable waters of the James River, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; (iii) mariners may transit the waters in and around this safety zone at the discretion of the Captain of the Port or designated representative; and (iv) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

*2. Impact on Small Entities*

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

The rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in that portion of the James River from 8 a.m. on August 19, 2013, through 4 p.m. on August 22, 2013.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) The safety zone will only be in place for a limited duration. (ii) Before the enforcement period of August 19–22, 2013 maritime advisories will be issued allowing mariners to adjust their plans accordingly.

*3. Assistance for Small Entities*

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

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

*4. Collection of Information*

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

*5. Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

*6. Protest Activities*

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

*7. Unfunded Mandates Reform Act*

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

*8. Taking of Private Property*

This rule will not 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 guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a safety zone for a live fire and explosives training exercise and is expected to have no impact on the water or environment. This zone is designed to protect mariners from the hazards associated with live fire and explosive exercises. This rule is categorically from further review under paragraph (34)(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

**List of Subjects in 33 CFR Part 165**

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

For the reasons discussed in the preamble, the Coast Guard 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.T05–0670 to read as follows:

**§ 165.T05–0670 Safety Zone, James River, Newport News, VA.**

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

(b) *Location.* The following area is a safety zone: specified waters of the Captain of the Port Sector Hampton Roads zone, as defined in 33 CFR 3.25–10, all waters of the James River within a 1500 foot radius of the USNS Del Monte in approximate position latitude 37°06′11″ N longitude 076°38′40″ W, located near Fort Eustis in Newport News, VA.

(c) *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, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone Number (757) 668–5555.

(4) The Navy Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement Period.* This section will be enforced from Monday August 19, 2013, at 8 a.m. until Thursday August 22, 2013, at 4 p.m. unless cancelled earlier by the Captain of the Port.

Dated: July 26, 2013.

**John K. Little,**

*Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.*

[FR Doc. 2013–19362 Filed 8–8–13; 8:45 am]

BILLING CODE 9110–04–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R10–OAR–2013–0420; FRL–9844–8]**

## Approval and Promulgation of State Implementation Plans: Alaska; Fairbanks Carbon Monoxide Limited Maintenance Plan and State Implementation Plan Revision

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is taking direct final action to approve a carbon monoxide (CO) Limited Maintenance Plan (LMP) for the Fairbanks Area, and associated revisions to sections of the Fairbanks Transportation Control Program, submitted by the State of Alaska (the State) as a revision to its State Implementation Plan (SIP) dated April 22, 2013. In accordance with the requirements of the Federal Clean Air Act (the Act), the EPA is approving this SIP revision because it demonstrates that the Fairbanks Area will maintain the CO National Ambient Air Quality Standards (NAAQS) through the second 10-year maintenance period.

**DATES:** This rule is effective on October 8, 2013, without further notice, unless the EPA receives adverse comment by September 9, 2013. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R10–OAR–2013–0420, by any of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- Email: *R10-Public_Comments@epa.gov.*
- Mail: Keith Rose, U.S. EPA Region 10, Office of Air, Waste and Toxics (AWT–107), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- Hand Delivery/Courier: U.S. EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Keith Rose, Office of Air, Waste and Toxics, AWT–107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–R10–OAR–2013–0420. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the 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 the 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, the 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 the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

**FOR FURTHER INFORMATION CONTACT:** Keith Rose at telephone number: (206) 553–1949, email address: *rose.keith@epa.gov,* fax number: (206) 553–0110, or the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever ''we'', ''us'' or ''our'' are used, we mean the EPA. Information is organized as follows:

**Table of Contents**

I. What is the purpose of this action?
II. What is the background for this action?
III. Evaluation of Alaska's Submittal
IV. Transportation and General Conformity
V. Final Action
VI. Statutory and Executive Order Reviews

## I. What is the purpose of this action?

The EPA is taking direct final action to approve the CO LMP for the Fairbanks Area, and associated revisions to sections of the Fairbanks Transportation Control Program, submitted by Alaska as a SIP revision dated April 22, 2013. The CO LMP submitted by the State of Alaska is designed to keep the Fairbanks Area in attainment with the CO standard for a second 10-year period beyond redesignation.

The EPA is taking no action on 18 AAC 50.030, State Air Quality Control Plan, which adopts by reference Volumes II and III of the State Air Quality Control Plan and other documents (as a matter of state law), whether or not they have yet been submitted to or approved by the EPA.

## II. What is the background for this action?

Under Section 107(d)(1)(c) of the CAA, each CO area designated nonattainment prior to enactment of the 1990 Amendments, such as the Fairbanks Area, was designated nonattainment by operation of law upon enactment of the 1990 Amendments. Under section 186(a) of the Act, each CO area designated nonattainment under section 107(d) was also classified by operation of law as either ''moderate'' or ''serious'' depending on the severity of the area's air quality problem. CO areas with design values between 9.1 and 16.4 parts per million (ppm), such as the Fairbanks Area, were classified as moderate. These nonattainment designations and classifications were codified in 40 CFR part 81. *See* 56 FR 56712 (November 6, 1991).

On February 27, 1998, the EPA made a final finding that the Fairbanks CO nonattainment area did not attain the CO NAAQS under the CAA mandated attainment date of December 31, 1995 for moderate nonattainment areas. As a result of that finding, which went into effect on March 30, 1998, the Fairbanks CO nonattainment area was reclassified as serious (63 FR 9945). Alaska had 18 months or until October 1, 1999, to submit a new SIP demonstrating attainment of the CO NAAQS as expeditiously as practicable, but no later than December 31, 2000, the CAA attainment date for serious areas.

Notwithstanding significant efforts by Alaska to complete the CO SIP for the Fairbanks Area, the State failed to meet the October 1, 1999 deadline for the required SIP submission. On April 3, 2000, the EPA published a notice in the **Federal Register** stating that initial, mandatory sanctions would be triggered if a new attainment plan was not submitted by October 2, 2001 (65 FR 17444). In March 2001, Alaska submitted a request to the EPA for an extension of the attainment date to December 31, 2001, and the EPA approved this request on May 25, 2001 (66 FR 28836). Alaska submitted an attainment plan on August 30, 2001 and the EPA approved the plan on February 4, 2002 (67 FR 5064). On July 5, 2002, the EPA determined that the Fairbanks Area attained the CO NAAQS by the December 31, 2001 attainment date (67 FR 44769).

The State of Alaska submitted a 10-year maintenance plan and redesignation request for the Fairbanks Area on June 21, 2004. The EPA approved this maintenance plan and redesignated the Fairbanks Area to attainment on July 27, 2004 (69 FR 44601). The State subsequently submitted three revisions to the Alaska SIP relating to the motor vehicle inspection and maintenance (I/M) program in Fairbanks: a March 29, 2002 submittal containing minor revisions to the statewide I/M program; a December 11, 2006 submittal containing more substantial revisions to the statewide I/M program; and a June 5, 2008 submittal containing major revisions to the statewide I/M program discontinuing the I/M program in Fairbanks as an active control measure in the SIP and shifting it to a contingency measure. The EPA approved these revisions on March 22, 2010 (75 FR 13436).

Per CAA section 175A(b), Alaska's current SIP submittal provides a second 10-year CO maintenance plan for the Fairbanks Area. In addition, the plan is consistent with the elements of a LMP as outlined in an EPA October 6, 1995 memorandum from Joseph Paisie, the Group Leader of the Integrated Policy and Strategies Group, titled, ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas''. To qualify for the LMP Option, the CO design value for an area, based on the eight consecutive quarters (2 years of data) used to demonstrate attainment, must be at or below 7.65 ppm (85 percent of the 8-hour CO NAAQS). The EPA has determined that the LMP Option for CO is also available to all states as part of the CAA 175A(b) update to the maintenance plans, regardless of the original nonattainment classification, or lack thereof. Thus, the EPA observes that although the Fairbanks Area was designated as a serious nonattainment area for the CO NAAQS, redesignation to attainment status in conjunction with meeting all requirements of the October 6, 1995, memorandum, allows the State to be eligible to submit a LMP as the update to its original maintenance plan per section 175A(b) of the CAA.

## III. Evaluation of Alaska's Submittal

The EPA has reviewed Alaska's SIP submittal for the Fairbanks Area. The following is a summary of the requirements for a LMP and the EPA's evaluation of how each requirement has been met by the SIP submittal.

### *A. Base Year Emissions Inventory*

The maintenance plan must contain an attainment year emission inventory to identify a level of CO emissions in the area that is sufficient to attain the CO NAAQS. The April 22, 2013 SIP

submittal contains a summary of the CO emissions inventory for the Fairbanks Area for the base year 2005. This summary is based on the Fairbanks emission inventory adopted by the State on April 4, 2008 (Volume III, Appendix IIIC.3) and includes updates made in 2012.[1] The emission inventory includes an on-road vehicle emission inventory based on the EPA's MOVES 2010b[2] vehicle emissions model, a more accurate estimate of residential wood burning emissions in the Fairbanks area, and an estimate of non-road emissions based on the most recent information on snowmobile use in the Fairbanks Area. The methods used to determine the Fairbanks CO emission inventory are consistent with the EPA's most recent guidance on developing emission inventories. Because violations of the CO NAAQS are most likely to occur on winter weekdays, the inventory prepared is for a ''typical winter day''. The table below shows the estimated tons of CO emitted per winter day by source category for the 2005 base year.

2005 EMISSION INVENTORY, MAIN SOURCE CATEGORY SUBTOTALS

| Main source category | CO emissions tons per winter day |
|---|---|
| Point Sources | 3.09 |
| Onroad Mobile Sources | 45.48 |
| Non-road Mobile Sources | 14.80 |
| Area Sources | 19.69 |
| Total | 83.06 |

*B. Demonstration of Maintenance*

The 8-hour CO NAAQS is attained when the annual second highest 8-hour average CO concentration for an area does not exceed a concentration of 9.0 ppm. The last monitored violation of the CO NAAQS in Fairbanks occurred in 1999, and monitored CO levels have been steadily in decline ever since. The 2012 second highest 8-hour CO concentration for the Fairbanks Area is 3.6 ppm, which is in attainment with the CO NAAQS.

For areas using the CO LMP Option, the maintenance plan demonstration requirement is considered to be satisfied when the second highest 8-hour CO concentration is at or below 7.65 ppm (85 percent of the CO NAAQS) for 8 consecutive quarters. The second highest 8-hour CO concentration for the Fairbanks Area for the most recent 8 quarters (2011–2012) was 3.6 ppm, which is significantly below the LMP Option requirement of 7.65 ppm. Therefore, the State has demonstrated that the Fairbanks Area qualifies for the LMP Option.

With the LMP Option, there is no requirement to project emissions of air quality over the upcoming maintenance period. The EPA believes that if the area begins the maintenance period at, or below, 85 percent of the level of the CO 8-hour NAAQS, the applicability of prevention of significant deterioration requirements, the control measures already in the SIP, and Federal control measures already in place should provide adequate assurance of maintenance over the 10-year maintenance period.

*C. Monitoring Network and Verification of Continued Attainment*

To comply with national ambient air monitoring requirements, and to better understand Fairbanks' air quality problems, the State of Alaska has operated a CO monitoring network in the Fairbanks Area since the 1970s. In 1985, the Fairbanks monitoring network consisted of three sites, including a downtown site called the Old Post Office site, which recorded the highest concentrations of CO of all three monitors since 2004. In recognition of declining CO concentrations in the Fairbanks Area, Alaska reduced the Fairbanks CO monitoring network to just the Old Post Office site in 2009 with approval from the EPA.

To verify the attainment status of the area over the maintenance period, the LMP must contain provisions for continued operation of an appropriate, EPA-approved monitoring network in accordance with 40 CFR part 58. The State of Alaska has an approved monitoring network that includes CO monitoring in the Fairbanks Area that was most recently approved by the EPA on October 25, 2012. In the Fairbanks CO LMP, the State commits to maintaining a CO monitoring network to verify continued attainment of the NAAQS.

*D. Contingency Plan*

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions. In its April 22, 2013 submittal, the State of Alaska continued with the contingency plan that is currently in place. The contingency plan includes six possible contingency measures that could be implemented if the Fairbanks Area fails to attain the CO NAAQS. These measures are:

1. Increased public awareness;
2. Enhanced public transit;
3. Expansion of the supply of plug-ins;
4. Altered signal timing;
5. Roadway improvements; and
6. Reintroduction of the Inspection and Maintenance program.

In the event that monitoring data indicate that a violation of the CO NAAQS has occurred, the Fairbanks North Star Borough (FNSB) would examine the data to assess the spatial extent and severity of the episode, as well as trends over time. Based on this assessment, the FNSB in consultation with the Alaska Department of Environmental Conservation (ADEC) would determine which of the above measures to implement.

## IV. Transportation and General Conformity

Transportation conformity is required by section 176(c) of the CAA. The EPA's conformity rule requires that transportation plans, programs, and projects that are funded under 23 U.S.C. or the Federal Transit Act conform to SIPs. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS.

The transportation conformity rule (40 CFR parts 51 and 93) and the general conformity rule (40 CFR parts 51 and 93) apply to nonattainment areas and maintenance areas covered by an approved maintenance plan. Under either conformity rule, an acceptable method of demonstrating that a Federal action conforms to the applicable SIP is to demonstrate that expected emissions from the planned action are consistent with the emissions budget for the area.

While the EPA's LMP Option does not exempt an area from the need to affirm conformity, it explains that the area may demonstrate conformity without submitting an emissions budget. Under the LMP Option, emissions budgets are treated as essentially not constraining for the length of the maintenance period because it is unreasonable to expect that the qualifying areas would experience so much growth in that period that a violation of the CO NAAQS would result. Similarly, Federal actions subject to the general conformity rule could be considered to satisfy the ''budget test'' specified in section 93.158(a)(5)(i)(A) for the same reasons that the budgets are essentially considered to be unlimited.

[1] The memo dated November 20, 2012, to Cindy Heil of the State of Alaska from Sierra Research titled ''Summary of Inventory Revisions to the 2008 Fairbanks CO Maintenance Plan'', describing the emissions inventory update is included in the docket.

[2] MOVES is the EPA's state-of-the-art tool for estimating emissions from on-road mobile sources. MOVES 2012b is the latest version of MOVES and was released in April 2012. Details on MOVES can be found at *http://www.epa.gov/otaq/models/moves.*

While areas with maintenance plans approved under the LMP Option are not subject to the budget test, the areas remain subject to other transportation conformity requirements of 40 CFR part 93, subpart A. Thus, the metropolitan planning organization (MPO) in the area or the State must document and ensure that:

a. Transportation plans and projects provide for timely implementation of SIP transportation control measures in accordance with 40 CFR 93.113;

b. Transportation plans and projects comply with the fiscal constraint element per 40 CFR 93.108;

c. The MPO's interagency consultation procedures meet applicable requirements of 40 CFR 93.105;

d. Conformity of transportation plans is determined no less frequently than every four years, and conformity of plan amendments and transportation projects is demonstrated in accordance with the timing requirements specified in 40 CFR 93.104;

e. The latest planning assumptions and emissions model are used as set forth in 40 CFR 93.110 and 40 CFR 93.111;

f. Projects do not cause or contribute to any new localized carbon monoxide or particulate matter violations, in accordance with procedures specified in 40 CFR 93.123; and

g. Project sponsors and/or operators provide written commitments as specified in 40 CFR 93.125.

The EPA confers regularly with the Fairbanks Metropolitan Area Transportation System technical and policy committees, ADEC, the Alaska Department of Transportation & Public Facilities, the Federal Highway Administration, and the Federal Transit Administration to review the Transportation Improvement Plan for the Fairbanks Area to determine if the area is meeting the transportation conformity requirements under 40 CFR part 93, subpart A. The Fairbanks Area is currently meeting the requirements of 40 CFR part 93, subpart A.

## V. Final Action

In accordance with the requirements of the Federal CAA, the EPA is approving the CO LMP for the Fairbanks Area (Volume II, Section III.C.12 of the State Air Quality Control Plan, adopted February 22, 2013) submitted by Alaska on April 22, 2013 as a revision to the Alaska SIP because the State adequately demonstrates that the Fairbanks Area will maintain the CO NAAQS and meet all the requirements of a LMP through the second 10-year maintenance period. In this action, the EPA is also approving the following revised sections of the Fairbanks Transportation Control Program (Volume II, Section III.C): Air Quality Emissions Data (Section III.C.3), Carbon Monoxide Network Monitoring Program (Section III.C.4), Modeling and Projections (Section III.C.6), and Air Quality Conformity Procedures (Section III.C.10); and the following revised sections of the Appendices to Volume II of the Fairbanks Transportation Control Program (Volume III): Section III.C.1 and Section III.C.10, all of which were included in the April 22, 2013 SIP submittal.

The EPA is taking no action on any section related to 18 AAC 50.030, State Air Quality Control Plan, because the EPA takes action directly, as appropriate, on the specific provisions in the State Air Quality Control Plan that have been submitted by the State, so it is unnecessary for the EPA to approve 18 AAC 50.030. The federally-approved SIP consists only of regulations and other requirements that have been submitted by the State and approved by the EPA.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 8, 2013 without further notice unless the Agency receives adverse comments by September 9, 2013. If the EPA receives such comments, then the EPA will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 8, 2013 and no further action will be taken on the proposed rule.

## VI. Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of

Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 8, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register,** rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2)).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 23, 2013.

**Michelle L. Pirzadeh,**

*Acting Regional Administrator, Region 10.*

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

## Subpart C—Alaska

■ 2. Section 52.73 is amended by adding paragraph (a)(2)(ii) to read as follows:

**§ 52.73 Approval of plans.**

(a) * * *

(2) * * *

(ii) The EPA approves as a revision to the Alaska State Implementation Plan, the Fairbanks Carbon Monoxide Limited Maintenance Plan (Volume II, Section III.C.12 of the State Air Quality Control Plan, adopted February 22, 2013) submitted by the Alaska Department of Environmental Conservation on April 22, 2013. In this action, the EPA is also approving the following revised sections of the Fairbanks Transportation Control Program (Volume II, Section III.C): Air Quality Emissions Data (Section III.C.3), Carbon Monoxide Network Monitoring Program (Section III.C.4), Modeling and Projections (Section III.C.6), and Air Quality Conformity Procedures (Section III.C.10); and the following revised sections of the Appendices to Volume II of the Fairbanks Transportation Control Program (Volume III): Section III.C.1 and Section III.C.10, all of which were included in the April 22, 2013 SIP submittal.

* * * * *

[FR Doc. 2013–19203 Filed 8–8–13; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R08–OAR–2012–0350; FRL–9844–9]**

## Disapproval of State Implementation Plans; State of Utah; Interstate Transport of Pollution for the 2006 $PM_{2.5}$ NAAQS

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

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to disapprove a portion of a State Implementation Plan (SIP) submission from the State of Utah that is intended to demonstrate that its SIP meets certain interstate transport requirements of the Clean Air Act (''Act'' or ''CAA'') for the 2006 fine particulate matter (''$PM_{2.5}$'') National Ambient Air Quality Standards (NAAQS). Specifically, EPA is disapproving the portion of the Utah SIP submission that addresses the CAA requirement prohibiting emissions from Utah sources from significantly contributing to nonattainment of the 2006 $PM_{2.5}$ NAAQS in any other state or interfering with maintenance of the 2006 $PM_{2.5}$ NAAQS by any other state. Under a recent court decision, this disapproval does not trigger an obligation for EPA to promulgate a Federal Implementation Plan (FIP) to address these interstate transport requirements.

**DATES:** *Effective Date:* This final rule is effective September 9, 2013.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2012–0350. 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 through *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Adam Clark, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129, (303) 312–7104, *clark.adam@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *NAAQS* mean or refer to National Ambient Air Quality Standards.

(iv) The initials *SIP* mean or refer to State Implementation Plan.

(v) The initials *UDEQ* mean or refer to the Utah Department of Environmental Quality.

(vi) The words *Utah* and *State* mean the State of Utah.

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I. Background
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### I. Background

On October 17, 2006 EPA promulgated a new NAAQS for $PM_{2.5}$, revising the level of the 24-hour $PM_{2.5}$ standard to 35 μg/m³ and retaining the level of the annual $PM_{2.5}$ standard at 15 μg/m³. (71 FR 61144). By statute, SIPs

meeting the ''infrastructure'' requirements of CAA sections 110(a)(1) and (2) are to be submitted by states within three years after promulgation of a new or revised standard. Among the infrastructure requirements of section 110(a)(2) are the ''interstate transport'' requirements of section 110(a)(2)(D).

CAA section 110(a)(2)(D)(i) identifies four distinct elements related to the evaluation of impacts of interstate transport of air pollutants. In this action for the state of Utah, EPA is addressing the first two elements of section 110(a)(2)(D)(i) with respect to the 2006 $PM_{2.5}$ NAAQS.[1] The first element of section 110(a)(2)(D)(i) requires that each SIP for a new or revised NAAQS contain adequate provisions to prohibit any source or other type of emissions activity within the state from emitting air pollutants that will ''contribute significantly to nonattainment'' of the NAAQS in another state. The second element of CAA section 110(a)(2)(D)(i) requires that each SIP for a new or revised NAAQS contain adequate provisions to prohibit any source or other type of emissions activity in the state from emitting pollutants that will ''interfere with maintenance'' of the applicable NAAQS in any other state.

On September 21, 2010, the Utah Department of Environmental Quality (UDEQ) provided a submission to EPA certifying that Utah's SIP is adequate to implement the 2006 $PM_{2.5}$ NAAQS for all the ''infrastructure'' requirements of CAA section 110(a)(2)(D), including the requirements of CAA section 110(a)(2)(D)(i)(I).[2]

On May 20, 2013 (78 FR 29314), EPA proposed to disapprove Utah's September 2010 submission with regard to the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I). As explained in that notice, *id.* at 29317, we proposed to disapprove this element of Utah's submission because there is no basis for EPA to conclude that the existing SIP is adequate to satisfy the significant contribution to nonattainment and interference with maintenance elements of section 110(a)(2)(D)(i)(I).

## II. Response to Comments

EPA received one letter on June 14, 2013 containing comments from the Sierra Club. The letter supported our proposed disapproval of Utah's submission, but disagreed with other aspects of our proposal. The significant comments in the letter and EPA's responses are given below.

*Comment 1:* The commenter disagrees with EPA's statement that disapproval of Utah's infrastructure SIP, as it relates to section 110(a)(2)(D)(i)(I) requirements, would not trigger a mandatory duty for EPA to promulgate a FIP to address these requirements. Specifically, the commenter contends that the plain language of the CAA requires EPA to issue a FIP within two years of a disapproval action. In addition, the commenter contends that the decision in *EME Homer City Generation* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), *cert. granted,* 2013 U.S. LEXIS 4801 (U.S. June 24, 2013) (No. 12–1182) (*EME Homer City*), is not binding or persuasive because it was incorrectly decided. The commenter also contends that the decision is inconsistent with previous decisions by the District of Columbia (D.C.) Circuit Court of Appeals. The commenter further suggests that EPA should not voluntarily follow the incorrectly decided *EME Homer City* opinion, particularly in the context of an infrastructure action that only impacts sources in Utah, a state within the jurisdiction of the Tenth Circuit Court of Appeals rather than the D.C. Circuit Court of Appeals.

*Response 1:* EPA has historically adopted the commenter's interpretation: disapproval of section 110(a)(2)(D)(i)(I) would trigger an obligation for the Agency to promulgate a FIP within two years unless the state submitted and EPA approved a SIP to correct the deficiency within that time. EPA continues to agree that the plain language of the statute establishes these obligations, and for those reasons, we asked the U.S. Supreme Court to review the D.C. Circuit's decision in *EME Homer City.* On June 24, 2013 the Supreme Court agreed to do so.

In the meantime and because the mandate from the D.C. Circuit was issued to EPA in February 2012, EPA intends to act in accordance with the *EME Homer City* opinion. In particular, the D.C. Circuit court concluded that EPA does not have authority to promulgate a FIP to address the requirements of section 110(a)(a)(2)(D)(i)(I) until EPA has identified emissions in a state that significantly contribute to nonattainment or interfere with maintenance of the NAAQS in another state and given the state an opportunity to submit a SIP to address those emissions. *EME Homer City,* 696 F.3d at 28. Because EPA has not identified or quantified any potential contribution and or interference from Utah to other states, or given the State an opportunity to submit a SIP to address any potential downwind contribution following action by EPA to quantify that contribution, our disapproval action today does not obligate Utah to take any action or make a new SIP submission, nor does it trigger an obligation for EPA to promulgate a FIP.

EPA also disagrees with the commenter's suggestion that the Agency need not follow the D.C. Circuit's decision in *EME Homer City* in the context of an infrastructure action for Utah. The EPA rule reviewed by the court in *EME Homer City*—''Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals,'' 76 FR 48207 (August 8, 2011), also known as the Cross State Air Pollution Rule (CSAPR)—was designated by EPA as a ''nationally applicable'' rule within the meaning of section 307(b)(1) of the CAA. *See id.* at 48352. Accordingly, all petitions for review of the CSAPR had to be filed in the U.S. Court of Appeals for the D.C. Circuit and could not be filed in any other federal court. 42 U.S.C. 7607(b)(1). Accordingly, EPA believes the D.C. Circuit's decision in *EME Homer City* vacating this rule is also nationally applicable.[3] As such, EPA does not intend to take any actions, even if they are only reviewable in another federal Circuit Court of Appeals, that are inconsistent with the decision of the D.C. Circuit. EPA acknowledges, however, that if the *EME Homer City* decision is reversed or otherwise modified by the Supreme Court, at that time EPA may need to revisit its conclusion that this action does not trigger an obligation for EPA to promulgate a FIP.

*Comment 2:* The commenter contends that even if EPA chose to follow the *EME Homer City Generation* decision, EPA should acknowledge that the disapproval starts a FIP clock and then move expeditiously to provide Utah with the information the *EME Homer City* court said EPA must provide.

*Response 2:* EPA disagrees. As discussed in the response to comment 1, unless the D.C. Circuit's decision in *EME Homer City* is reversed or

[1] This action does not address the two elements of the transport SIP provision (in CAA section 110(a)(2)(D)(i)(II)) regarding interference with measures required to prevent significant deterioration of air quality or to protect visibility in another state. We will act on these elements in a separate rulemaking.

[2] UDEQ's submission is included in the docket for this action.

[3] In this respect, the D.C. Circuit's *EME Homer City* decision is distinguishable from decisions of other Courts of Appeal involving petitions for review of EPA actions under the CAA that are ''regionally or locally applicable'' within the meaning of section 307(b)(1). *E.g., Summit Petroleum Corp.* v. *U.S. EPA,* 690 F.3d 733 (6th Cir. 2012).

otherwise modified, disapproval of Utah's 2006 $PM_{2.5}$ infrastructure SIP as it relates to section 110(a)(2)(D)(i)(I) does not give EPA authority, much less obligate it, to promulgate a FIP for Utah. EPA intends to move forward expeditiously to address the interstate transport requirements of the CAA in accordance with all applicable court decisions.

*Comment 3:* The commenter states that the D.C. Circuit lacked jurisdiction in the *EME Homer City* decision to address whether or not a 2 year FIP clock should have started to run, because that issue was not timely raised in a challenge to the June 9, 2010 (75 FR 32673) finding of failure to submit. Citing footnote 34 of the *EME Homer City* opinion, the commenter argues that the opinion acknowledged that the court was not overturning the June 9, 2010 finding of failure to submit in which EPA stated that a FIP clock was started by the finding.

*Response 3:* The Supreme Court granted certiorari and agreed to consider all three questions presented in the United States' petition, including whether the D.C. Circuit lacked jurisdiction to consider the challenges on which it granted relief. However, as explained above we do not intend to take any actions that are inconsistent with the D.C. Circuit's *EME Homer City* decision unless that decision is reversed or otherwise modified. The D.C. Circuit clearly held that EPA lacked authority to promulgate the CSAPR FIPs even though it acknowledged that for each state subject to a CSAPR FIP EPA had previously disapproved that state's 110(a)(2)(D)(i)(I) SIP submission or had previously found that the state had failed to submit a 110(a)(2)(D)(i)(I) SIP. *EME Homer City,* 696 F.3d at 31–37. Also, in the very same footnote cited by the commenter, the court stated: ''[A] State cannot be 'required' to implement its good neighbor obligation in a SIP 'submission'— nor be deemed to have submitted a deficient SIP for failure to implement the good neighbor obligation—until it knows the target set by EPA.'' *Id.* at 37 n.34. In our disapproval of the Utah submission, we are acting consistently with the D.C. Circuit decision, even as expressed in the footnote cited by the commenter.

## III. Final Action

EPA is disapproving the 110(a)(2)(D)(i)(I) portion of Utah's September 21, 2010 submission. We are disapproving this portion of the submission because it fails to demonstrate that the Utah SIP is adequate for the requirements of 110(a)(2)(D)(i)(I). As explained in detail in our proposal and our response to comments, unless the decision of the D.C. Circuit in *EME Homer City* is reversed or modified, this disapproval will not trigger an obligation for EPA to promulgate a FIP to address these interstate transport requirements, nor does it require Utah to submit a revised interstate transport SIP to meet the requirements.

## IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 8, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: July 26, 2013.

**Shaun L. McGrath,**

*Regional Administrator, Region 8.*

[FR Doc. 2013–19200 Filed 8–8–13; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

**[EPA–HQ–OPP–2012–0901; FRL–9394–5]**

## Propylene Glycol; 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 propylene glycol (CAS Reg. No. 57–55–6) 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 under our regulations. Exponent on behalf of Ecolab, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA) requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of propylene glycol.

**DATES:** This regulation is effective August 9, 2013. Objections and requests for hearings must be received on or before October 8, 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:** EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2012–0901. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. 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 in the electronic docket at *http://www.regulations.gov,* or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

**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. Potentially affected entities may include, but are not limited to:

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

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. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How can I get 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://ecfr.gpoaccess.gov/cgi/t/text/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–2012–0901 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 October 8, 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 that does not contain any 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 a copy of your non-CBI objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0901, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

### II. Petition for Exemption

In the **Federal Register** of January 16, 2013 (78 FR 3377) (FRL–9375–4), EPA issued a notice pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10525) by Exponent®, 1150 Connecticut Ave. NW., Suite 1100, Washington, DC 20036 on behalf of Ecolab, Inc., 370 N. Wabasha Street, 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 propylene glycol (CAS Reg. No. 57–55–6) 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. That notice referenced a summary of the petition prepared by Ecolab, 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 propylene glycol including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with propylene glycol 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 propylene glycol 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 propylene glycol is low propylene glycol did not cause dermal or eye irritation in rabbits. It was not a dermal sensitizer.

Propylene glycol administered via the oral route did not cause systemic toxicity in rats or dogs in studies conducted for up to 2 years at doses as high as 2,500 mg/kg/day. Neither maternal, developmental, offspring nor reproduction toxicity was observed at doses up to approximately 10,000 mg/kg/day in a teratology screening and a continuous breeding study in mice.

Also, dermal exposure to propylene glycol did not cause systemic toxicity nor increased skin tumor incidence at concentrations up to 100% (~100,000 mg/kg/day) propylene glycol in mice.

Propylene glycol was not mutagenic or genotoxic on the basis of a battery of studies that included the bacterial gene mutation assay using Salmonella typhimurium (AMES) in vitro assay, in vitro Chinese hamster ovary (CHO) mutation assay, Chinese hamster ovary (CHO) chromosomal aberration assays, and an in vitro sister chromatid exchange assay. In addition, EPA concluded that propylene glycol was negative for carcinogenicity in studies conducted up to the testing limit doses established by the Agency.

Although no neurotoxicity or immunotoxicity studies on propylene glycol are available, there is no evidence of neurotoxicity or immunotoxicity in the available studies.

Propylene glycol should be readily metabolized to lactic acid at the typical low-level exposures. At higher concentrations (absorbed doses), propylene glycol is primarily excreted unchanged in the urine.

### *B. Toxicological Points of Departure/Levels of Concern*

EPA has concluded that there are no toxicity endpoints of concern for oral, dermal, or inhalation exposure to propylene glycol. This conclusion is based on the results of toxicity testing of propylene glycol at dose levels near or above testing limits (as established in the OPPTS 870 series harmonized test guidelines). Since signs of toxicity were not observed, a toxicological endpoint of concern for use in risk assessment was not identified. Therefore, EPA has determined that a quantitative risk assessment, which would use safety factors applied to a point of departure that is protective of an identified hazard endpoint, for propylene glycol is not appropriate.

### *C. Exposure Assessment*

1. *Dietary exposure from food, feed, drinking water and non-dietary exposures.* In evaluating dietary exposure to propylene glycol, EPA considered exposure under the proposed exemption from the requirement of a tolerance. For purposes of this action, EPA qualitatively assessed dietary and non-dietary exposures from propylene glycol as follows:

Dietary exposure (food and drinking water) could potentially occur from the use of propylene glycol as a food additive, from food packaging, from its use as an inert ingredient in pesticide formulations. In addition, dietary exposure to propylene glycol could occur as a result of contact with treated surfaces or food- or dairy-processing equipment or food utensils. Residential exposure could also potentially occur as a result of the use of propylene glycol in and around the home as a sanitizer, disinfectant, and pet treatment. Since an endpoint for risk assessment was not identified, a quantitative dietary exposure assessment for propylene glycol was not conducted.

2. *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 propylene glycol to share a common mechanism of toxicity with any other substances, and propylene glycol does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that propylene glycol 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*

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 for propylene glycol contains several acute, subchronic, and chronic, developmental, and reproductive toxicity studies, as well as carcinogenicity, mutagenicity, metabolism/pharmacokinetics, and dermal toxicity studies. No hazard was identified based on those studies. Although the toxicity database does not contain any neurotoxicity or immunotoxicity studies, no evidence of neurotoxicity or immunotoxicity effects was present in any of the available studies. Thus, there is no residual uncertainty regarding prenatal and/or postnatal toxicity of propylene glycol.

Based on this information, there is no concern at this time for increased sensitivity to infants and children to propylene glycol when used as an inert ingredient in pesticide formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils.

*E. Aggregate Risks and Determination of Safety*

Taking into consideration all available information on propylene glycol, EPA concludes that there are no dietary or aggregate dietary/non-dietary risks of concern as a result of exposure to propylene glycol in food and water or from residential exposure. As discussed in this unit, EPA expects aggregate exposure to propylene glycol to pose no appreciable dietary risk given that the data show a lack of systemic toxicity at doses < 2500 mg/kg/day and a lack of any increased susceptibility of infants and children. Taking into consideration of all available information on propylene glycol, 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 propylene glycol residues.

## 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 propylene glycol.

## VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.940(a) for propylene glycol (CAS Reg. No. 57–55–6) when used as an inert ingredient in antimicrobial pesticide 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 exempts certain pesticide residues 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 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) (Pub. L. 104–4).

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), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

**VIII. Congressional Review Act**

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report 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 this final rule in the **Federal Register**. This final rule 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 29, 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, the table in paragraph (a) is amended by adding, alphabetically, the following inert ingredient 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 |
|---|---|---|
| * * * * * | | |
| Propylene glycol ..... | 57–55–6 | None. |
| * * * * * | | |

* * * * *

[FR Doc. 2013–19025 Filed 8–8–13; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1, 27, and 101

**[WT Docket Nos. 12–70 and 04–356; ET Docket No. 10–142; FCC 12–151]**

### Service Rules for Advanced Wireless Services in the 2000–2020 MHz and 2180–2200 MHz Bands, etc.

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's Report and Order (R&O), Service Rules for Advanced Wireless Services in the 2000–2020 MHz and 2180–2200 MHz Bands, etc.

This notice is consistent with the *R&O,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

**DATES:** The amendments to §§ 1.949, 27.14, 27.17, 27.1131, 27.1134, 27.1136, 27.1166, 27.1168, 21.1170, 101.69, and 101.73(d) that appeared in the **Federal Register** at 78 FR 8229, February 5, 2013, are effective on August 9, 2013.

**FOR FURTHER INFORMATION CONTACT:** Kevin Holmes, Wireless Telecommunications Bureau, Broadband Division, at (202) 418–BITS or by email at *Kevin.Holmes@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** This document announces that, on July 31, 2013, OMB approved, for a period of three years, the information collection requirements contained in the Commission's *R&O,* FCC 12–151, published at 78 FR 8229 on February 5, 2013. The OMB Control Number is 3060–1030. The Commission publishes this notice as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Judith B. Herman at (202) 418–0214 or via email at *Judith-B.Herman@fcc.gov.* Please include the OMB Control Number, 3060–1030, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

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

**Synopsis**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on July 31, 2013, which contained new or modified information collection requirements, in 47 CFR 1.949, 27.14, 27.17, 27.1131, 27.1134, 27.1136, 27.1166, 27.1168, 21.1170, 101.69, and 101.73(d), which would not be effective until approved by the Office of Management and Budget. The information collection was adopted in the Report and Order in WT Docket Nos. 12–70 and 04–356; ET Docket No. 10–142, FCC 12–151, which appears at 78 FR 8229, February 5, 2013, adopts flexible use rules for 40 megahertz of spectrum in the 2 GHz band (2000–2020 MHz and 2180–2200 MHz) that would increase the nation's supply of spectrum for mobile broadband. Also, we adopted AWS–4 terrestrial service, technical, and licensing rules that generally follow the Commission's part 27 flexible use rules, modified as necessary to account for issues unique to the AWS–4 bands. First, we establish 2000–2020 MHz paired with 2180–2200 MHz as the AWS–4 band plan. In addition, we adopted appropriate technical rules for operations in the AWS–4 band. This includes rules governing the relationship of the AWS–4 band to other bands. Third, mindful that AWS–4 spectrum is now allocated on a co-primary basis for Mobile Satellite and for terrestrial Fixed and Mobile services and that MSS licensees already have authorizations to provide service in the band, we determined that the AWS–4 rules must provide for the protection of 2 GHz MSS systems from harmful interference caused by AWS–4 systems. Fourth, consistent with our determination below to grant AWS–4 terrestrial operating authority to the incumbent 2 GHz MSS licensees, we proposed to assign terrestrial rights by modifying the MSS operators' licenses pursuant to section 316 of the Communications Act. Fifth, we adopted performance requirements for the AWS–4 spectrum. Specifically, licensees of AWS–4 operating authority will be subject to build-out requirements that require a licensee to provide terrestrial signal coverage and offer terrestrial service to at least 40 percent of its total terrestrial license areas' population within four years, and to at least 70 percent of the population in each of its license areas within seven years, and to appropriate penalties if these

benchmarks are not met. Sixth, we adopted a variety of regulatory, licensing, operating, and relocation and cost sharing requirements for licensees of AWS–4 operating authority. Seventh, we eliminated the ATC rules for the 2 GHz MSS band and propose to modify the 2 GHz MSS operators' licenses to eliminate their ATC authority. In so doing, the *AWS–4 Report and Order* would carry out a recommendation in the National Broadband Plan that the Commission enables the provision of stand-alone terrestrial services in the 2 GHz Mobile Satellite Service (MSS) spectrum band, thus dramatically increasing the value of this spectrum to the public. The *AWS–4 Report and Order* would remove regulatory barriers to mobile broadband use of this spectrum; would adopt service, technical, and licensing rules that would encourage innovation and investment in mobile broadband; and would provide certainty and a stable regulatory regime for the rapid deployment of wireless broadband.

The effective date of the rules adopted in that Report and Order was published as March 7, 2013, except for §§ 1.949, 27.14, 27.17, 27.1131, 27.1134, 27.1136, 27.1166, 27.1168, 21.1170, 101.69, and 101.73(d). Through this document, the Commission announces that it has received this approval (OMB Control No. 3060–1030, Expiration Date: July 31, 2016) and that §§ 1.949, 27.14, 27.17, 27.1131, 27.1134, 27.1136, 27.1166, 27.1168, 21.1170, 101.69, and 101.73(d) will become effective August 9, 2013.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1030. The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060–1030.

*OMB Approval Date:* July 31, 2013.

*OMB Expiration Date:* July 31, 2016.

*Title:* Service Rules for Advanced Wireless Services (AWS) in the 1.7 GHz and 2.1 GHz.

*Form Number:* N/A.

*Respondents:* Business or other for-profit entities, not-for-profit institutions, Federal Government, and state, local or tribal government.

*Number of Respondents:* 979 respondents; 1,625 responses.

*Estimated Time per Response:* .25 hours to 5 hours.

*Frequency of Response:* On occasion, annual and every 10 year reporting requirements, recordkeeping requirement and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 152, 154(i), 201, 301, 302, 303(f), 303(g), 303(r), 307, 308, 309, 310, 316, 319, 324, 332, and 333 of the Communications Act of 1934, as amended; and the Commercial Spectrum Enhancement Act (CSEA), Public Law 108–494, 118 Stat. 3896, 3992 (2004).

*Total Annual Burden:* 32,386 hours.

*Total Annual Cost:* $581,800.

*Privacy Impact Assessment:* N/A.

*Nature and Extent of Confidentiality:* There is no need for confidentiality except as follows: some relocators that seek reimbursement through the FCC cost-sharing plan administered by the clearinghouses will be required to retain records for more than three years, as will the clearinghouses themselves.

*Needs and Uses:* The information collection requirements which were not effective until approved by the Office of Management and Budget apply to the rules listed in the **DATES** sections.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2013–19355 Filed 8–8–13; 8:45 am]

**BILLING CODE 6712–01–P**

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

**[WC Docket No. 10–90; FCC 13–97]**

### Connect America Fund

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) *sua sponte* reconsiders one aspect of the recent *Phase I Order* and provides a limited waiver of the Phase I election deadline. The Commission now requires carriers to report updates to planned Phase I deployments to the Commission, relevant state commissions, and relevant Tribal governments.

**DATES:** Effective August 9, 2013, except for § 54.312(b)(3) and 54.312(c)(4) which contain OMB requirements that have not been approved by OMB. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date.

**FOR FURTHER INFORMATION CONTACT:** Ryan Yates, Wireline Competition Bureau, (202) 418–0886 or TTY: (202) 418–0484.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order on Reconsideration in WC Docket No. 10–90; FCC 13–97, adopted on July 15, 2013 and released on July 16, 2013. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554. Or at the following Internet address: *http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-13-97A1.pdf.*

## I. Introduction

1. In the Order on Reconsideration, the Commission *sua sponte* reconsiders one aspect of the recent *Phase I Order,* 78 FR 38227, June 26, 2013, and provides a limited waiver of the Phase I election deadline. First, the Commission now requires carriers to report updates to planned Phase I deployments to the Commission, relevant state commissions, and relevant Tribal governments. If the intended new deployment will occur in census blocks not previously identified, the updates must be submitted at least 90 days prior to commencing construction. Making this reporting mandatory will further transparency regarding the use of this funding, for the benefit of regulators and the general public. This will strengthen monitoring and oversight over Phase I recipients and will better ensure that Phase I support is not spent in areas that already receive service through another provider. Second, we provide a 15-day waiver of the deadline for carriers to accept second round Phase I support. This extension makes the second round election period 90 days, which is the same amount of time as was provided for first round Phase I elections.

## II. Discussion

### *A. Reconsideration of Reporting Requirements*

2. Under § 1.108 of our rules, the Commission may, on its own motion, reconsider any action made or taken within 30 days from the date of public notice of such action. In doing so, the Commission may take any action it could take in acting on a petition for reconsideration, including reversing or modifying the original order.

3. We now reconsider the Commission's decision in the *Phase I Order* regarding optional reporting of changes to planned Phase I deployments. On further reflection, we conclude that it is appropriate to require Phase I recipients to report changes in deployment plans when those decisions are made, rather than at the completion of the Phase I deployment period as required under the current rules. If, in satisfying its Phase I buildout obligations, a recipient plans to deploy to locations in a census block not identified when it initially accepted Phase I support, the recipient must report that new census block to the Commission, relevant state commission, and relevant Tribal governments, at least 90 days prior to commencing construction in that new census block. Likewise, a recipient of Phase I support must submit updates indicating that it no longer plans to deploy to one or more census blocks it initially identified when accepting support, prior to making the certification required under § 54.313(b)(2) of our rules. This reconsideration of reporting requirements applies to changes in deployment plans for either the first or second round of Phase I that occur after the effective date of this new rule.

4. This minor change strengthens our ongoing ability to oversee use of this public funding and is consistent with our commitment to accountability and oversight, ensuring that universal service funding is used as efficiently as possible. When a recipient alters its Phase I deployment plans, the Commission, the relevant state commissions, relevant Tribal governments, if applicable, and the general public should be informed of that decision. By requiring Phase I recipients to identify new census blocks, Commission staff will be able to verify that the locations in those census blocks are, in fact, shown as unserved on the National Broadband Map. Additionally, as Phase I election and buildout information is publicly disclosed, the reporting of new census blocks will inform the public, including existing providers, of where the recipient now intends to meet its Phase I buildout obligations. To further ensure that the public is aware of changes in deployment plans, the Wireline Competition Bureau (Bureau) will issue a public notice announcing the updated deployment plans. This will give any existing provider the opportunity to notify the recipient that the provider already serves the census block in question, thereby furthering the Commission's objective of not supporting areas where there are unsubsidized competitors.

5. We conclude that it is reasonable to provide potential existing providers 45 days from the Bureau giving public notice of the new planned census blocks to notify the Phase I recipient that they are currently providing service to the locations in question. No sooner than 46 days after the Bureau issues a public notice announcing the change and in any event no later than the commencement of construction in the new census blocks, we require the Phase I recipient to make all appropriate certifications that would have been required had the recipient initially identified the new census blocks at the time it accepted Phase I support. A Phase I recipient may disregard any notice from a potential existing provider received after the recipient makes its certifications. All certifications must be based on information available at the time the certifications are made.

### *B. Waiver of Election Deadline*

6. Carriers were initially provided 75 days from the release of the *Phase I Order* to elect to accept or decline Phase I support. One price cap carrier has requested a 15-day extension of time, noting that additional time is needed to analyze new deployment opportunities and to consult with the Commission on planned deployments. On our own motion, we grant a limited waiver of the Phase I election deadline, allowing all price cap carriers to submit their elections up to 15 days after the original deadline. We conclude that good cause exists to grant a limited waiver in this circumstance. While the Commission had originally predicted that 75 days would be a sufficient period of time for carriers to make second round elections, based on the record, we now determine that additional time is warranted. Because the Commission expanded the eligible areas in the second round of Phase I, carriers now must complete additional analyses that were not previously undertaken for the first round. We find that a brief extension of time will facilitate the ability of Phase I recipients to provide advance notice of Phase I elections to Commission staff before the election deadline. We note that the Commission provided 90 days to make an election in the first round of Phase I, and this action will harmonize the time provided for elections in the first and second rounds of Phase I. We conclude that providing a limited extension to all price cap carriers would be appropriate, and we now extend this deadline to 90 days from the release of the *Phase I Order.* Therefore, Phase I elections are due August 20, 2013.

## III. Procedural Matters

### *A. Paperwork Reduction Act*

7. This document contains new or modified information collection requirements subject to the PRA. It will be submitted to OMB for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

8. In this present document, we have assessed the effects of requiring carriers to report changes in planned Phase I deployment, and we find that the burden on companies with fewer than 25 employees will be minimal. Only price cap carriers or rate-of-return carriers affiliated with price cap carriers are eligible for Phase I support. All such entities have more than 25 employees. Other providers, including cable companies and wireless Internet service providers, have the option to file with the price cap carrier in question and/or on the Commission's ECFS a notice that they already provide service to a given location. These providers may be small businesses. However, the option to make this filing is designed to benefit such providers by reducing the likelihood that Connect America funds are used to subsidize the overbuilding of their existing networks.

### *B. Final Regulatory Flexibility Certification*

9. The Regulatory Flexibility Act (RFA) requires that agencies prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that ''the rule will not have a significant economic impact on a substantial number of small entities.'' The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

10. This document modifies the reporting requirements contained in the *Phase I Order.* This modification does not create any burdens, benefits, or requirements that were not addressed by the Final Regulatory Flexibility Analysis attached to *USF/ICC Transformation Order,* 76 FR 73830, November 29, 2011. Therefore, we certify that the requirements adopted in this Order on Reconsideration will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the Order on Reconsideration, including a copy of this final certification, in a report to Congress pursuant to SBREFA. In addition, the Order on Reconsideration and this certification will be sent to the Chief Counsel for Advocacy of the SBA, and will be published in the **Federal Register**.

*C. Congressional Review Act*

11. The Commission will send a copy of the Order on Reconsideration to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

**IV. Ordering Clauses**

12. *Accordingly, it is ordered,* pursuant to the authority contained in sections 1, 4(i), 4(j), 5, 201(b), 214, 218–220, and 254 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 154(i), 154(j), 155, 201(b), 214, 218–220, 254, 1302, and §§ 1.1 and 1.108 of the Commission's rules, 47 CFR 1.1, 1.108, that the Order on Reconsideration *is adopted.*

13. *It is further ordered,* pursuant to § 1.103(a) of the Commission's rules, 47 CFR 1.103(a), that the ''Reconsideration of Reporting Requirements'' section of the Order on Reconsideration involves Paperwork Reduction Act burdens, and *shall be effective* immediately upon announcement in the **Federal Register** of OMB approval of the information collection requirements and an effective date.

14. *It is further ordered,* pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, that the deadline for carriers to file Phase I second round elections *is waived* to the extent described above, and, pursuant to § 1.103(a) of the Commission's rules, 47 CFR 1.103(a), *shall be effective* immediately upon release of the Order on Reconsideration.

**List of Subjects in 47 CFR Part 54**

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Comunications Commission.

**Marlene H. Dortch,**

*Secretary.*

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 54 as follows:

## PART 54—UNIVERSAL SERVICE

■ 1. The authority citation for part 54 is revised to read as follows:

**Authority:** Sections 1, 4(i), 5, 201, 205, 214, 219, 220, 254, 303(r), and 403 of the Communications Act of 1934, as amended, and section 706 of the Communications Act of 1996, as amended; 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

■ 2. Amend § 54.312 by revising paragraphs (b)(3) and (c)(4) to read as follows:

### § 54.312 Connect America Fund in Price Cap Territories—Phase I.

* * * * *

(b) * * *

(3) A carrier may elect to accept or decline incremental support. A holding company may do so on a holding-company basis on behalf of its operating companies that are eligible telecommunications carriers, whose eligibility for incremental support, for these purposes, shall be considered on an aggregated basis. A carrier must provide notice to the Commission, relevant state commissions, and any affected Tribal government, stating the amount of incremental support it wishes to accept and identifying the areas by wire center and census block in which the designated eligible telecommunications carrier will deploy broadband to meet its deployment obligation, or stating that it declines incremental support. Such notification must be made within 90 days of being notified of any incremental support for which it would be eligible. Along with its notification, a carrier accepting incremental support must also submit a certification that the locations to be served to satisfy the deployment obligation are not shown as served by fixed broadband provided by any entity other than the certifying entity or its affiliate on the then-current version of the National Broadband Map; that, to the best of the carrier's knowledge, the locations are, in fact, unserved by fixed broadband; that the carrier's current capital improvement plan did not already include plans to complete broadband deployment within the next three years to the locations to be counted to satisfy the deployment obligation; and that incremental support will not be used to satisfy any merger commitment or similar regulatory obligation. If a carrier intends to deploy to census blocks not initially identified at the time of election, it must inform the Commission, the Administrator, relevant state commissions, and any affected Tribal government of the change at least 90 days prior to commencing deployment in the new census blocks. No sooner than 46 days after the Wireline Competition Bureau issues a public notice announcing the updated deployment plans but prior to commencing deployment, the carrier must make the certifications described in this paragraph with respect to the new census blocks. If a carrier no longer intends to deploy to a previously identified census block, it must inform the Commission, the Administrator, relevant state commission, and any affected Tribal government prior to filing its certification pursuant to § 54.313(b)(2).

* * * * *

(c) * * *

(4) A carrier may elect to accept or decline incremental support. A holding company may do so on a holding-company basis on behalf of its operating companies that are eligible telecommunications carriers, whose eligibility for incremental support, for these purposes, shall be considered on an aggregated basis. A carrier must provide notice to the Commission, the Administrator, relevant state commissions, and any affected Tribal government, stating the amount of incremental support it wishes to accept, the number of locations at the $775 amount, and the number of locations at the $550 amount, and identifying the areas by wire center and census block in which the designated eligible telecommunications carrier will deploy broadband to meet its deployment obligation; or stating that it declines incremental support. Such notification must be made within 75 days of being notified of any incremental support for which it would be eligible. If a carrier intends to deploy to census blocks not initially identified at the time of election, it must inform the Commission, the Administrator, relevant state commissions, and any affected Tribal government of the change at least 90 days prior to commencing deployment in the new census blocks. No sooner than 46 days after the Wireline Competition Bureau issues a public notice announcing the updated deployment plans but prior to commencing deployment, the carrier must make the certifications described in paragraph (c)(5) of this section with respect to the new census blocks. If a

carrier no longer intends to deploy to a previously identified census block, it must inform the Commission, the Administrator, relevant state commission, and any affected Tribal government prior to filing its certification pursuant to § 54.313(b)(2).

* * * * *

[FR Doc. 2013–19233 Filed 8–8–13; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[MB Docket No. 12–92; RM–11650, RM–11679, DA 13–1567]**

### Radio Broadcasting Services; Centerville, Lovelady, Midway, and Oakwood, Texas

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Media Bureau grants a Petition for Rule Making filed by Katherine Pyeatt by allotting alternate FM Channel 251A at Midway, Texas, and also grants a Counterproposal filed by Roy E. Henderson for a new allotment on Channel 233A at Oakwood, Texas. Additionally, the document clarifies the circumstances under which an otherwise timely filed counterproposal in an FM allotment proceeding may be amended to cure a conflict with a previously filed application. Finally, the Bureau bifurcates two hybrid applications filed by Henderson from the Counterproposal and will consider them at a later date. *See* **SUPPLEMENTARY INFORMATION.**

**DATES:** Effective September 9, 2013.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Rhodes or Rolanda F. Smith, Media Bureau, (202) 418–2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order,* MB Docket No. 12–92, adopted July 11, 2013, and released July 12, 2013. *See also Notice of Proposed Rule Making,* 77 FR 25112, published April 27, 2012. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or via email *www.BCPIWEB.com.* The Commission will send a copy of this *Report and Order* in a report to Congress and the Governmental Accountability Office, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Although Henderson's Counterproposal was timely filed on the counterproposal deadline of May 29, 2012, a conflicting minor modification application was filed on May 21, 2012. Under the Note to Section 73.208(a)(3) of the Commission's Rules, if an otherwise timely filed counterproposal is in conflict with a previously filed application, the counterproposal can be considered if it is amended to remove the conflict within 15 days from the date the counterproposal appears on public notice. The Note also requires a counterproponent to show that it could not have known of the pending conflicting FM application by exercising due diligence. While Henderson submitted an amendment to resolve the conflict within 15 days from the release of the Public Notice accepting the counterproposal, the document explains that the facts of this case present a close question as to whether the necessary ''due diligence'' was exercised that would warrant acceptance of the Amendment. Under these circumstances, the Bureau concludes that the public interest is, on balance, better served by accepting Henderson's amendment and resolving this case on section 307(b) grounds than by basing its decision on a tenuous interpretation of the ''due diligence'' requirement of the rule.

The Bureau also clarifies how it will handle similar matters on a going-forward basis. First, the Bureau clarifies that prospective counterproponents in FM allotment rule making proceedings are required to take into account all FM application filings ''released'' by Broadcast Actions Public Notices more than 15 days from the counterproposal deadline. Unacceptable counterproposals under this fact scenario will be dismissed. Second, applicants are required to confirm the acceptability of their engineering no more than five business days prior to the counterproposal deadline. If changes to the Commission's database occur between 5 and 15 days from the counterproposal deadline and result in a conflict, the counterproposal must note the conflict and must request release of a Public Notice starting a 15-day cure period. Failure to note a conflict under these circumstances results in dismissal of the counterproposal. Third, the Bureau clarifies that conflicting applications announced by Broadcast Actions Public Notices less than five business days from the counterproposal deadline do not have to be noted or accounted for in an otherwise timely filed counterproposal. Under these circumstances, we will issue a Public Notice, and counterproponents will have 15 days to resolve the conflict.

The reference coordinates for Channel 251A at Midway, Texas, are 31–03–40 NL and 95–45–00 WL. The reference coordinates for Channel 233A at Oakwood, Texas, are 31–39–42 NL and 95–52–53 WL. Further, the use of alternate Channel 251A at Midway eliminates the need for a related channel substitution at Centerville as proposed in the Notice. Likewise, Henderson's Amendment to his Counterproposal eliminates the need for the substitution of Channel 232A for vacant Channel 288A at Lovelady because it proposes to change the reference coordinates for Channel 288A at Lovelady in order to accommodate one of the ''hybrid'' applications. This aspect of the Counterproposal will be considered at a later date along with these non-mutually exclusive applications (File Nos. BPH–20120529ADK and BPH–20120529ADI).

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

Federal Communications Commission.

**Nazifa Sawez,**

*Assistant Chief, Audio Division, Media Bureau.*

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

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Midway, Channel 251A, and Oakwood, Channel 233A.

[FR Doc. 2013–18177 Filed 8–8–13; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 90

**[WT Docket No. 11–69 and ET Docket 09–234; FCC 13–91]**

## Private Land Mobile Radio Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** In this document, the Commission clarifies the rules regarding the certification and use of Terrestrial Trunked Radio (TETRA) equipment in response to a petition for clarification and/or reconsideration filed by Motorola Solutions, Inc. In essence, the Commission clarifies that the rules as enacted reflect the Commission's intent. Accordingly, there is no change to the CFR.

**DATES:** Effective August 9, 2013.

**FOR FURTHER INFORMATION CONTACT:** Tim Maguire, Mobility Division, Wireless Telecommunications Bureau at (202) 418–2155, or TTY (202) 418–7233.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order on Reconsideration,* adopted July 2, 2013, and released July 2, 2013. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov.* Alternative formats are available to persons with disabilities by sending an email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

### Synopsis

1. Motorola Solutions, Inc. (MSI) seeks clarification and/or reconsideration of the *Report and Order* in this proceeding, which amended Part 90 of the Commission's Rules to permit the certification and use of Terrestrial Trunked Radio (TETRA) equipment. In response, we clarify that the rules adopted in the *Report and Order* permit TETRA technology on all channels in the 809–824/854–869 MHz band, and permit any technology that meets the technical criteria adopted in the *Report and Order,* whether or not it is TETRA technology.

2. On September 21, 2012, the Commission released a *Report and Order* amending Sections 90.209 and 90.210 of its rules, and adding a new Section 90.221, to permit the certification and use of TETRA equipment in the 450–470 MHz and 809–824/854–869 MHz bands. Specifically, the rules permit the use of equipment in the 450–470 MHz and 809–824/854–869 MHz bands that meets certain adjacent channel power limits in lieu of operating within the Part 90 emission masks. MSI requests clarification of two issues: (1) Whether the Commission intended to include under the scope of the new rules 800 MHz Public Safety Pool channels that are not in the National Public Safety Planning Advisory Committee (NPSPAC) portion of the band, and (2) whether the rules permit the certification and use of only TETRA equipment, or of any equipment that satisfies the new technical parameters.

3. In the Discussion section of the *Report and Order,* the Commission stated, ''we modify our rules to permit the use of TETRA technology in the 450–470 MHz and 809–824/854–869 MHz bands.'' As MSI notes, however, the Commission said in the Introduction section that it was amending the rules to permit TETRA technology in ''the 450–470 MHz portion of the UHF band (421–512 MHz) and Business/Industrial Land Transportation [(B/ILT)] 800 MHz band channels (809–824/854–869 MHz) that are not in the National Public Safety Planning Advisory Committee (NPSPAC) portion of the band.'' In comparing these two sentences, the language from the Introduction regarding the specified 800 MHz frequencies could be read as covering only the B/ILT channels, thereby limiting use of TETRA technology to B/ILT licensees operating there, while the statement in the Discussion section refers to the same frequencies without qualification—frequencies that cover not only B/ILT channels, but also Specialized Mobile Radio (SMR) channels, Enhanced SMR channels, and certain Public Safety Pool channels that are not part of the NPSPAC plan. MSI therefore asks the Commission to clarify whether the use of TETRA technology is permitted on all channels in the 809–824/854–869 MHz band, including 800 MHz non-NPSPAC Public Safety Pool channels, or only on B/ILT channels within the 809–824/854–869 MHz band. We hereby clarify that the Commission did not intend to limit use of this technology in the 800 MHz band to B/ILT Pool licensees, and, as indicated in the Discussion of the *Report and Order* and in the amended rules themselves, TETRA technology is permitted on all channels in the 809–824/854–869 MHz band, not just the B/ILT channels.

4. As to the second issue on which MSI seeks clarification, whether the technical rules adopted in the *Report and Order* are technology-neutral or are intended only for TETRA equipment, we clarify that the rules permit any equipment that meets the applicable adjacent channel power limits of § 90.221. The application of the rule is not limited to TETRA equipment and it was not the Commission's intention to restrict the rule in this manner.

### I. Procedural Matters

*A. Final Regulatory Flexibility Analysis*

5. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission prepared a regulatory flexibility analysis of the final rules adopted in the *Report and Order.* In this present *Order on Reconsideration,* the Commission promulgates no additional final rules, and our present action is, therefore, not an RFA matter.

*B. Final Paperwork Reduction Act Analysis*

6. This *Order on Reconsideration* does not contain new or modified information collection requirements.

*C. Congressional Review Act*

7. The Commission will not send a copy of this *Order on Reconsideration* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the clarification provided in the *Order on Reconsideration* does not amend the Commission's rules.

8. Accordingly, *it is ordered* pursuant to Sections 1, 4(i), 303(f), 303(g), 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 303(f), 303(g), 303(r), and 405(a), and Sections 1.2 and 1.429(a) of the Commission's Rules, 47 CFR 1.2, 1.429(a), that the Petition for Clarification and/or Reconsideration filed by Motorola Solutions, Inc. on November 9, 2012 *is granted* to the extent set forth herein.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2013–17707 Filed 8–8–13; 8:45 am]

BILLING CODE 6712–01–P

# Proposed Rules

Federal Register
Vol. 78, No. 154
Friday, August 9, 2013

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

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 7 CFR Part 319

**[Docket No. APHIS–2012–0014]**

**RIN 0579–AD68**

## Importation of Papayas From Peru

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to allow, under certain conditions, the importation of commercial consignments of fresh papayas from Peru into the continental United States. The conditions for the importation of papayas from Peru would include requirements for approved production locations; field sanitation; hot water treatment; procedures for packing and shipping the papayas; and fruit fly trapping in papaya production areas. This action would allow for the importation of papayas from Peru while continuing to provide protection against the introduction of quarantine pests into the continental United States.

**DATES:** We will consider all comments that we receive on or before October 8, 2013.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2012-0014-0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2012-0014, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0014* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Ms. Dorothy Wayson, Senior Regulatory Coordination Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2036.

**SUPPLEMENTARY INFORMATION:**

### Background

The regulations in ''Subpart–Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–59, referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States. The national plant protection organization (NPPO) of Peru has requested that the Animal and Plant Health Inspection Service (APHIS) amend the regulations to allow fresh papayas (*Carica papaya*) to be imported from Peru into the continental United States.

As part of our evaluation of Peru's request, we have prepared a pest risk assessment (PRA), titled ''Importation of Fresh Papaya, *Carica papaya,* from Peru into the Continental United States'' (March 2012). The PRA evaluates the risks associated with the importation of papaya into the continental United States from Peru. Copies of the PRA may be obtained by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT** or viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

The PRA identified two pests of quarantine significance present in Peru that could be introduced into the United States through the importation of papaya: The Mediterranean fruit fly (Medfly), *Ceratitis capitata* Wiedemann, and the South American fruit fly, *Anastrepha fraterculus* (Wiedemann). Both of these pests were rated as posing a high risk.

APHIS has determined that measures beyond standard port of arrival inspection are required to mitigate the risks posed by the plant pests associated with papayas from Peru. Therefore, we propose to require that the papayas be subjected to a systems approach to pest mitigation. This systems approach would require that the papayas be produced at places of production registered with the NPPO of Peru, would require packing procedures designed to exclude quarantine pests, and would require fruit fly trapping, field sanitation, and hot water treatment to remove pests of concern from the pathway. Only commercial consignments of papayas would be allowed to be imported from Peru. Consignments of papayas from Peru would also be required to be accompanied by a phytosanitary certificate issued by the NPPO of Peru stating that the papayas were grown, packed, and shipped in accordance with the proposed requirements.

The proposed systems approach to pest mitigation for the importation of papayas from Peru has been used successfully to mitigate the risk associated with the importation of papayas from Central America, Brazil, Colombia, and Ecuador (§ 319.56–25). The risk management document for papayas from Peru evaluated the effectiveness of these measures against the quarantine pests identified in the PRA and concluded that the provisions in § 319.56–25, along with the general requirements for the importation of fruits and vegetables in the regulations, will be sufficient to prevent the introduction of those pests into the continental United States. Therefore, we propose to amend § 319.56–25 to allow for the importation of papayas from Peru. The mitigation measures for the proposed systems approach are outlined in greater detail below.

#### *Commercial Consignments*

The importation of fresh papayas from Peru would be limited to commercial consignments of papaya of cultivar Solo only.

This condition would reduce the likelihood that papayas will introduce injurious plant pests into the continental United States. Commercial consignments are less likely to be infested with plant pests than noncommercial consignments. Noncommercial consignments are more prone to infestations because the commodity is often ripe to overripe,

may be of a variety with unknown susceptibility to pests, and is often grown with little or no pest control. Commercial consignments, as defined in § 319.56–2, are consignments that an inspector identifies as having been imported for sale and distribution. Such identification is based on a variety of indicators, including, but not limited to: Quantity of produce, type of packaging, identification of grower or packinghouse on the packaging, and documents consigning the fruits or vegetables to a wholesaler or retailer.

Papayas weighing 2 kilograms or less are considered ''Solo'' papayas. The limitation would ensure that the hot water dip treatment discussed later in this document is effective, as that treatment has not been tested on larger papayas.

*Registered Growers*

The papayas would have to be grown by a grower registered with the NPPO of Peru and packed for shipment to the continental United States (including Alaska) in Peru. This condition would ensure that papayas intended for the continental United States are grown in places of production where fruit fly traps are maintained and where the other elements of the systems approach described below are in place. In addition, grower registration allows for traceback and removal from the export program of production sites with confirmed pest problems, and the papaya orchards would be monitored by the NPPO to ensure that pest and disease-excluding sanitary procedures are employed.

*Harvesting Procedures*

Beginning at least 30 days before harvest begins and continuing through the completion of harvest, all trees in the area where the papayas are grown would have to be kept free of papayas that are one-half or more ripe (more than one-quarter of shell surface yellow), and all culled and fallen fruit would have to be buried, destroyed, or removed from the farm at least twice a week.

Although papayas are a potential host for Medfly and South American fruit fly, these fruit flies typically prefer ripe fruits as well as culled or fallen papayas. Therefore, requiring that only green papayas (less than half ripe) be present on the trees and that culled and fallen fruit be buried, destroyed, or removed from the farm would reduce the populations of Medfly and South American fruit fly in the fields where papayas intended for importation into the continental United States are grown.

*Treatment*

The papayas would have to be held for 20 minutes in hot water at 48 °C (118.4 °F). This treatment is currently used to treat papayas imported from Central America, Brazil, Colombia, and Ecuador for fruit flies under the existing regulations in § 319.56–25. Hot water treatment mitigates the pest risk that could result if fruit flies lay eggs in papayas immediately before harvest. This treatment, in conjunction with other safeguards that would be required by the regulations for papayas from Peru, would reduce the likelihood that papayas will introduce Medfly and South American fruit fly into the continental United States.

*Packaging Procedures*

When packed, the papayas would have to be less than one-half ripe (shell surface no more than one-quarter yellow, surrounded by light green) and appear to be free of all injurious insect pests.

This condition would reduce the risk of introduction of Medfly and South American fruit fly into the continental United States. Papayas that are less than one-half ripe (green) are not preferred hosts for fruit flies. Requiring papayas to be less than one-half ripe when packed thus reduces the risk of their infestation with Medfly or South American fruit fly.

The papayas would have to be safeguarded from exposure to fruit flies from harvest to export, including being packaged to prevent access by fruit flies or other injurious insect pests during transit. The package containing the papayas would not be allowed to contain any other fruit, including papayas not qualified for importation into the continental United States. These conditions would ensure that papayas that have already been inspected and packaged for shipment to the continental United States are not at risk for fruit fly infestation.

*Fruit Fly Trapping*

Beginning at least 1 year before harvest begins and continuing through the completion of harvest, fruit fly traps would have to be maintained in the field where the papayas were grown. Fifty percent of the traps would have to be of the McPhail type, and 50 percent of the traps of the Jackson type. The traps would have to be placed at the rate of 1 trap per hectare and checked for fruit flies at least once a week by plant health officials of the NPPO. The NPPO would have to keep records of the fruit fly finds for each trap, updating the records each time the traps are checked, and make the records available to APHIS upon request. The records would have to be maintained for at least 1 year. This condition would ensure the earliest possible detection of increasing populations of fruit flies in and around fields where papayas are grown.

If the average Jackson fruit fly trap catch is greater than seven Medflies per trap per week, measures would have to be taken to control the Medfly population in the production area. If the average Jackson trap catch exceeds 14 Medflies per trap per week, importations of papayas from that production area would be halted until the rate of capture drops to an average of 7 or fewer Medflies per trap per week.

If the average McPhail trap catch is greater than seven South American fruit flies per trap per week, measures would have to be taken to control the South American fruit flies population in the production area. If the average McPhail trap catch exceeds 14 South American fruit flies per trap per week, importations of papayas from that production area would be halted until the rate of capture drops to an average of 7 or fewer South American fruit flies per trap per week.

These thresholds for Medfly and South American fruit fly trapping would help detect increasing populations of these fruit flies in growing areas; as such, this condition would help ensure that these fruit flies are not associated with imports of papayas into the continental United States.

All activities would have to be conducted under the supervision and direction of plant health officials of the NPPO of the exporting country to help ensure that all activities required by the regulations are properly carried out. This requirement is found in paragraph (h) of § 319.56–25, which currently refers to the activities in paragraphs (a) through (h) of the section. Since paragraph (h) contains the supervision requirement, we are proposing to correct the reference to instead refer to supervision of the activities described in paragraphs (a) through (g) of § 319.56–25.

*Phytosanitary Certificate*

All shipments of papayas would have to be accompanied by a phytosanitary certificate issued by the NPPO of Peru stating that the papayas were grown, packed, and shipped in accordance with the proposed requirements. This condition would help ensure that the provisions of the regulations have been met. In addition, as part of issuing the phytosanitary certificate, the NPPO would inspect the commodities and

certify that they are free of quarantine pests.

**Executive Order 12866 and Regulatory Flexibility Act**

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

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

This proposed rule would allow the importation of fresh papaya fruit from Peru into the continental United States. Papaya is a relatively minor crop in the United States that is primarily grown in Hawaii, and to a lesser extent, in Florida. Very small acreages are found in Texas and California.

Peru is expected to ship up to 36 metric tons of fresh papaya to the United States per year. This amount would be equivalent to less than 0.03 percent of net imports of fresh papaya by the United States in 2011. With U.S. net imports estimated to be at least eight times as large as U.S. fresh papaya production, any market effects of such a relatively negligible change in papaya imports are as likely to impact foreign suppliers as they are U.S. producers. In addition, effects for the majority of U.S. papaya producers, who are located in Hawaii, would be further muted by the proposed prohibition on entry of fresh papaya from Peru into that State.

While most if not all U.S. papaya farms are small entities, we expect this proposed rule to have a very minor impact regardless of the size of operation.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

**Executive Order 12988**

This proposed rule would allow papayas to be imported into the continental United States from Peru. If this proposed rule is adopted, State and local laws and regulations regarding papayas imported under this rule would be preempted while the fruit is in foreign commerce. Fresh fruits are generally imported for immediate distribution and sale to the consuming public and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. APHIS–2012–0014. Please send a copy of your comments to: (1) APHIS, using one of the methods described under **ADDRESSES** at the beginning of this document, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

Allowing the importation of papayas into the continental United States from Peru will require grower registration, trapping records, and phytosanitary certificates.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as 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).

*Estimate of burden:* Public reporting burden for this collection of information is estimated to average 1.5 hours per response.

*Respondents:* The NPPO of Peru and growers.

*Estimated annual number of respondents:* 51.

*Estimated annual number of responses per respondent:* 1.9.

*Estimated annual number of responses:* 101.

*Estimated total annual burden on respondents:* 154 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

**E-Government Act Compliance**

The Animal and Plant Health Inspection Service is committed to compliance 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. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

**List of Subjects in 7 CFR Part 319**

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend 7 CFR part 319 as follows:

## PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

**Authority:** 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

**§ 319.56–25 [Amended]**

■ 2. Section 319.56–25 is amended as follows:

■ a. In paragraph (b), by removing the words ''or Ecuador'' and adding the words '', Ecuador, or Peru'' in their place.

■ b. In paragraph (g)(2), by adding the word ''Peru,'' after the word ''Ecuador,''.

■ c. In paragraph (h), by removing the citation ''(h)'' and adding the citation ''(g)'' in its place.

Done in Washington, DC, this 5th day of August 2013.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2013–19314 Filed 8–8–13; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

## Food Safety and Inspection Service

## 9 CFR Part 317

**[Docket No. FSIS–2008–0017]**

## Descriptive Designation for Needle- or Blade-Tenderized (Mechanically Tenderized) Beef Products

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is extending the comment period for the **Federal Register** proposed rule, ''Descriptive Designation for Needle- or blade-tenderized (Mechanically Tenderized) Beef Products'' until October 8, 2013. The Agency is taking this action in response to two requests made by trade associations.

**DATES:** Comments are due by October 8, 2013.

**ADDRESSES:** FSIS invites interested persons to submit comments on this notice. Comments may be submitted by either of the following methods:

*Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov/.* Follow the on-line instructions at that site for submitting comments.

*Mail, including CD–ROMs:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163B, Washington, DC 20250–3700.

*Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E Street SW., Room 8–163B, Washington, DC 20250–3700.

*Instructions:* All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2007–0017. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

*Docket:* For access to background documents or to comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development, Telephone: (202) 205–0495, or by Fax: (202) 720–2025.

**SUPPLEMENTARY INFORMATION:** On June 10, 2013, FSIS published a proposed rule in the **Federal Register** (78 FR 34589), ''Descriptive Designation for Needle- or blade-tenderized (Mechanically Tenderized) Beef Products.''

In the rule, FSIS is proposing to require the use of the descriptive designation ''mechanically tenderized'' on the labels of raw or partially cooked needle- or blade-tenderized beef products, including beef products injected with marinade or solution, unless such products are destined to be fully cooked at an official establishment. FSIS is proposing that the product name for such beef products include the descriptive designation ''mechanically tenderized'' and an accurate description of the beef component. FSIS is also proposing to require that the print for all words in the product name appear in the same style, color, and size and on a single-color contrasting background. In addition, FSIS is proposing to require that labels of raw and partially cooked needle- or blade-tenderized beef products destined for household consumers, hotels, restaurants, or similar institutions include validated cooking instructions that inform consumers that these products need to be cooked to a specified minimum internal temperature, and whether they need to be held at that minimum temperature for a specified time before consumption, i.e., dwell time or rest time, to ensure that they are fully cooked.

FSIS is also announcing that it has posted on its Web site guidance for developing validated cooking instructions for mechanically tenderized product.

Two trade associations addressed letters to FSIS requesting an additional 120 days to comment on the proposed rule and the guidance for validated cooking instructions. Both letters stated that additional time was needed to submit comprehensive comments because the Agency had asked for comment on not only the proposed rule and the guidance but also on numerous related issues.

For the reason given in these requests, FSIS agrees to extend the comment period. The Agency believes that an additional 60-day extension is sufficient. The comment period for the proposed rule will now end on October 8, 2013.

### USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call (202) 720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

### Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register/federal-register-notices.*

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service.* Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on: August 2, 2013.

**Alfred V. Almanza,**

*Administrator.*

[FR Doc. 2013–19322 Filed 8–8–13; 8:45 am]

**BILLING CODE 3410–DM–P**

## FARM CREDIT ADMINISTRATION

## 12 CFR Parts 602, 618 and 621

**RIN 3052–AC76**

## Releasing Information; General Provisions; Accounting and Reporting Requirements; Reports of Accounts and Exposures

**AGENCY:** Farm Credit Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The Farm Credit Administration (FCA, we, or our) is proposing to establish a regulatory framework for the reliable, timely, accurate, and complete reporting of Farm Credit System (System) accounts and exposures for examination activities and risk evaluation. The proposed regulation specifies the reporting requirement(s) and performance responsibilities, including, but not limited to, establishing uniform and standard data fields to be collected from all System institutions and a disciplined and secure delivery of information. The proposed regulation would authorize a Reporting Entity (defined as the Federal Farm Credit Banks Funding Corporation (Funding Corporation) or an entity approved by FCA), to collect data from all banks and associations and serve as the central data repository manager. Additionally, the proposed regulation would require all banks and associations to provide data to the Reporting Entity to facilitate the collection, enhancement, and reporting of data to FCA.

**DATES:** Comments on this proposed rule must be submitted on or before September 9, 2013.

**ADDRESSES:** We offer a variety of methods for you to submit your comments. For accuracy and efficiency reasons, commenters are encouraged to submit comments by email or through the FCA's Web site. As facsimiles (fax) are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act, we do not accept comments submitted by fax. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any of the following methods:

- *Email:* Send us an email at *reg-comm@fca.gov.*
- *FCA Web site: http://www.fca.gov.* Select ''Public Commenters,'' then ''Public Comments,'' and follow the directions for ''Submitting a Comment.''
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Barry F. Mardock, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

You may review copies of all comments we receive at our office in McLean, Virginia, or from our Web site at *http://www.fca.gov.* Once you are in the Web site, select ''Public Commenters,'' then ''Public Comments,'' and follow the directions for ''Reading Submitted Public Comments.'' We will show your comments as submitted, but for technical reasons we may omit items such as logos and special characters. Identifying information you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce Internet spam.

**FOR FURTHER INFORMATION CONTACT:** Susan Coleman, Senior Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4491, TTY (703) 883–4056, or Jane Virga, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4056.

**SUPPLEMENTARY INFORMATION:**

### I. Objectives

The objectives of this proposed rule are to:

- Reaffirm the authority for the FCA to collect data on System institution accounts and exposures for examination activities and risk evaluation;
- Require all banks and associations to provide data on accounts and exposures to the Reporting Entity, for the purposes of reporting to the FCA; and
- Establish the authority for and responsibilities of the Reporting Entity to collect, store, manage, and extrapolate data on accounts and exposures for reporting to the FCA.

### II. Background

The Farm Credit Act of 1971, as amended (Act),[1] authorizes the FCA to issue regulations implementing the Act's provisions.[2] Our regulations are intended to ensure the safe and sound operations of System institutions. In order to meet FCA's responsibility to ensure the safety and soundness of System institutions, we must have reliable, timely, accurate, and complete information about each banks' and associations' assets and liabilities.

Section 5.22A of the Act and § 621.12(a) of FCA regulations require each System institution to prepare and file such reports of condition and performance as may be required by FCA. Further clarification is provided in § 621.12(b), which states that these reports of condition and performance must be filed four times a year and may include such additional reports as may be necessary to ensure timely, complete, and accurate monitoring and evaluation of the affairs, condition, and performance of System institutions as determined by the Chief Examiner. In addition, § 621.12(c) requires all reports of condition and performance to be submitted electronically in accordance with the instructions prescribed by FCA. Also, section 5.9(4) of the Act provides FCA the power to require such reports as it deems necessary from System institutions.[3]

For over a decade, the FCA has collected detailed asset reports through loan data extracts from System institutions to facilitate examination activities and risk evaluation, and shared the data with the Farm Credit System Insurance Corporation (FCSIC) on a confidential basis. The need for consistent, comprehensive, and comparable data across all System institutions has evolved, as the complexity and volume of assets has increased. The availability of quality and timely data on accounts and exposures, including any loan, lease, letter of credit, derivative, or, any other asset, liability, other balance sheet account, or off-balance sheet exposure, has become critical to efficient and effective examination activities and risk evaluation. Accordingly, we continue to work with the System to collect more comprehensive data submissions and enhance the reporting to facilitate the evaluation of changing lending risks and conditions.

An integral component of the FCA's and FCSIC's ability to quickly and accurately identify and respond to risk is the collection of data on, and identification of, shared assets. Shared assets are any account or exposure where two or more System institutions have assumed a portion of the asset's benefits or risks. On October 3, 2012,

[1] Public Law 92–181, 85 Stat. 583 (1971), 12 U.S.C. 2001 *et seq.*

[2] 12 U.S.C. 2252(a)(8), (9), and (10).

[3] Further, under section 5.17(a)(11) of the Act, the FCA may ''[e]xercise such incidental powers as may be necessary or appropriate to fulfill its duties and carry out the purposes of {the} Act.''

the FCA Board approved Bookletter BL–065, which describes FCA's expectations for each System institution and its board of directors to establish and implement an automated mechanism to consistently identify shared asset exposures.

In addition to other objectives, and in order to facilitate the identification of shared asset exposures and enable System risk assessment, the System has proposed the Funding Corporation create a central data repository to collect and store data from all System banks and associations, establish an automated mechanism to timely and accurately identify the System's shared asset exposures, and report Systemwide accounts and exposures on behalf of the System banks and associations to the FCA. The Funding Corporation, in coordination with the banks and associations, has begun planning and developing the central data repository and has prepared to assume the role of the Reporting Entity for the banks' and associations' reports of accounts and exposures. The Reporting Entity may also be any other entity approved by the FCA.

The proposed regulation reaffirms the FCA's authority to collect data from the System and communicates the authority for, and responsibilities of, the Reporting Entity to collect data on behalf of the System banks and associations for delivery to the FCA. The proposed rule also confirms FCA's authority to share examination reports or other information on System institutions prepared or held by the FCA with FCSIC. The proposed regulation would require the banks, associations, and Reporting Entity to establish a system of internal controls over the data. Additionally, the banks and associations will need to establish a data governance structure with the Reporting Entity to document the responsibilities and accountabilities for the conveyance, storage and uses of the information stored in the central data repository. This data governance structure should establish consensus among the banks, associations, and Reporting Entity and should be in place prior to the first transfer of data to the Reporting Entity.

During the System's data repository development phase, the banks and associations will continue to prepare and submit the reports of accounts and exposures to the FCA in accordance with the instructions prescribed by the FCA. Upon satisfactory demonstration by the Reporting Entity of the ability to prepare reliable, timely, complete and accurate reporting of accounts and exposures, FCA will accept report(s) of all banks' and associations' accounts and exposures from the Reporting Entity, acting on behalf of the banks and associations.

The proposed regulation would require that the Reporting Entity notify the FCA immediately in writing in the event of any breach of data confidentiality or if there is a request for data from the reports of accounts and exposures. Additionally, in the event of a breach of information, the Reporting Entity would have to provide written notice of the breach to each bank and association concerned so that it may determine whether any notice of the breach to any of its borrowers is required under applicable laws and regulations.

The Reporting Entity may request that the banks and associations appoint a replacement Reporting Entity to assume the authorities and reporting obligations of the Reporting Entity described in the proposed regulation with 60 days prior notice to the FCA. Additionally, at their discretion, and with the approval of the FCA, the banks and associations may elect to select a replacement Reporting Entity to assume the authorities and reporting obligations of the Reporting Entity.

## III. Section-by-Section Analysis

We request and encourage any interested person to submit comments on this proposed rule and ask that you support your comments with relevant data or examples.

### *A. Disclosing Reports of Examination and Other Non-Public Information [§ 602.2]*

We propose adding a new paragraph (c) to § 620.2 that we may disclose, without waiving any privilege or limiting any of the requirements of section 5.59 the Act, reports of examination and other examination and non-public information,[4] including data from reports of System accounts and exposures received pursuant to § 621.15 of this chapter, to the FCSIC pursuant to confidentiality and data security agreements executed between the agencies.

### *B. Releasing Information—General Regulation [§ 618.8300]*

The proposed regulation would delete ''as authorized in the following paragraphs'' and substitute ''as authorized by Farm Credit Administration regulations'' to clarify that banks and associations can provide information not contained in published reports or press releases to the Reporting Entity, as provided in the proposed regulation.

### *C. Lists of Borrowers and Stockholders [§ 618.8310]*

We propose adding a new paragraph (c) to allow System institutions to provide information from its lists of borrowers and stockholders to the Reporting Entity, as provided in the proposed regulation.

### *D. Data Regarding Borrowers and Loan Applicants [§ 618.8320]*

We propose adding a new paragraph (b)(10) to allow System institutions to release information not contained in published reports or press releases to the Reporting Entity, as provided in the proposed regulation.

### *E. Definitions [§ 621.2]*

The proposed regulation would amend § 621.2 by adding new definitions for the terms ''accounts and exposures,'' ''banks and associations,'' ''central data depository,'' ''reporting entity'' and ''shared asset''.

### *F. Applicability and General Instructions [§ 621.12]*

The proposed regulation would amend the title of existing § 621.12 by removing ''Applicability and general instructions'' and inserting ''Reports of condition and performance''.

### *G. Reports of Accounts and Exposures [§ 621.15]*

The proposed regulation would establish a new § 621.15, which provides that banks and associations must submit accurate and complete reports of accounts and exposures in accordance with the instructions prescribed by the FCA or as may be required by the FCA. The Reporting Entity would collect, store, and manage the information submitted to it by each bank and association under the requirements of this section in a central data repository. The Reporting Entity would prepare and submit electronic report(s) of accounts and exposures to the FCA from all banks and associations in accordance with FCA regulations and

[4] Section 5.59(a)(5) of the Act provides that FCSIC, to the extent practicable, shall use the personnel and resources of the FCA to minimize duplication of effort and to reduce costs. Under section 5.59(b), if the FCSIC Board considers it necessary to examine an insured System bank or a System association or any System institution in receivership, it may use FCA examiners to conduct the examination using reports and other information on the System institution prepared or held by the FCA. If the FCSIC Board determines that such reports or information are not adequate to enable FCSIC to carry out the duties of FCSIC under section 5.59(b), it may request the FCA to examine or to obtain other information from or about the System institution and provide FCSIC the resulting examination report or such other information. *See also* section 5.19(d) of the Act.

prescribed instructions. The Reporting Entity would be required to establish, implement, and maintain an automated mechanism to ensure the reliable, timely, accurate and consistent identification of the banks' and associations' shared asset exposures, and report these exposures and the shared asset identifiers in the electronic quarterly report on accounts and exposures to the FCA.

The proposed regulation would require each bank and association to provide written certification to the FCA and the Reporting Entity that the information provided in the report of accounts and exposures is a true and accurate record of the data maintained in the bank's or association's database, to the best of its knowledge and belief. Additionally, the Reporting Entity would be required to provide written certification to the FCA that the information provided in the report of all banks' and associations' accounts and exposures has been prepared in accordance with all applicable regulations and instructions and accurately represents the information provided to it by the banks and associations. The proposed regulation would require the banks, associations, and Reporting Entity to establish an effective system of internal controls over the data included in the report(s) of accounts and exposures, including controls for maintaining the confidentiality of borrower information.

The proposed regulation would require the Reporting Entity to notify FCA immediately in writing of the following events: (1) If there is a breach of information; (2) if there is a request for data from the reports of accounts and exposures from non-System entities; or, (3) if it is unable to prepare and submit the report(s) of accounts and exposures in compliance with the requirements of this section. Additionally, in the event of a breach of information, the Reporting Entity would have to provide written notice of the breach to each bank and association concerned so that it may determine whether any notice of the breach to any of its borrowers is required under applicable laws and regulations.

## IV. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the FCA hereby certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities. Each of the banks in the Farm Credit System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, Farm Credit System institutions are not ''small entities'' as defined in the Regulatory Flexibility Act.

## List of Subjects

*12 CFR Part 602*

Courts, Freedom of information, Government employees.

*12 CFR Part 618*

Agriculture, Archives and records, Banks, banking, Insurance, Reporting and recordkeeping requirements, Rural areas, Technical assistance.

*12 CFR Part 621*

Accounting, Agriculture, Banks, banking, Penalties, Reporting and recordkeeping requirements, Rural areas.

For the reasons stated in the preamble, parts 602, 618 and 621 of chapter VI, title 12 of the Code of Federal Regulations, are proposed to be amended as follows:

## PART 602—RELEASING INFORMATION

■ 1. The authority citation for part 602 is revised to read as follows:

**Authority:** Secs. 5.9, 5.17, 5.59 of the Farm Credit Act (12 U.S.C. 2243, 2252, 2277a–8); 5 U.S.C 301, 552; 12 U.S.C. 1821(t); 52 FR 10012; E.O. 12600; 52 FR 23781, 3 CFR 1987, p. 235.

■ 2. Section 602.2 is amended by:

■ a. Revising the heading;

■ b. Redesignating existing paragraph (c) as newly designated paragraph (d); and

■ c. Adding new paragraph (c) to read as follows:

### § 602.2 Disclosing reports of examination and other non-public information.

* * * * *

(c) *Disclosure to the Farm Credit System Insurance Corporation.* Without waiving any privilege or limiting any of the requirements of section 5.59 of the Farm Credit Act of 1971, as amended, we may disclose reports of examination and other examination and non-public information, including data from reports of System accounts and exposures received pursuant to § 621.15 of this chapter, to the Farm Credit System Insurance Corporation pursuant to confidentiality and data security agreements executed between the agencies.

* * * * *

## PART 618—GENERAL PROVISIONS

■ 3. The authority citation for part 618 continues to read as follows:

**Authority:** Secs. 1.5, 1.11, 1.12, 2.2, 2.4, 2.5, 2.12, 3.1, 3.7, 4.12, 4.13A, 4.25, 4.29, 5.9, 5.10, 5.17, of the Farm Credit Act (12 U.S.C. 2013, 2019, 2020, 2073, 2075, 2076, 2093, 2122, 2128, 2183, 2200, 2211, 2218, 2243, 2244, 2252).

■ 4. Section 618.8300 is amended by removing the words ''as authorized in the following paragraphs'' and adding in their place, the words ''as authorized by Farm Credit Administration regulations''.

■ 5. Section 618.8310 is amended by adding a new paragraph (c) to read as follows:

### § 618.8310 Lists of borrowers and stockholders.

* * * * *

(c) In connection with preparing and submitting an electronic report of all System accounts and exposures to the Farm Credit Administration in accordance with the requirements of § 621.15 of this chapter, each bank and association may provide information from its lists of borrowers and stockholders to the Reporting Entity as defined in § 621.2 of this chapter.

■ 6. Section 618.8320 is amended by adding a new paragraph (b)(10) to read as follows:

### § 618.8320 Data regarding borrowers and loan applicants.

* * * * *

(b) * * *

(10) * * * In connection with preparing and submitting an electronic report of all System accounts and exposures to the Farm Credit Administration in accordance with the requirements of § 621.15 of this chapter, each bank and association may provide data on its accounts and exposures to the Reporting Entity as defined in § 621.2 of this chapter.

* * * * *

## PART 621—ACCOUNTING AND REPORTING REQUIREMENTS

■ 7. The authority citation for part 621 continues to read as follows:

**Authority:** Secs. 5.17, 8.11 of the Farm Credit Act (12 U.S.C. 2252, 2279aa–11); sec. 514 of Pub. L. 102–552.

■ 8. Section 621.2 is amended by:

■ a. Redesignating paragraph (a) as paragraph (b), paragraph (b) as paragraph (d), and paragraphs (c) through (i) as paragraphs (f) through (l), respectively; and

■ b. Adding new paragraphs (a), (c), (e), (m) and (n) to read as follows:

### § 621.2 Definitions.

(a) *Accounts and exposures* means data related to any loan, lease, letter of credit, derivative, or, any other asset,

liability, other balance sheet account, or off-balance sheet exposure of a System institution.

* * * * *

(c) *Banks and associations* mean all Farm Credit banks, Agricultural credit banks, and associations.

* * * * *

(e) *Central data repository* means a central data warehouse that electronically collects and stores current and historical data and is created by integrating data from one or more disparate sources.

* * * * *

(m) *Reporting Entity* means the Federal Farm Credit Banks Funding Corporation, or other entity approved by the Farm Credit Administration.

(n) *Shared asset* means any account or exposure where two or more Farm Credit institutions have assumed a portion of the asset's benefits or risks. An institution's share in the asset may be established through means such as syndications, participation agreements, assignments, or other arrangements with System entities.

■ 9. Revise the heading of subpart D to read as follows.

## Subpart D—Reports of Condition and Performance and Accounts and Exposures

■ 10. Section 621.12 is amended by revising the heading to read as follows:

### § 621.12 Reports of condition and performance.

■ 11. Subpart D is amended by adding a new § 621.15 to read as follows:

### § 621.15 Reports of accounts and exposures.

(a) *Responsibilities of banks and associations for preparing and submitting reports.* The banks and associations must prepare and submit an accurate and complete report of all bank and association accounts and exposures electronically to the Farm Credit Administration pursuant to the requirements of this part. In order to accomplish such submission, each bank and association must:

(1) Prepare and submit an accurate and complete report of its accounts and exposures electronically to the Reporting Entity:

(i) In accordance with the instructions prescribed by the Farm Credit Administration, or as may be required by the Farm Credit Administration; and

(ii) Within 20 calendar days after each quarter-end date, and at such other times as the Farm Credit Administration may require.

(2) Submit to the Farm Credit Administration and the Reporting Entity a written certification that the information provided in the report of accounts and exposures has been prepared in accordance with all applicable regulations and instructions, and is a true and accurate record of the data maintained in the bank's or association's database, to the best of its knowledge and belief. The reports shall be certified by the officer of the reporting bank or association named for that purpose by action of the reporting bank's or association's board of directors. If the board of directors of the bank or association has not acted to name an officer to certify to the accuracy of its reports of accounts and exposures, then the reports shall be certified by the president or chief executive officer of the reporting bank or association. In the event the bank or association learns of a material error or misstatement in the information submitted to the Reporting Entity, it must notify the Reporting Entity and the Farm Credit Administration immediately of the error or misstatement and prepare and submit corrected information as soon as practicable.

(3) Respond promptly to any questions by the Reporting Entity related to information provided under this section in connection with the preparation of a report of accounts and exposures, including any data required to establish, implement and maintain consistent, accurate, and complete shared asset identification and reporting of shared asset exposures to the Farm Credit Administration.

(4) Develop, implement and maintain an effective system of internal controls over the data included in the report of accounts and exposures, including controls for maintaining the confidentiality of borrower information. The system of internal controls, at a minimum, must comply with the requirements of applicable Farm Credit Administration regulations, including § 618.8430 of this chapter.

(b) *Responsibilities of the Reporting Entity for preparing and submitting reports.* The Reporting Entity must:

(1) Collect, store, and manage the information submitted to it by each bank and association under the requirements of this section in a central data repository in accordance with Farm Credit Administration regulations and prescribed instructions.

(2) Prepare and submit an electronic quarterly report on the accounts and exposures of all banks and associations to the Farm Credit Administration in accordance with the instructions prescribed by the Farm Credit Administration or as may be required by the Farm Credit Administration;

(3) Establish, implement, and maintain an automated mechanism to ensure the reliable, timely, accurate and consistent identification of the banks' and associations' shared asset exposures, and report these exposures and the shared asset identifiers in the electronic quarterly report on accounts and exposures to the Farm Credit Administration. In connection with establishing and implementing the automated shared asset identification mechanism, the Reporting Entity may provide the banks and associations information from the central data repository to identify and report shared asset exposures.

(4) Submit to the Farm Credit Administration a written certification that the information provided in the report of each banks' and associations' accounts and exposures has been prepared in accordance with all applicable regulations and instructions and accurately represents the information provided to it by the banks and associations. The reports shall be certified by the president or chief executive officer of the Reporting Entity. In the event the Reporting Entity learns of a material error or misstatement in the information submitted to the Farm Credit Administration, it must notify the Farm Credit Administration immediately of the error or misstatement and prepare and submit corrected information as soon as practicable.

(5) Develop, implement and maintain an effective system of internal controls over the central data repository, including controls for maintaining the confidentiality of borrower information. The system of internal controls, at a minimum, must comply with the requirements of applicable Farm Credit Administration regulations, including § 618.8430 of this chapter and require that the Reporting Entity:

(i) Develop policies and procedures to ensure that the information submitted in the report on accounts and exposures to the Farm Credit Administration is complete and consistent with the information submitted to the Reporting Entity from the banks and associations under § 621.15(a); and

(ii) Specify procedures for monitoring any material corrections or adjustments, in a timely manner, and provide timely notification and resubmission of the report on accounts and exposures to the Farm Credit Administration.

(6) Notify the Farm Credit Administration if it is unable to prepare and submit the quarterly report of accounts and exposures in compliance

with the requirements of this section. The notification:

(i) Must be signed by the chief executive officer, or person in an equivalent position, and submitted to the Farm Credit Administration as soon as the Reporting Entity becomes aware of its inability to comply;

(ii) Must explain the reasons for its inability to prepare and submit the report; and

(iii) May include a request that the Farm Credit Administration extend the due date for the quarterly report of accounts and exposures.

(7) In the event there is a breach of information, immediately provide written notice of the breach to:

(i) The Farm Credit Administration; and

(ii) Each bank and association concerned so that it may determine whether any notice of the breach to any of its borrowers is required under applicable laws and regulations and, if so, each bank and association shall be responsible for providing such notification;

(iii) For the purposes of this section, ''breach of information'' means unauthorized acquisition of or access to the central data repository, any quarterly reports of accounts and exposures or any other information received pursuant to § 621.15(a)(1).

(8) Notify the Farm Credit Administration in writing of any request for data contained in the reports of accounts and exposures that are not explicitly allowed for in § 618.8320(b) of this chapter.

Dated: August 5, 2013.

**Dale L. Aultman,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 2013–19231 Filed 8–8–13; 8:45 am]

**BILLING CODE 6705–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Parts 1, 16, 106, 110, 114, 117, 120, 123, 129, 179, and 211

**[Docket No. FDA–2011–N–0920]**

**RIN 0910–AG36**

## Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food; Extension of Comment Periods

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule; extension of comment period for the proposed rule and for its information collection provisions.

**SUMMARY:** The Food and Drug Administration (FDA or we) is extending the comment period for the proposed rule, and for the information collection related to the proposed rule, ''Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food,'' that appeared in the **Federal Register** of January 16, 2013. We are taking this action to allow interested persons an opportunity to consider the interrelationships between this proposal and the two proposals announced in July 2013 on the Foreign Supplier Verification Program and on Accreditation of Third-Party Auditors/Certification Bodies. We also are taking this action to keep the comment period for the information collection provisions associated with the rule consistent with the comment period for the proposed rule.

**DATES:** The FDA is extending the comment period on the above proposed rule. Submit either electronic or written comments on the proposed rule by November 15, 2013. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 (the PRA) by November 15, 2013 (see the ''Paperwork Reduction Act of 1995'' section).

**ADDRESSES:** You may submit comments, identified by Docket No. FDA–2011–N–0920 and/or Regulatory Information Number (RIN) 0910–AG36, by any of the following methods, except that comments on information collection issues under the PRA must be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) (see the ''Paperwork Reduction Act of 1995'' section).

*Electronic Submissions*

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

*Written Submissions*

Submit written submissions in the following ways:

- Mail/Hand delivery/Courier (for paper or CD–ROM submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

*Instructions:* All submissions received must include the Agency name and Docket No. FDA–2011–N–0920, and RIN 0910–AG36 for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Request for Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** *With regard to the proposed rule:* Jenny Scott, Center for Food Safety and Applied Nutrition (HFS–300), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–2166. *With regard to the information collection:* Domini Bean, Office of Information Management, Food and Drug Administration, 1350 Piccard Drive, PI50–400T, Rockville, MD 20850, *domini.bean@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

In the **Federal Register** of January 16, 2013 (78 FR 3646), we published a proposed rule entitled ''Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food'' with a 120-day comment period on the provisions of the proposed rule and a 30-day comment period on the information collection provisions that are subject to review by OMB under the PRA (44 U.S.C. 3501–3520).

OMB and FDA previously received requests for a 90-day extension of the comment period for the information collection provisions of the proposed rule. We considered the requests and extended the comment period for the information collection for 90 days to make the comment period for the information collection provisions the same as that for the proposed rule—i.e., until May 16, 2013 (**Federal Register** of February 19, 2013, 78 FR 11611). FDA continued to receive comments requesting an extension of the comment period on the proposed rule. Each request conveyed concern that the 120-day comment period did not allow sufficient time to develop a meaningful or thoughtful response to the proposed rule. FDA considered the requests and granted a 120-day extension of the comment period for the proposed rule

and for the information collection provisions—i.e., until September 16, 2013 (**Federal Register** of April 26, 2013, 78 FR 24691). In the **Federal Register** of July 29, 2013 (78 FR 45729 and 78 FR 45781) we published two proposed rules entitled, ''Foreign Supplier Verification Programs for Importers of Food for Humans and Animals'' (Docket No. FDA–2011–N–0143) and ''Accreditation of Third-Party Auditors/Certification Bodies to Conduct Food Safety Audits and to Issue Certifications'' (Docket No. FDA–2011–N–0146) with a 120-day comment period. These two proposals are related to the proposed rule ''Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food.'' Therefore, FDA is granted a 60-day final extension of the comment period for the ''Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food'' proposed rule to allow interested person an opportunity to consider the interrelationships between the proposals. We also are extending the comment period for the information collection provisions for 60 days to continue to make the comment period for the information collection provisions the same as the comment period for the provisions of the proposed rule. To clarify, FDA is requesting comment on all issues raised by the proposed rule.

## II. Paperwork Reduction Act of 1995

Interested persons may either submit electronic comments regarding the information collection to *oira_submission@omb.eop.gov* or fax written comments to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285. All comments should be identified with the title ''Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food.''

## III. Request for Comments

Interested persons may submit either electronic comments regarding the proposed rule to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: August 5, 2013.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2013–19300 Filed 8–8–13; 8:45 am]

**BILLING CODE 4160–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Parts 16 and 112

**[Docket No. FDA–2011–N–0921]**

**RIN 0910–AG35**

## Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption; Extension of Comment Periods

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule; extension of comment period for the proposed rule and for its information collection provisions.

**SUMMARY:** The Food and Drug Administration (FDA or we) is extending the comment period for the proposed rule, and for the information collection related to the proposed rule, ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption,'' that appeared in the **Federal Register** of January 16, 2013. We are taking this action to allow interested persons an opportunity to consider the interrelationships between this proposal and the two proposals announced in July 2013 on the Foreign Supplier Verification Program and on Accreditation of Third-Party Auditors/Certification Bodies. We also are taking this action to keep the comment period for the information collection provisions associated with the rule consistent with the comment period for the proposed rule.

**DATES:** The FDA is extending the comment period on the above proposed rule. Submit either electronic or written comments on the proposed rule by November 15, 2013. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 (the PRA) by November 15, 2013 (see the ''Paperwork Reduction Act of 1995'' section).

**ADDRESSES:** You may submit comments, identified by Docket No. FDA–2011–N–0921 and/or Regulatory Information Number (RIN) 0910–AG35, by any of the following methods, except that comments on information collection issues under the PRA must be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) (see the ''Paperwork Reduction Act of 1995'' section).

*Electronic Submissions*

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

*Written Submissions*

Submit written submissions in the following ways:

- Mail/Hand delivery/Courier (for paper or CD–ROM submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

*Instructions:* All submissions received must include the Agency name and Docket No. FDA–2011–N–0921, and RIN 0910–AG35 for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Request for Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** *With regard to the proposed rule:* Samir Assar, Center for Food Safety and Applied Nutrition (HFS–317), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1636. *With regard to the information collection:* Domini Bean, Office of Information Management, Food and Drug Administration, 1350 Piccard Drive, PI50–400T, Rockville, MD 20850, *Domini.Bean@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

In the **Federal Register** of January 16, 2013 (78 FR 3504), we published a proposed rule entitled ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption'' with a 120-day comment period on the provisions of the proposed rule and a 30-day comment period on the information collection provisions that are subject to review by

OMB under the PRA (44 U.S.C. 3501–3520).

OMB and FDA previously received requests for a 90-day extension of the comment period for the information collection provisions of the proposed rule. We considered the requests and extended the comment period for the information collection for 90 days to make the comment period for the information collection provisions the same as that for the proposed rule—i.e., until May 16, 2013 (**Federal Register** of February 19, 2013, 78 FR 11611). FDA continued to receive comments requesting an extension of the comment period on the proposed rule. Each request conveyed concern that the 120-day comment period did not allow sufficient time to develop a meaningful or thoughtful response to the proposed rule. FDA considered the requests and granted a 120-day extension of the comment period for the proposed rule and for the information collection provisions—i.e., until September 16, 2013 (**Federal Register** of April 26, 2013, 78 FR 24692). In the **Federal Register** of July 29, 2013 (78 FR 45729 and 78 FR 45781) we published two proposed rules entitled, ''Foreign Supplier Verification Programs for Importers of Food for Humans and Animals'' (Docket No. FDA–2011–N–0143) and ''Accreditation of Third-Party Auditors/Certification Bodies to Conduct Food Safety Audits and to Issue Certifications'' (Docket No. FDA–2011–N–0146) with a 120-day comment period. These two proposals are related to the proposed rule ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption.'' Therefore, FDA is granting a 60-day final extension of the comment period for the ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption'' proposed rule to allow interested persons an opportunity to consider the interrelationships between the proposals. We also are extending the comment period for the information collection provisions for 60 days to continue to make the comment period for the information collection provisions the same as the comment period for the provisions of the proposed rule. To clarify, FDA is requesting comment on all issues raised by the proposed rule.

## II. Paperwork Reduction Act of 1995

Interested persons may either submit electronic comments regarding the information collection to *oira_submission@omb.eop.gov* or fax written comments to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285. All comments should be identified with the title ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption.''

## III. Request for Comments

Interested persons may submit either electronic comments regarding the proposed rule to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: August 5, 2013.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2013–19302 Filed 8–8–13; 8:45 am]

**BILLING CODE 4160–01–P**

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R10–OAR–2013–0420; FRL–9844–7]**

## Approval and Promulgation of State Implementation Plans: Alaska; Fairbanks Carbon Monoxide Limited Maintenance Plan

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve a carbon monoxide Limited Maintenance Plan for the Fairbanks Area, and associated revisions to sections of the Fairbanks Transportation Control Program, submitted by the State of Alaska as a revision to its State Implementation Plan dated April 22, 2013. In accordance with the requirements of the Federal Clean Air Act, the EPA is approving this SIP revision because it demonstrates that the Fairbanks Area will maintain the carbon monoxide National Ambient Air Quality Standards through the second 10-year maintenance period.

**DATES:** Comments must be received on or before September 9, 2013.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R10–OAR–2013–0420, by any of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: R10-Public_Comments@epa.gov.*
- *Mail:* Mr. Keith Rose, U.S. EPA Region 10, Office of Air, Waste and Toxics, AWT–107, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- *Hand Delivery/Courier:* U.S. EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Keith Rose, Office of Air, Waste and Toxics, AWT–107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Keith Rose at telephone number: (206) 553–1949, email address: *rose.keith@epa.gov,* or the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:** For further information, please see the direct final action, of the same title, which is located in the Rules section of this **Federal Register**. The EPA is simultaneously approving the State's SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If the EPA receives no adverse comments, the EPA will not take further action on this proposed rule.

If the EPA receives adverse comments, the EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: July 23, 2013.

**Michelle L. Pirzahdeh,**

*Acting Regional Administrator, Region 10.*

[FR Doc. 2013–19202 Filed 8–8–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OW–2013–0280; FRL–9845–3]**

**40 CFR Part 147**

## North Dakota Underground Injection Control Program Revision Application

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

**ACTION:** Notice of public comment period and opportunity to request a public hearing.

**SUMMARY:** In accordance with 40 CFR section 145.32(b)(2), the Environmental Protection Agency (EPA) hereby gives public notice that the EPA has received a complete program revision package from the State of North Dakota requesting approval of a revision to its section 1422 Underground Injection Control (UIC) program to include Class VI primacy; that the EPA has determined the application contains all the required elements; that the application is available for inspection and copying at the address appearing below and public comments are requested and any member of the public may request a public hearing.

This revision would allow the North Dakota Industrial Commission (NDIC) to issue UIC permits for carbon geo-sequestration facilities as Class VI wells under the UIC program.

**DATES:** Comments will be accepted until September 9, 2013. Any member of the public can request a public hearing on this matter. A public hearing will only be held if requests indicate there is significant public interest. Request for a public hearing will be accepted until September 9, 2013. Requests for a public hearing may be mailed to: Craig Boomgaard EPA Region 8, 1595 Wynkoop Street, MSC 8P–W–UIC, Denver, Colorado, 80202. For additional information regarding the public hearing, please contact Craig Boomgaard (303) 312–6794 or *boomgaard.craig@epa.gov.*

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OW–2013–0280, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: Boomgaard.Craig@epa.gov.*
- *Fax:* (303) 312–7084.
- *Mail:* North Dakota Underground Injection Control Program Revision Application to add Class VI wells to its § 1422 program, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Avenue NW., Washington, DC 20460.
- *Hand Delivery:* Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. 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:* Requests for a public hearing may be mailed to Craig Boomgaard, Underground Injection Control Unit, Environmental Protection Agency, Region 8, 1595 Wynkoop Street, MSC 8P–W–UIC, Denver, Colorado 80202. Direct your comments to Docket ID No. EPA–HQ–OW–2013–0280. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the 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 the 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, the 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 the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the 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 the EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm* or the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* and *http://www2.epa.gov/region8/underground-injection-control* or in hard copy at the following locations:

(1) Environmental Protection Agency, Region 8, Library, 2nd Floor, 1595 Wynkoop Street Denver, Colorado 80202. The Library is open from 9:00 a.m. to 12:00 p.m. and 1:00 p.m.–4:00 p.m. Monday through Thursday, excluding legal holidays. The telephone number for the Library is (303) 312–7226.

(2) North Dakota Industrial Commission, Oil and Gas Division 1016 East Calgary Avenue, Bismarck, North Dakota 58503. The Office is open from 8:00 a.m. to 12:00 p.m. and 1:00 p.m.–5:00 p.m. Monday through Friday, excluding legal holidays. Please contact Kevin Connors at (701) 328–8020.

(3) North Dakota Underground Injection Control Program Revision Application to add Class VI wells to its § 1422 program: 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 OW Docket is (202) 566–2426.

**FOR FURTHER INFORMATION CONTACT:** Craig Boomgaard, Underground Injection Control Unit, Environmental Protection Agency, Region 8, MSC 8P–W–UIC, 1595 Wynkoop Street, Denver, Colorado 80202; telephone number: (303) 312–6794; fax number: (303) 312–7084; email address: *boomgaard.craig@epa.gov.* Comments should also be sent to this address.

**SUPPLEMENTARY INFORMATION:** The UIC program revision package from the State of North Dakota includes a description of the State Underground Injection Control program, copies of all applicable rules and forms, a statement of legal authority, a Memorandum of Agreement between the State of North Dakota and the Region 8 office of the Environmental Protection Agency, and a MOU between the North Dakota Industrial Commission and the Department of Health.

Dated: July 22, 2013.

**Shaun L. McGrath,**

*Regional Administrator, Region 8.*

[FR Doc. 2013–19376 Filed 8–8–13; 8:45 am]

BILLING CODE 6560–50–P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 69**

**[WC Docket No. 05–25 and RM–10593; DA 13–1677]**

## Special Access Proceeding; Comment Deadline Extension

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment and reply comment period.

**SUMMARY:** In this document, the Wireline Competition Bureau (Bureau) extends the deadline for filing comments and reply comments on section IV.B of the Further Notice of Proposed Rulemaking that was adopted on December 11, 2012 in the special access proceeding. This extension is necessary to allow time for the Federal Communications Commission (Commission) to collect data on the special access market prior to the submission of comments and replies.

**DATES:** For section IV.B of the Further Notice of Proposed Rulemaking (78 FR 2600, January 11, 2013), the new Comment Date is March 19, 2014, and the new Reply Comment Date is April 30, 2014.

**ADDRESSES:** You may submit comments identified by WC Docket No. 05–25 and RM–10593 by any of the following methods:

- *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

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

**FOR FURTHER INFORMATION CONTACT:** William Layton, Pricing Policy Division, Wireline Competition Bureau, 202–418–0868 or *William.Layton@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121, May 1, 1998.

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

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

○ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

○ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

○ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

*People With Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

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

### I. Background

On December 11, 2012, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking in the special access proceeding, *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services,* 78 FR 2600, Jan. 11, 2013 (*Further Notice*). It required providers and purchasers of special access and certain other entities providing ''best efforts'' service to submit data and information for a comprehensive evaluation of the special access market. The Commission also sought comment on possible changes to its rules for granting pricing flexibility for the special access services provided by incumbent local exchange carriers in price cap areas; parties were expected to provide comments on rule changes after the Commission collected data for the market analysis. The stated deadline for submitting comments was August 19, 2013, and September 30, 2013 for reply comments.

### II. Synopsis of Public Notice Extending Comment Deadlines

Since the release of the *Further Notice,* the Bureau has worked diligently to implement the data

collection. The Bureau expects to begin collecting data towards the end of this year or early next year after receiving the Office of Management and Budget's approval for the collection in accordance with the Paperwork Reduction Act. Collection of the data is necessary before parties can comment on the questions posed in the *Further Notice.* Accordingly, we extend the deadline for filing comments and reply comments so that parties may prepare their comments after the data are collected and made available for review. The new comment date is March 19, 2014, and the new reply comment date is April 30, 2014.

### III. Paperwork Reduction Act Analysis

Document DA 13–1677 does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198. *See* 44 U.S.C. 3506(c)(4).

For further information, please contact William Layton, Pricing Policy Division, Wireline Competition Bureau, 202–418–0868 or *William.Layton@fcc.gov.*

Federal Communications Commission.

**Deena M. Shetler,**

*Associate Bureau Chief, Wireline Competition Bureau.*

[FR Doc. 2013–19340 Filed 8–8–13; 8:45 am]

**BILLING CODE 6712–01–P**

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 90

**[WC Docket No. 10–90; Report No. 2987]**

### Petition for Reconsideration of Action in Rulemaking Proceeding

**AGENCY:** Federal Communications Commission.

**ACTION:** Petition for reconsideration.

**SUMMARY:** In this document, a Petition for Reconsideration (Petition) has been filed in the Commission's Rulemaking proceeding by Elizabeth Bowles, President, on behalf of the Wireless Internet Service Providers Association.

**DATES:** Oppositions to the Petition must be filed on or before August 26, 2013. Replies to an opposition must be filed on or before September 3, 2013.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Ryan Yates, Wireline Competition Bureau (202) 418–7400 (phone) or (202) 418–0484 (TTY).

**SUPPLEMENTARY INFORMATION:** This is a summary of Commission's document, Report No. 2987, released July 30, 2013. The full text of document Report No. 2987 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.

*Subject:* Connect America Fund, WC Docket No. 10–90, Report and Order, FCC 13–73, published at 78 FR 38227, June 26, 2013 and published pursuant to 47 CFR 1.429(e). *See also* § 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. 2013–19234 Filed 8–8–13; 8:45 am]

**BILLING CODE 6712–01–P**

# Notices

Federal Register
Vol. 78, No. 154
Friday, August 9, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

**[Docket No. APHIS–2012–0104]**

### Privacy Act Systems of Records; Phytosanitary Certificate Issuance and Tracking System

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of a proposed new system of records.

**SUMMARY:** The Animal and Plant Health Inspection Service proposes to add a system of records to its inventory of records systems subject to the Privacy Act of 1974, as amended. The system of records is the Phytosanitary Certificate Issuance and Tracking System, USDA–APHIS–13. This notice is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of record systems maintained by the agency.

**DATES:**

*Effective Date:* This system will be adopted without further notice on September 18, 2013 unless modified to respond to comments received from the public and published in a subsequent notice.

*Comment Date:* Comments must be received in writing on or before September 9, 2013.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2012-0104-0001*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2012–0104, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0104* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Mr. Christian B. Dellis, Export Services, Plant Health Programs, Plant Protection and Quarantine, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737; (301) 851–2154.

**SUPPLEMENTARY INFORMATION:** The Privacy Act of 1974, as amended (5 U.S.C. 552a), requires agencies to publish in the **Federal Register** notice of new or revised systems of records maintained by the agency. A system of records is a group of any records under the control of any agency, from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) is proposing to add a new system of records, entitled Phytosanitary Certificate Issuance and Tracking (PCIT) System, that will be used to maintain records of activities conducted by the agency pursuant to its mission and responsibilities authorized by the Plant Protection Act (7 U.S.C. 7701 *et seq.*). Phytosanitary certificates are issued by authorized Federal, State, and county officials. They certify that consignments of plants, plant products, and other regulated articles intended for export have been inspected and meet the phytosanitary import requirements of the foreign country to which they are destined. There is a user fee charge for the inspection and certification services. Phytosanitary certificates accompany shipments to their foreign destinations and are reviewed by officials of the foreign plant protection service before the commodity is allowed entry into their country. U.S. exporters who require phytosanitary certificates for commodities offered for export must apply for them through the PCIT system.

The PCIT system provides a secure mechanism for applicants to provide information, including the name, address, and telephone number of the exporter or exporter's agent and the foreign consignee, which could be individuals but, in most cases, are companies or organizations. Applicants also must provide information about the articles to be exported. APHIS needs all of this information to evaluate the application, schedule and perform inspections and other phytosanitary activities, and issue phytosanitary certificates. Authorized Federal, State, and county certification officials enter data into the PCIT system regarding inspections, any required treatments, and other phytosanitary activities. The PCIT system also maintains information on user fees paid and accrued, although the system does not contain any financial information about applicants.

Applicants can use the PCIT system not only to apply for phytosanitary certificates, but also to check the status of their applications, view user fees accrued and paid, and track the status of phytosanitary certification. Foreign government officials can use the PCIT system to quickly verify the authenticity of a phytosanitary certificate.

APHIS may routinely share data in the PCIT system with State and county government officials who provide phytosanitary inspection services on behalf of the Federal Government. They use the information to evaluate applications; schedule and perform inspections and related phytosanitary activities; generate phytosanitary certificates; investigate complaints by a foreign country that a commodity for which a phytosanitary certificate was issued does not meet the country's phytosanitary requirements; and evaluate program quality and effectiveness. APHIS may also share data with certain Federal agencies, pursuant to the International Trade Data System Memorandum of Understanding, consistent with the receiving agency's authority to collect information pertaining to transactions in international trade. APHIS may also share data about an application for a phytosanitary certificate with the foreign government involved with the import.

Other routine uses of this information include releases related to investigations pertaining to violations of law or related to litigation. A complete listing of the routine uses for this system is included

in the description of the system presented below.

**Report on New System of Records**

A report on the new system of records, required by 5 U.S.C. 552a(r), as implemented by Office of Management and Budget Circular A–130, has been sent to the Chairman, Committee on Homeland Security and Governmental Affairs, United States Senate; the Chairman, Committee on Oversight and Government Reform, House of Representatives; and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

**Thomas J. Vilsack,**
*Secretary.*

**SYSTEM NAME:**

Phytosanitary Certificate Issuance and Tracking (PCIT) System, USDA–APHIS–13.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

The system resides at USDA's National Information Technology Center (NITC) in Kansas City, MO. Back-up files are maintained in Riverdale, MD.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals covered by the system include Federal, State, and county officials who issue phytosanitary certificates and exporters, exporters' agents, and foreign consignees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records may include applications for phytosanitary export certification and information about related inspections, treatments, other phytosanitary activities, and phytosanitary certificates issued. These records include names, addresses, and telephone numbers of exporters, exporters' agents, and foreign consignees, and names, office addresses, and telephone numbers of Federal, State, and county officials who issue phytosanitary certificates. Records may also include information on user fees paid and accrued, although the system does not contain any financial information about applicants.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Plant Protection Act (7 U.S.C. 7701 *et seq.*).

**PURPOSE(S):**

The PCIT system is a secure system for applying for, evaluating, tracking the status of, and issuing phytosanitary certificates for plants, plant products, and other regulated articles intended for export. Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, records maintained in the system may be disclosed outside USDA as follows:

(1) To certain State and county government regulatory officials to evaluate applications; schedule and perform inspections and related phytosanitary activities; generate phytosanitary certificates; investigate complaints about noncompliance with phytosanitary requirements; and evaluate program quality and effectiveness;

(2) To certain Federal agencies, pursuant to the International Trade Data System Memorandum of Understanding, consistent with the receiving agency's authority to collect information pertaining to transactions in international trade;

(3) To certain foreign governments concerning applications for phytosanitary certificates involving that country;

(4) To the appropriate agency, whether Federal, State, local, or foreign, charged with responsibility of investigating or prosecuting a violation of law or of enforcing, implementing, or complying with a statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and either arising by general statute or particular program statute, or by rule, regulation, or court order issued pursuant thereto;

(5) To the Department of Justice when: (a) The agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

(6) For use in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when: (a) The agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

(7) To appropriate agencies, entities, and persons when: (a) The agency suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, a risk of identity theft or fraud, or a risk of harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(8) To contractors engaged to assist in administering the program. Such contractors will be bound by the nondisclosure provisions of the Privacy Act;

(9) To USDA contractors, partner agency employees or contractors, or private industry employed to identify patterns, trends, or anomalies indicative of fraud, waste, or abuse; and

(10) To the National Archives and Records Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The system is an electronic database stored on servers in a secure government-owned facility. APHIS maintains back-up files on external hard drives kept in locked cabinets at APHIS headquarters.

**RETRIEVABILITY:**

APHIS may retrieve records by the name of the applicant (exporter or exporter's agent who applied for the phytosanitary certificate) and by the name of the Federal, State, or county official who issued the phytosanitary certificate.

**SAFEGUARDS:**

The PCIT system has management, operational, and technical controls to prevent misuse of data by system users. These controls include the use of role-based security and access rights and network firewalls. All users must have e-Authentication credentials through USDA and employ their individual e-Authentication user identification and password to access the PCIT system. Users may only view information specific to their role in the export system. The exporter has access only to the information of his or her organization. Government officials involved in the export of commodities will have access only to data within their purview. Access to the system is monitored by USDA officials to ensure authorized and appropriate use of the data.

**RETENTION AND DISPOSAL:**

Records in the PCIT system are retained indefinitely.

**SYSTEM MANAGERS(S) AND ADDRESS:**

Director, Export Services, Plant Health Programs, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737.

**NOTIFICATION PROCEDURE:**

Any individual may request general information regarding this system of records or information as to whether the system contains records pertaining to him/her from the system manager at the address above. All inquiries pertaining to this system should be in writing, must name the system of records as set forth in the system notice, and must contain the individual's name, telephone number, address, and email address.

**RECORD ACCESS PROCEDURES:**

Any individual may obtain information from a record in the system that pertains to him or her. Requests for hard copies of records should be in writing, and the request must contain the requesting individual's name, address, name of the system of records, timeframe for the records in question, any other pertinent information to help identify the file, and a copy of his/her photo identification containing a current address for verification of identification. All inquiries should be addressed to the Freedom of Information and Privacy Act Staff, Legislative and Public Affairs, APHIS, 4700 River Road Unit 50, Riverdale, MD 20737–1232.

**CONTESTING RECORD PROCEDURES:**

Any individual may contest information contained within a record in the system that pertains to him/her by submitting a written request to the system manager at the address above. Include the reason for contesting the record and the proposed amendment to the information with supporting documentation to show how the record is inaccurate.

**RECORD SOURCE CATEGORIES:**

Information in this system about individuals comes primarily from applicants for a phytosanitary certificate.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 2013–19230 Filed 8–8–13; 8:45 am]

**BILLING CODE 3410–34–P**

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2013–0066]**

### Notice of Request for Extension of Approval of an Information Collection; Plum Pox Compensation

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Extension of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations that provide for the payment of compensation to owners of commercial stone fruit orchards and fruit tree nurseries whose trees or nursery stock were destroyed to eradicate plum pox virus.

**DATES:** We will consider all comments that we receive on or before October 8, 2013.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0066-0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0066, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0066* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** For information on the regulations for plum pox compensation, contact Ms. Lynn Evans-Goldner, National Policy Manager, PHP, PPQ, APHIS, 4700 River Road Unit 60, Riverdale, MD 20737; (301) 851–2286. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

**SUPPLEMENTARY INFORMATION:**

*Title:* Plum Pox Compensation.

*OMB Number:* 0579–0159.

*Type of Request:* Extension of approval of an information collection.

*Abstract:* The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture, either independently or in cooperation with the States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests, such as plum pox virus (PPV), that are new to or not widely distributed within the United States.

Plum pox is an extremely serious viral disease of plants that can affect many *Prunus* (stone fruit) species, including plum, peach, apricot, almond, nectarine, and sweet and tart cherry. A number of wild and ornamental *Prunus* species may also be susceptible to this disease. Infection eventually results in severely reduced fruit production, and the fruit that is produced is often misshapen and blemished. PPV is transmitted under natural conditions by several species of aphids. The long distance spread of PPV occurs by budding and grafting with infected plant material and by farm tools/equipment, and through movement of infected budwood, nursery stock, and other plant parts. There are no known effective methods for treating trees or other plant material infected with PPV, nor are there any known effective preventive treatments. Without effective treatments, the only option for preventing the spread of the disease is

the destruction of infected and exposed trees and other infected plant material.

The regulations in ''Subpart–Plum Pox'' (7 CFR 301.74–301.74–5) quarantine areas of the United States where PPV has been detected, restrict the interstate movement of host material from quarantined areas, and when the Secretary of Agriculture declares an extraordinary emergency, provides for compensation to owners of commercial stone fruit orchards and fruit tree nurseries whose trees or nursery stock were destroyed to eradicate PPV. Section 301.74–5 requires applicants for the payment of compensation to complete a form, which is an information collection activity.

We are asking the Office of Management and Budget (OMB) to approve our use of this information collection activity for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 0.5 hours per response.

*Respondents:* Owners of stone fruit orchards and fruit tree nurseries.

*Estimated annual number of respondents:* 12.

*Estimated annual number of responses per respondent:* 1.

*Estimated annual number of responses:* 12.

*Estimated total annual burden on respondents:* 6 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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.

Done in Washington, DC, this 5th day of August, 2013.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2013–19313 Filed 8–8–13; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2013–0026]**

### Notice of Request for Revision to and Extension of Approval of an Information Collection; Highly Pathogenic Avian Influenza, All Subtypes, and Newcastle Disease; Additional Restrictions

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Revision to and extension of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations to prevent the introduction of highly pathogenic avian influenza, all subtypes, and Newcastle disease into the United States through the importation of birds, poultry, and unprocessed bird and poultry products.

**DATES:** We will consider all comments that we receive on or before October 8, 2013.

**ADDRESSES:** You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0026-0001.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2013–0026, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0026* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** For information on the regulations to prevent the introduction of highly pathogenic avian influenza and Newcastle disease, contact Dr. Magde Elshafie, Senior Staff Veterinary Medical Officer, TTS, NCIE, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737; (301) 851–3300. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

**SUPPLEMENTARY INFORMATION:**

*Title:* Highly Pathogenic Avian Influenza, All Subtypes, and Newcastle Disease; Additional Restrictions.

*OMB Number:* 0579–0245.

*Type of Request:* Revision to and extension of approval of an information collection.

*Abstract:* Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) is authorized, among other things, to prohibit or restrict the importation and interstate movement of animals and animal products to prevent the introduction into and dissemination within the United States of livestock diseases and pests. To carry out this mission, APHIS regulates the importation of animals and animal products into the United States. The regulations for the importation of animals and animal products are contained in 9 CFR parts 92 through 98.

The regulations in 9 CFR parts 93, 94, and 95, govern the importation of specified animals and animal products and byproducts to prevent the introduction of various animal diseases, including highly pathogenic avian influenza (HPAI), all subtypes, and Newcastle disease.

HPAI, as defined in § 94.0, is an infectious and fatal disease of poultry. HPAI can strike poultry quickly without any warning signs of infection and, once established, can spread rapidly from flock to flock. HPAI viruses can be spread by manure, equipment, vehicles, egg flats, crates, and people whose clothing or shoes have come in contact with the viruses. In addition, HPAI viruses can remain viable at moderate temperatures for long periods in the environment and can survive indefinitely in frozen material. One gram of contaminated manure can contain enough virus to infect 1 million poultry.

Newcastle disease is a contagious disease of birds and poultry caused by a paramyxovirus. Newcastle disease, as defined in § 94.0, is one of most infectious diseases of poultry in the world. A death rate of almost 100 percent can occur in unvaccinated poultry flocks. Newcastle disease can also infect and cause death even in vaccinated birds and poultry.

APHIS' regulations prohibit or restrict the importation of unprocessed bird and poultry products and byproducts from regions that have reported the presence of HPAI or Newcastle disease, and contain permit and quarantine requirements for U.S. origin pet birds and performing or theatrical birds and poultry returning to the United States. In addition, there are also restrictions concerning importation of live poultry and birds that have been vaccinated for certain types of avian influenza, or that have moved through or originate from regions where HPAI or Newcastle disease is considered to exist. These regulations require the use of a number of information collection activities, including the completion of a USDA–APHIS Veterinary Services (VS) Application For Permit To Import or Transport Controlled Materials or Organisms or Vectors (VS Form 16–3); a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors (VS Form 16–6A); an Application for Approval or Report of Inspection Establishment Handling Restricted Animal Byproducts or Controlled Materials (VS Form 16–25); USDA–APHIS VS Agreement for Handling Restricted Imports of Animal By-Products and Controlled Materials (VS Form 16–26); USDA–APHIS VS Report of Entry, Shipment of Restricted Imported Animal Products and Animal By-Products, and Other Material (VS Form 16–78); USDA–APHIS VS Application for Import or in Transit Permit (Animals, Animal Semen, Animal Embryos, Birds, Poultry, and Hatching Eggs) (VS Form 17–129); USDA–APHIS Agreement of Pet Bird Owner (VS Form 17–8); application of seals and agreements; notarized declaration or affirmation; notification of signs of disease in a recently imported bird; cooperative service agreements, and recordkeeping by processing establishments.

This notice includes a description of the information collection requirements currently approved by the Office of Management and Budget (OMB) for HPAI, all subtypes, and Newcastle disease under number 0579–0367, and for HPAI, subtype H5N1, under number 0579–0245. After OMB approves and combines the burden for both collections under one collection (number 0579–0245), the Department will retire number 0579–0367.

We are asking OMB to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 0.419 hours per response.

*Respondents:* Owners of U.S.-origin pet birds and performing or theatrical birds or poultry returning to the United States, and U.S. importers of bird and poultry carcasses, parts, unprocessed products and byproducts of birds and poultry (bird blood, bird tissues, etc.) from certain regions.

*Estimated annual number of respondents:* 1,680.

*Estimated annual number of responses per respondent:* 1.5.

*Estimated annual number of responses:* 2,519.

*Estimated total annual burden on respondents:* 1,055 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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.

Done in Washington, DC, this 5th day of August 2013.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2013–19312 Filed 8–8–13; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Pike & San Isabel Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meetings.

**SUMMARY:** The Pike & San Isabel Resource Advisory Committee will meet in Pueblo, Colorado. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is for project discussion and recommendation to the Designated Federal Official.

**DATES:** The meeting will be held on September 18, 2013 and will begin at 9:30 a.m.

**ADDRESSES:** The meeting will be held at the Supervisor's Office of the Pike & San Isabel National Forests, Cimarron and Comanche National Grasslands (PSICC) at 2840 Kachina Dr., Pueblo, Colorado. Written comments should be sent to Barbara Timock, PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Comments may also be sent via email to *btimock@fs.fed.us,* or via facsimile to 719–553–1416.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Visitors are encouraged to call ahead to 719–553–1415 to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Barbara Timock, RAC coordinator, USDA, Pike & San Isabel National Forests, 2840 Kachina Dr., Pueblo, CO 81008; (719) 553–1415; Email *btimock@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 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The September 18 meeting is open to the public. The following business will be conducted: (1) Review project implementation (2) Discuss RAC member liaison efforts, (3) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made

written requests by September 15, 2013 will have the opportunity to address the Committee at those sessions.

Dated: August 5, 2013.

**John F. Peterson,**

*Designated Federal Official.*

[FR Doc. 2013–19281 Filed 8–8–13; 8:45 am]

BILLING CODE 3410–11–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Delta-Bienville Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Delta-Bienville Resource Advisory Committee will meet in Forest, Mississippi. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is to present proposed projects for discussion and approval.

**DATES:** The meeting will be held on October 1, 2013, and will begin at 6:00 p.m.

**ADDRESSES:** The meeting will be held at the Bienville Ranger District Work Center, Hwy 501 South, 935A South Raleigh St, Forest, Mississippi 39074. Written comments should be sent to Michael T. Esters, Bienville Ranger District Office, 3473 Hwy 35 South, Forest, Mississippi 39074. Comments may also be sent via email to *mesters@fs.fed.us,* or via facsimile to 601 469–2513.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Bienville Ranger District Office, 3473 Hwy 35 South, Forest, Mississippi 39074. Visitors are encouraged to call ahead to 601 469–3811 to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Nefisia Kittrell, RAC coordinator, USDA, Bienville Ranger District Office, 3473 Hwy 35 South, Forest, Mississippi; (601) 469–3811; Email *nkittrell@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 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. The following business will be conducted: (1) The purpose of the meeting is to present proposed projects for discussion and approval. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: July 31, 2013.

**Michael T. Esters,**

*Designated Federal Officer.*

[FR Doc. 2013–19368 Filed 8–8–13; 8:45 am]

BILLING CODE 3410–11–P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–30–2013]**

### Foreign–Trade Zone 225—Springfield, Missouri; Authorization of Production Activity; General Dynamics Ordnance and Tactical Systems Munitions Services (Demilitarization of Munitions); Carthage, Missouri

On April 3, 2013, the City of Springfield Airport Board, grantee of FTZ 225, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of General Dynamics Ordnance and Tactical Systems Munitions Services, within Site 3 of FTZ 225, in Carthage, Missouri.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (78 FR 22512, 4–16–2013). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: August 1, 2013.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2013–19346 Filed 8–8–13; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–201–805]**

### Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2011–2012

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

**SUMMARY:** In response to requests by interested parties, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from Mexico. This administrative review originally covered eight respondents: Conduit S.A. de C.V. (Conduit); Ternium Mexico, S.A. de C.V. (Ternium); Tuberia Nacional, S.A. de C. V. (TUNA); Lamina y Placa Comercial, S.A. de C.V. (Lamina); Mueller Comercial de Mexico, S. de R.L. de C.V. (Mueller); Regiomontana de Perfiles y Tubos, S.A. de C.V. (Regiopytsa); PYTCO, S.A. de C.V. (PYTCO); and Southland Pipe Nipples Co., Inc. (Southland). All requests for administrative review of PYTCO, Conduit, Southland, and Ternium were withdrawn and we are consequently rescinding this administrative review, in part, with respect to these four companies. We preliminarily determine that TUNA, Lamina, Mueller, and Regiopysta made no shipments during the period of review (POR). Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* August 9, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mark Flessner or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6312 or (202) 482–0469, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Period of Review

The POR is November 1, 2011, through October 31, 2012.

#### Scope of the Order

The products covered by the order are circular welded non-alloy steel pipes and tubes, of circular cross-section, not more than 406.4 millimeters (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish

(plain end, beveled end, threaded, or threaded and coupled). The merchandise covered by the order and subject to this review is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive. A full description of the scope of the order is contained in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Circular Welded Non-Alloy Steel Pipe from Mexico,'' (Preliminary Decision Memorandum), dated concurrently with this notice, which is hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov*, and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://www.trade.gov/ia/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

## Background

Timely requests for administrative review of eight companies were received from parties.[1] For a full description of requests for review and the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

## Partial Rescission of Administrative Review

All requests for review were timely withdrawn for PYTCO, Conduit, Southland, and Ternium. Therefore, in accordance with 19 CFR 351.213(d)(1), we rescind, in part, the administrative review with respect to these companies.

## Preliminary Determination of No Shipments

TUNA, Lamina, Mueller, and Regiopytsa have each submitted claims of no shipments during the POR. None of these statements is inconsistent with the data contained in the U.S. Customs and Border Protection (CBP) Information Memorandum.[2] No party has submitted comments with respect to either the CBP Information Memorandum or any party's claim of no shipments. In accordance with our standard practice with claims of no shipment, the Department made additional inquiries to CBP for each of these companies. We received no information from CBP to contradict the results of our data queries and the claims made by these companies. Therefore, we preliminarily determine that TUNA, Lamina, Mueller, and Regiopysta made no shipments during the POR. For further discussion, *see* the Preliminary Decision Memorandum.

Consistent with our practice, the Department finds that it is not appropriate to rescind the review with respect to TUNA, Lamina, Mueller, and Regiopysta, but rather to complete the review with respect to TUNA, Lamina, Mueller, and Regiopysta, and to issue appropriate instructions to CBP based on the final results of this review.

## Preliminary Results of Review

For the respondents which remain under review (TUNA, Lamina, Mueller, and Regiopytsa), the Department preliminarily finds that each had no shipments of subject merchandise during the POR. Therefore, the Department has not calculated a weighted-average dumping margin for any respondent in this administrative review.

## Disclosure and Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[3] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[4] Case and rebuttal briefs should be filed using IA ACCESS.[5]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, filed electronically via IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5:00 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[6] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department will issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

## Cash Deposit Requirements

The Department has not calculated weighted-average dumping margins for any respondent in this administrative review. Therefore, the existing cash deposit rates will continue to remain in effect.

## Assessment Rates

Upon completion of the administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries, in accordance with 19 CFR 351.212. The Department intends to issue appraisement instructions directly to CBP 41 days after the date of publication of the final results of this review.

As noted above, the Department has rescinded this administrative review for PYTCO, Conduit, Southland and Ternium. For these exporters and/or producers, the Department will instruct CBP to liquidate all appropriate entries as entered.

If TUNA's, Lamina's, Mueller's, or Regiopysta's weighted-average dumping margins are not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific assessment rates on

[1] These eight companies are Conduit, Ternium, TUNA, Lamina, Mueller, Regiopytsa, PYTCO, Southland. By its clarification of December 10, 2013, the petitioner, United States Steel Corporation, excluded Southland from its requests; *see* the Preliminary Decision Memorandum at 2.

[2] *See* the memorandum from Mark Flessner to the File entitled, ''Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Placement on the Record of U.S. Customs and Border Patrol Information for 2011–2012 Period of Review'' (CBP Information Memorandum). Note that the agency's proper title, U.S. Customs and Border Protection, was misstated in the memorandum title.

[3] *See* 19 CFR 351.309(d).

[4] *See* 19 CFR 351.309(c)(2) and (d)(2).

[5] *See* 19 CFR 351.303.

[6] *See* 19 CFR 351.310(c).

the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where either a respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[7] This clarification will apply to entries of subject merchandise during the POR produced by TUNA, Lamina, Mueller, or Regiopysta for which these companies did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. Further, instead of rescinding the review with respect to TUNA, Lamina, Mueller, and Regiopysta, we find it appropriate to complete the review and issue liquidation instructions to CBP concerning entries for TUNA, Lamina, Mueller, and Regiopysta following issuance of the final results of review. If we continue to find that TUNA, Lamina, Mueller, and Regiopysta had no shipments of subject merchandise in the final results, we will instruct CBP to liquidate any existing entries of merchandise produced by TUNA, Lamina, Mueller, and Regiopysta, but exported by other parties at the rate for the intermediate reseller, if available, or at the all-others rate.[8]

## Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: August 1, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

## Appendix I

**List of Topics Discussed in the Preliminary Decision Memorandum**

A. Partial Rescission of Administrative Review

B. No Shipments Claims

[FR Doc. 2013–19350 Filed 8–8–13; 8:45 am]

BILLING CODE 3510–DS–P

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# DEPARTMENT OF COMMERCE

## International Trade Administration

**[A–421–811]**

## Purified Carboxymethylcellulose From the Netherlands: Preliminary Results of Antidumping Duty Administrative Review and Preliminary No Shipment Determination; 2011–2012

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

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on purified carboxymethylcellulose (purified CMC) from the Netherlands. The period of review (POR) is July 1, 2011, through June 30, 2012. The review covers two producers/exporters of the subject merchandise, Akzo Nobel Functional Chemicals, B.V. (Akzo Nobel) and CP Kelco, B.V. (CP Kelco).

We preliminarily determine that sales of subject merchandise by Akzo Nobel were made at less than normal value and CP Kelco had no shipments of subject merchandise during the POR.

**DATES:** Effective Date: August 9, 2013.

**FOR FURTHER INFORMATION CONTACT:** John Drury or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0195 or (202) 482–3019, respectively.

**SUPPLEMENTARY INFORMATION:**

## Scope of the Order

The merchandise covered by the order is all purified CMC. The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States at subheading 3912.31.00. This tariff classification is provided for convenience and Customs purposes; however, the written description of the scope of the order is dispositive. A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, titled ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Purified Carboxymethylcellulose from the Netherlands'' (Preliminary Decision Memorandum), which is issued concurrent with and hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

## Methodology

The Department has conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price (CEP) is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. In accordance with section 773(b) of the Act, we disregarded certain sales made by Akzo Nobel in the home market which were made at below-cost prices. To determine the appropriate comparison method, the Department applied a ''differential pricing'' analysis and has preliminarily determined to apply the average-to-transaction method to the portion of U.S. sales which passed the Cohen's *d* test and the average-to-average method to the remaining portion of U.S. sales which did not pass the Cohen's *d* test in order to calculate Akzo Nobel's weighted-average dumping margin. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

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[7] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[8] *See, e.g., Magnesium Metal From the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal From the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989 (September 17, 2010).

**Preliminary Determination of No Shipments**

The Department received a timely submission from CP Kelco reporting to the Department that it did not sell or export the subject merchandise to the United States during the POR.[1] On April 19, 2013, we transmitted a ''No-Shipment Inquiry'' to U.S. Customs and Border Protection (CBP) regarding this company. Pursuant to this inquiry, the Department received no notification from CBP of entries of subject merchandise from CP Kelco within the ten-day deadline.[2] Accordingly, based on record evidence, we preliminarily determine that CP Kelco had no shipments during the POR.

Consistent with our practice, the Department finds that it is not appropriate to rescind the review with respect to CP Kelco, but rather to complete the review with respect to CP Kelco and issue appropriate instructions to CBP based on the final results of this review.

**Preliminary Results of Review**

We preliminarily determine that, for the period July 1, 2011, through June 30, 2012, the following dumping margin exists:

| Manufacturer/Exporter | Weighted-average margin (percent) |
|---|---|
| Akzo Nobel Functional Chemicals B.V. ..... | 0.64 |

**Disclosure and Public Comment**

The Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of publication of this notice.[3] Interested parties may submit case briefs to the Department in response to these preliminary results no later than 30 days after the publication of these preliminary results.[4] Rebuttal briefs, the content of which is limited to the issues raised in the case briefs, must be filed within five days from the deadline date for the submission of case briefs.[5]

Parties who submit arguments in this proceeding are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[6] Case and rebuttal briefs should be filed using IA ACCESS.[7] Case and rebuttal briefs must be served on interested parties.[8] Executive summaries should be limited to five pages total, including footnotes.

Within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments raised in the case and rebuttal briefs.[9] Unless the Department specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs.[10] Written argument and hearings requests should be electronically submitted to the Department via IA ACCESS.[11] The Department's electronic records system, IA ACCESS, must successfully receive an electronically-filed document in its entirety by 5:00 p.m. Eastern Daylight Time within 30 days after the date of publication of this notice.[12] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Parties will be notified of the time and location of the hearing.

The Department intends to publish the final results of this administrative review, including the results of its analysis of issues addressed in any case or rebuttal brief, no later than 120 days after publication of the preliminary results, unless extended.[13]

**Assessment Rates**

Upon completion of this administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries.[14] We have calculated, whenever possible, an exporter/importer (or customer)-specific assessment rate or value for merchandise subject to this review as described below.

For CEP sales, we divide the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each importer. We will direct CBP to assess the resulting percentage margin against the entered customs values for the subject merchandise on each of that importer's POR entries.[15]

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[16] This clarification will apply to entries of subject merchandise during the POR produced by Akzo Nobel and CP Kelco in these preliminary results of review for which these reviewed companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. Further, instead of rescinding the review with respect to CP Kelco, we find it appropriate to complete the review and issue liquidation instruction to CBP concerning entries for CP Kelco following issuance of the final results of review. If we continue to find that CP Kelco had no shipments of subject merchandise in the final results, we will instruct CBP to liquidate any existing entries of merchandise produced by CP Kelco, but exported by other parties at the rate for the intermediate reseller, if available, or at the all-others rate.[17]

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis.* We will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis.*[18] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[19]

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments

[1] *See* Letter from CP Kelco to the Secretary of Commerce, entitled ''Purified Carboxymethylcellulose from the Netherlands: CP Kelco BV No Shipment Letter,'' dated November 13, 2012.

[2] *See* Memorandum to the File regarding No Shipments Inquiry for CP Kelco B.V., dated July 18, 2013.

[3] *See* 19 CFR 351.224(b)

[4] *See* 19 CFR 351.309(c)(1)(ii).

[5] *See* 19 CFR 351.309(d)(1) and (2).

[6] *See* 19 CFR 351.309(c)(2).

[7] *See generally* 19 CFR 351.303.

[8] *See* 19 CFR 351.303(f).

[9] *See* 19 CFR 351.310(c).

[10] *See* 19 CFR 351.310(d)(1).

[11] *See generally* 19 CFR 351.303.

[12] *See* 19 CFR 351.310(c).

[13] *See* section 751(a)(3)(A) of the Act; 19 CFR 351.213(h).

[14] *See* 19 CFR 351.212(b)(1)

[15] *See* 19 CFR 351.212(b).

[16] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[17] *See, e.g., Magnesium Metal From the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal From the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989 (September 17, 2010).

[18] *See* 19 CFR 351.106(c)(2)

[19] *See* section 751(a)(2)(C) of the Act.

of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or in the investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be the all-others rate of 14.57 percent, which is the all-others rate established in the investigation.[20] These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers**

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 1, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

**Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum**

1. Scope of the Order
2. Preliminary Determination of No Shipments
3. Comparisons to Normal Value
   A. Determination of Comparison Method
   B. Results of the Differential Pricing Analysis
4. Product Comparisons
5. Date of Sale
6. Export Price
7. Normal Value
   A. Home Market Viability
   B. Level of Trade
   C. Cost of Production
   1. Calculation of Cost of Production
   2. Test of Comparison Market Sales Prices
   3. Results of the Cost of Production Test
   D. Calculation of Normal Value Based on Comparison Market Prices
8. Currency Conversion

[FR Doc. 2013–19347 Filed 8–8–13; 8:45 am]

BILLING CODE 3510–DS–P

[20] *See Notice of Antidumping Duty Orders: Purified Carboxymethylcellulose from Finland, Mexico, the Netherlands and Sweden,* 70 FR 39734, 39735 (July 11, 2005).

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–583–837]**

### Polyethylene Terephthalate Film, Sheet, and Strip From Taiwan; Preliminary Results of Antidumping Duty Administrative Review; 2011–2012

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

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET Film) from Taiwan. The period of review (POR) is July 1, 2011, through June 30, 2012. On December 28, 2012, the Department rescinded the review with respect to Nan Ya Plastics Corporation.[1] This review covers the remaining respondent Shinkong Synthetic Fibers Corporation (SSFC) and its subsidiary Shinkong Materials Technology Co. Ltd. (SMTC) (collectively, Shinkong), producer and exporter of PET Film from Taiwan. The Department preliminarily determines that sales of subject merchandise have been made below normal value by Shinkong. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* August 9, 2013.

**FOR FURTHER INFORMATION CONTACT:** Milton Koch, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2584.

**SUPPLEMENTARY INFORMATION:**

**Scope of the Order**

The products covered by the antidumping duty order are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. Excluded are metalized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of polyethylene terephthalate film, sheet, and strip are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the antidumping duty order is dispositive.

**Methodology**

The Department has conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. To determine the appropriate comparison method, the Department applied a ''differential pricing'' analysis and has preliminarily determined to use the average-to-transaction method in making comparisons of export price and normal value for Shinkong.

For a full description of the methodology underlying our conclusions, *see* the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan'' (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.[2]

[1] *See Polyethylene Terephthalate Film, Sheet and Strip from Taiwan: Partial Rescission of the Antidumping Duty Administrative Review,* 77 FR 76456 (December 28, 2012).

[2] The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/*. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

**Preliminary Results of Review**

As a result of our review, we preliminarily determine the following weighted-average dumping margin exists for the period July 1, 2011, through June 30, 2012.

| Manufacturer/Exporter | Weighted-Average margin |
|---|---|
| Shinkong Synthetic Fibers Corporation/Shinkong Materials Technology Co. Ltd. | 4.65 percent. |

**Disclosure and Public Comment**

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days of its public announcement.[3] Because the Department intends to conduct verification of Shinkong's responses, the Department will establish the briefing schedule at a later time, and will notify parties of the schedule.[4] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit at the outset of their briefs: (1) A statement of each issue; (2) a brief summary of the arguments; and (3) a table of authorities.[5] This summary should be limited to five pages total, including footnotes.

Interested parties who wish to request a hearing, or to participate if one is requested, must do so in writing within 30 days after the publication of this preliminary determination in the **Federal Register**.[6] Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a date, time and location to be determined. Parties will be notified of the date, time and location of any hearing.

We intend to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in any case or rebuttal brief, within 120 days of publication of these preliminary results in the **Federal Register**, unless otherwise extended.[7]

**Assessment Rates**

Upon issuing the final results of this administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[8] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[9] This clarification will apply to entries of subject merchandise during the POR produced by Shinkong for which these companies did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

**Cash Deposit Requirements**

The following deposit requirements will be effective for all shipments of PET Film from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies under review will be the rate established in the final results of this review (except, if the rate is zero or *de minimis,* no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters is 2.40 percent.[10] These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers**

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 1, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

**Appendix—List of Topics Discussed in the Preliminary Decision Memorandum**

1. Scope of the Order
2. Collapsing of SSFC and SMTC
3. Comparisons to Normal Value
   A. Determination of Comparison Method

[3] *See* 19 CFR 351.224(b).

[4] *See* 19 CFR 351.309.

[5] *See* 19 CFR 351.309(c)(2) and (d)(2).

[6] *See* 19 CFR 351.310(c).

[7] *See* section 751(a)(3)(A) of the Act; 19 CFR 351.213(h).

[8] In these preliminary results, the Department applied the assessment rate calculation methodology adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[9] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

[10] *See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from Taiwan,* 67 FR 44174 (July 1, 2002), as corrected in 67 FR 46566 (July 15, 2002).

B. Results of the Differential Pricing Analysis
4. Product Comparisons
5. Date of Sale
6. Export Price
7. Normal Value
A. Selection of Comparison Market
B. Arm's-Length Test
C. Level of Trade
D. Cost of Production Analysis
E. Calculation of Normal Value Based on Comparison Market Prices
8. Currency Conversion

[FR Doc. 2013–19352 Filed 8–8–13; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XC801

### Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

**ACTION:** Meeting of the South Atlantic Fishery Management Council (SAFMC) Scientific and Statistical Committee (SSC).

**SUMMARY:** The SAFMC will hold a meeting of its SSC to discuss a proposal for peer review of a wreckfish stock assessment. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The SSC meeting will be held via webinar on Tuesday, September 3, 2013, from 1 p.m. to 4 p.m. See **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The meetings will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact John Carmichael at the SAFMC (see Contact Information below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of the webinar.

*Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** John Carmichael; telephone: (843) 571–4366 or toll-free: (866) SAFMC–10; fax: (843) 769–4520; email: *john.carmichael@safmc.net.*

**SUPPLEMENTARY INFORMATION:** The items of discussion in the SSC webinar are as follows:

A proposal for an SSC peer review of an assessment of wreckfish in the South Atlantic will be addressed. The proposal is submitted in accordance with the SAFMC Peer Review Guidelines.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified 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 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 the Council office (see **ADDRESSES**) at least 10 business days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: August 6, 2013.

**William D. Chappell,**

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

[FR Doc. 2013–19301 Filed 8–8–13; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XC799

### Gulf of Mexico Fishery Management Council; Public Meeting

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

**ACTION:** Meeting of the Gulf of Mexico Fishery Management Council.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will hold meetings of the: Sustainable Fisheries/Ecosystem, Red Drum, Mackerel, Ad Hoc Restoration, Administrative Policy, Advisory Panel Selection, Reef Fish, Data Collection, and Joint Coral/Habitat Protection Management Committees; and a meeting of the Full Council. The Council will also hold an informal public question and answer session regarding agenda items and a formal public comment session.

**DATES:** The Council meeting will be held from 11 a.m. on Monday, August 26 until 4 p.m. on Thursday, August 29, 2013.

**ADDRESSES:** The meeting will be held at the Hilton Palacio del Rio Hotel, 200 South Alamo Street, San Antonio, TX 78205; telephone: (210) 222–1400.

*Council address:* Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Mr. Douglas Gregory, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *doug.gregory@gulfcouncil.org.*

**SUPPLEMENTARY INFORMATION:** The items of discussion for each individual management committee agenda are as follows:

**New Council Member Orientation, Monday, August 26, 2013, 9 a.m. Until 11 a.m.**

Brief overview of Gulf Council history, procedures, and ongoing actions.

**Sustainable Fisheries/Ecosystem Management Committee, Monday, August 26, 2013, 11 a.m. Until 11:30 a.m.**

Receive a summary on the South Florida Management workshops.

**Red Drum Management Committee Agenda, Monday, August 26, 2013, 1 p.m. Until 1:30 p.m.**

Receive an update on Gulf of Mexico red drum data collection.

**Mackerel Management Committee Agenda, Monday, August 26, 2013, 1:30 p.m. Until 3 p.m.**

1. Review SEDAR 28 Gulf of Mexico Spanish mackerel Stock Assessments

2. Review public hearing comments and actions in Coastal Migratory Pelagics (CMP) Amendments 19 and 20 Public Hearing Drafts.

3. Discuss the schedule and timing for CMP Amendment 22—Recreational and Commercial Allocation of king mackerel.

**Ad Hoc Restoration Committee Agenda, Monday, August 26, 2013, 3 p.m. Until 3:30 p.m.**

1. Receive an update on the development plan for RESTORE's Marine Science Fund.

2. Summary of NOAA RESTORE Act Science Program Public Engagement Session.

**Administrative Policy Committee Agenda, Monday August 26, 2013, 3:30 p.m. Until 4 p.m.**

1. Discuss the Administrative Handbook and SOPPs.

**Advisory Panel Selection Committee Agenda, Monday, August 26, 2013, 4 p.m. Until 5 p.m.**

(**Note:** This meeting will be a CLOSED session)

1. The Full Council in a CLOSED SESSION will appoint members to the Ad Hoc Red Snapper Individual Fishing Quota Advisory Panel.
2. Other Council business items.

**Reef Fish Management Committee Agenda, Tuesday, August 27, 2013, 8:30 a.m. Until 12 noon and 1:30 p.m. Until 5:30 p.m.**

1. Receive a summary from the August 2013 Reef Fish SSC Meeting.
2. Discussion of Spawning Potential Ratio (SPR) Target Options.
3. Take Final Action on Individual Fishing Quotas (IFQ) Administrative Rule Changes.
4. Review Amendment 39—Recreational Red Snapper Regional Management.
5. Review IFQ Inter-sector Trading Scoping Document.
6. Review Amendment 28—Red Snapper Allocation Options Paper.
7. Discuss Passengers on Dual-permitted Commercial Fishing Vessels
8. Receive an update on Red Snapper Recreational Landings and Supplemental Fall Season.
9. Discuss the 2014 Red Snapper Update Assessment and possible management actions.
10. Discuss Exempted Fishing Permits related to Reef Fish (if any).

**Note:** Immediately following committee recess will be an informal public Question and Answer Session on Gulf of Mexico fishery management issues on Tuesday, August 27, 2013.

**Data Collection Management Committee Agenda, Wednesday, August 28, 2013, 8:30 a.m. Until 9 a.m.**

1. Receive status update on modifications to the Federally-Permitted Seafood Dealer Reporting requirements.
2. Receive an update on the results of the Peer Reviewed Data Collection and Management Programs for the Magnuson-Stevens Managed Stocks.

**Joint Coral/Habitat Protection Management Committee Agenda, Wednesday, August 28, 2013, 9 a.m. Until 10 a.m.**

Receive a summary from the May 2013 Coral Workshop on Interrelationships between Corals and Fisheries.

**Council Session Agenda, Wednesday, August 28, 2013, 10 a.m. Until 4 p.m.**

10 a.m.–10:15 a.m.: Call to Order and Introductions, Induction of New Council Members, adoption of agenda and approval of minutes.

10:15 a.m.–11:30 a.m.: The Council will receive a Budget 101 overview.

1 p.m.–4 p.m.: The Council will receive public testimony on Final Action—IFQ Administrative Rule Changes, Mackerel Amendment 19—Coastal Migratory Pelagics Sale and Permit Provisions, Mackerel Amendment 20—Modifications to the Coastal Migratory Pelagics Zone Management, and Reef Fish Amendment 39—Regional Management of Recreational Red Snapper. The Council will also hold an open public comment period regarding any other fishery issues or concerns. People wishing to speak before the Council should complete a public comment card prior to the comment period.

4 p.m.–4:15 p.m.: The Council will review and vote on Exempted Fishing Permits (EFP), if any.

4:15 p.m.–5:15 p.m.: The Council will receive committee reports from the Advisory Panel Selection, Ad Hoc Restoration, Red Drum, and Sustainable Fisheries/Ecosystem Management Committees.

**Council Session Agenda, Thursday, August 29, 2013, 8:30 a.m. Until 4 p.m.**

8:30 a.m.–2:30 p.m.: The Council will continue to receive committee reports from Coral/Habitat Protection, Data Collection, Mackerel, Administrative Policy and Reef Fish Management Committees.

2:30 p.m.–3:30 p.m.: The Council will review Other Business items: Amendment 7 to the Highly Migratory Species Fishery Management Plans (FMP) and review of the SEDAR schedule.

3:30 p.m.–3:45 p.m.: The Council will review the Action Schedule.

3:45 p.m.–4 p.m.: The Council will hold an election of the Chair and Vice Chair.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified 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 Council's intent to take final action to address the emergency.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: August 5, 2013.

**Tracey L. Thompson,**

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

[FR Doc. 2013–19246 Filed 8–8–13; 8:45 am]

**BILLING CODE 3510–22–P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XC800**

### Fisheries of the Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

**ACTION:** Notice of SEDAR 35 data webinar for Caribbean Red Hind.

**SUMMARY:** The SEDAR assessment of the Caribbean stocks of Red Hind will consist of several workshops and a series of webinars. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The SEDAR 35 data webinar will be held on Friday, September 6, 2013 from 10 a.m. until 12 p.m. central standard time (CST).

**ADDRESSES:** The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see Contact Information below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of the webinar.

*SEDAR address:* 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Julie Neer, SEDAR Coordinator; telephone: (843) 571–4366; email: *julie.neer@safmc.net.*

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) a series of Assessment Workshop webinars; and (3) Review Workshop. The product of the Data Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Consensus Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the data webinar are as follows:

Participants will present summary data and will discuss data needs and treatments.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified 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 intent to take final action to address the emergency.

**Special Accommodations**

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR office (see **ADDRESSES**) at least 10 business days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: August 6, 2013.

**William D. Chappell,**

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

[FR Doc. 2013–19299 Filed 8–8–13; 8:45 am]

**BILLING CODE 3510–22–P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XC137**

### Marine Mammals; File No. 17324

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

**ACTION:** Notice; denial of permit.

**SUMMARY:** Notice is hereby given that an application for a public display permit (File No. 17324) submitted by the Georgia Aquarium Inc., 225 Baker Street, Atlanta, GA 30313, has been denied.

**ADDRESSES:** The application and related documents are available for review online at *http://www.nmfs.noaa.gov/pr/permits/georgia_aquarium_belugas.htm* or upon written request or by appointment in the following office(s):

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824–5312; fax (727) 824–5309.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Skidmore or Kristy Beard, (301)427–8401.

**SUPPLEMENTARY INFORMATION:** On August 30, 2012, a notice was published in the **Federal Register** (77 FR 52694) that an application had been filed by the above named applicant for a permit to import 18 wild caught beluga whales from the Utrish Marine Mammal Research Station in Russia to the United States for the purpose of public display. All 18 beluga whales were collected in Sakhalin Bay of the Sea of Okhotsk in 2006, 2010, and 2011. The requested permit has been denied subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

An environmental assessment (EA) was prepared analyzing the effects of the proposed activities on the human environment in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on the analyses in the EA, NMFS determined that denial of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on August 5, 2013.

Dated: August 5, 2013.

**P. Michael Payne,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2013–19226 Filed 8–8–13; 8:45 am]

**BILLING CODE 3510–22–P**

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## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

### Multistakeholder Meeting To Develop Consumer Data Privacy Code of Conduct Concerning Mobile Application Transparency

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA) will convene a meeting to discuss ''lessons learned'' from NTIA's first privacy multistakeholder process. This Notice announces that the meeting will be held on August 29, 2013.

**DATES:** The meeting will be held on August 29, 2013, from 2:30 p.m. to 4:00 p.m., Eastern Daylight Time. See **SUPPLEMENTARY INFORMATION** for details.

**ADDRESSES:** The meeting will be held in the Boardroom at the American Institute of Architects, 1735 New York Avenue NW., Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:** John Verdi, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4725, Washington, DC 20230; telephone (202)

482–8238; email *jverdi@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002.

**SUPPLEMENTARY INFORMATION:**

*Background:* On February 23, 2012, the White House released *Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy* (the ''Privacy Blueprint'').[1] The Privacy Blueprint establishes a Consumer Privacy Bill of Rights and directs NTIA to convene multistakeholder processes to develop legally enforceable codes of conduct that specify how the Consumer Privacy Bill of Rights applies in specific business contexts.[2] On July 12, 2012, NTIA convened the first meeting of the privacy multistakeholder process; the first process focused on developing a code of conduct to provide transparency in how companies providing applications and interactive services for mobile devices handle personal data.[3] On July 25, 2013, the stakeholder group agreed to stop drafting and begin reviewing, testing, and implementing the code of conduct. More information about the stakeholders' work is available at: *http://www.ntia.doc.gov/other-publication/2012/privacy-multistakeholder-process-mobile-application-transparency.*

*Matters To Be Considered:* The August 29, 2013 meeting will provide a forum for stakeholders to discuss lessons learned from the first NTIA privacy multistakeholder process. The meeting is not intended to focus on the substance of stakeholder work regarding mobile application transparency. Instead, the meeting will be a venue to discuss what worked well and what can be improved in the NTIA privacy multistakeholder process. NTIA expects that the group will discuss a number of logistical and procedural issues, including but not limited to: how future processes might be structured to reach consensus most efficiently; how future processes might make stakeholder participation easier and more effective; and how future processes might start with one or more sessions that provide factual background on a given topic.

*Time and Date:* NTIA will convene a meeting of the privacy multistakeholder process on August 29, 2013, from 2:30 p.m. to 4:00 p.m., Eastern Daylight Time. The meeting time is subject to change. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2012/privacy-multistakeholder-process-mobile-application-transparency,* for the most current information.

*Place:* The meeting will be held in the Boardroom at the American Institute of Architects, 1735 New York Avenue NW., Washington, DC 20006. The location of the meeting is subject to change. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2012/privacy-multistakeholder-process-mobile-application-transparency,* for the most current information.

*Other Information:* The meeting is open to the public and the press. The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to John Verdi at (202) 482–8238 or *jverdi@ntia.doc.gov* at least seven (7) business days prior to the meeting. The meeting will also be webcast. Requests for real-time captioning of the webcast or other auxiliary aids should be directed to John Verdi at (202) 482–8238 or *jverdi@ntia.doc.gov* at least seven (7) business days prior to the meeting. There will be an opportunity for stakeholders viewing the webcast to participate remotely in the meeting through a moderated conference bridge. Access details for the meeting are subject to change. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2012/privacy-multistakeholder-process-mobile-application-transparency,* for the most current information.

Dated: August 6, 2013.

**Kathy Smith,**

*Chief Counsel, National Telecommunications and Information Administration.*

[FR Doc. 2013–19304 Filed 8–8–13; 8:45 am]

**BILLING CODE 3510–60–P**

[1] The Privacy Blueprint is available at *http://www.whitehouse.gov/sites/default/files/privacy-final.pdf.*

[2] *Id.*

[3] NTIA, *First Privacy Multistakeholder Meeting: July 12, 2012, http://www.ntia.doc.gov/other-publication/2012/first-privacy-multistakeholder-meeting-july-12-2012.*

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Additions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed Additions to the Procurement List.

**SUMMARY:** The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** *Comments Must Be Received on or Before:* 9/9/2013.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

**FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT:** Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

### Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

*Products*

**Laundry Net, Synthetic Mesh, 24x36, Locking Drawstring**

NSN: 3510–00–NIB–0013—Heavy Duty, 3/16″ Hole Size.
NSN: 3510–00–NIB–0014—Medium Duty, 1/16″ Hole Size.
NPA: Bestwork Industries for the Blind, Inc., Runnemede, NJ.
Contracting Activity: General Services Administration, Fort Worth, TX.
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

**Binder, Loose-leaf**

NSN: 7510–01–462–1383—View Framed, Navy Blue, ½″.
NSN: 7510–01–462–1384—View Framed, Black, ½″.
NSN: 7510–01–462–1385—Frame View, Navy Blue, 1½″.
NSN: 7510–01–462–1386—View Framed, White, 1″.
NSN: 7510–01–462–1387—View Framed, White, ½″.
NSN: 7510–01–462–1388—View Framed, Navy Blue, 1″.
NSN: 7510–01–462–1389—View Framed, Black, 1½″.
NSN: 7510–01–462–1390—Frame View, Black, 1″.
NSN: 7510–01–462–1391—Frame View, White, 1½″.
NPA: South Texas Lighthouse for the Blind, Corpus Christi, TX.
Contracting Activity: General Services Administration, New York, NY.
Coverage: A-List for the Total Government Requirement as aggregated by the

General Services Administration.

*Services*

Service Type/Location: Janitorial and Landscape Service, National and Oceanic Atmospheric Administration, National Weather Service, Radar Operations Center, 1200 Westheimer Drive and 1426 Halley Avenue, Norman, OK.

NPA: Trace, Inc., Boise, ID.

Contracting Activity: Dept of Comm, National Oceanic and Atmospheric Administration, Boulder, CO.

Service Type/Location: Laundry Service, US Coast Guard Base, 4000 Coast Guard Blvd., Portsmouth, VA.

NPA: Louise W. Eggleston Center, Inc., Norfolk, VA.

Contracting Activity: Dept of Homeland Security, U.S. Coast Guard, Base Portsmouth, Portsmouth, VA.

Service Type/Location: Base Supply Center, Georgia National Guard, Clay National Guard Center, 1356 Atlanta Road SE., Marietta, GA.

NPA: L.C. Industries for the Blind, Inc., Durham, NC.

Contracting Activity: Dept of the Army, W7M3 USPFO Activity GA ARNG, Marietta, GA.

**Patricia Briscoe,**

*Deputy Director, Business Operations, (Pricing and Information Management), Director, Business Operations.*

[FR Doc. 2013–19303 Filed 8–8–13; 8:45 am]

**BILLING CODE 6353–01–P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Additions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to the Procurement List.

**SUMMARY:** This action adds products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** *Effective Date:* 9/9/2013.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

**FOR FURTHER INFORMATION CONTACT:** Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

**SUPPLEMENTARY INFORMATION:**

### Additions

On 6/14/2013 (78 FR 35874–35875) and 6/21/2013 (78 FR 37524–37525), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and service and impact of the additions on the current or most recent contractors, the Committee has determined that the products and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and service to the Government.

2. The action will result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and service proposed for addition to the Procurement List.

### End of Certification

Accordingly, the following products and service are added to the Procurement List:

*Products*

NSN: 7110–00–NIB–0077—Work/Plan Kit, Magnetic, 3′ x 2′

NSN: 7110–00–NIB–0078—Work/Plan Kit, Magnetic, 4′ x 3′

NSN: 7110–00–NIB–0079—Work/Plan Kit, Magnetic, 6′ x 4′

NSN: 7110–00–NIB–0081—White Board, Subtle Grid, 3′ x 2′

NSN: 7110–00–NIB–0082—White Board, Subtle Grid, 4′ x 3′

NSN: 7110–00–NIB–0083—White Board, Subtle Grid, 2′ x 1.5′

NSN: 7110–00–NIB–0084—White Board, Subtle Grid, 3′ x 2′

NSN: 7110–00–NIB–0085—White Board, Subtle Grid, 4′ x 3′

NSN: 7110–00–NIB–0086—White Board, Subtle Grid, 6′ x 4′

NSN: 7110–00–NIB–0087—White Board, Cubicle, Aluminum, 14″ x 11″

NSN: 7110–00–NIB–2200—Calendar, Four-Month, Aluminum, 4′ x 3′

NSN: 7195–00–NIB–0040—Bulletin Board, Cubicle Cork, Aluminum, 24″ x 14″

NPA: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA

Contracting Activity: General Services Administration, Arlington, VA

COVERAGE: A-List for the Total Government Requirement as aggregated by the General Services Administration.

NSN: 7530–00–NIB–1077—File Jackets, Letter, Manila, Straight Tab Cut

NSN: 7530–00–NIB–1078—File Jackets, Letter, Manila, Straight Tab Cut, 1″ Expansion

NSN: 7530–00–NIB–1079—File Jackets, Letter, Manila, Straight Tab Cut, 1.5″ Expansion

NSN: 7530–00–NIB–1080—File Jackets, Letter, Manila, Straight Tab Cut, 2″ Expansion

NSN: 7530–00–NIB–1081—File Jackets, Legal, Manila, Straight Tab Cut

NSN: 7530–00–NIB–1082—File Jackets, Legal, Manila, Straight Tab Cut, 1″ Expansion

NSN: 7530–00–NIB–1083—File Jackets, Legal, Manila, Straight Tab Cut, 1.5″ Expansion

NSN: 7530–00–NIB–1084—File Jackets, Legal, Manila, Straight Tab Cut, 2″ Expansion

NPA: Association for Vision Rehabilitation and Employment, Inc., Binghamton, NY

Contracting Activity: General Services Administration, New York, NY

COVERAGE: A-List for the Total Government Requirement as aggregated by the General Services Administration.

NSN: 7530–01–364–9489—Tabs, Multicolor, Numerical, 1–5

NSN: 7530–00–NIB–1120—Tabs, Multicolor, Numerical, 1–12

NSN: 7530–01–407–2250—Tabs, Legal, Clear, Numerical, 1–25

NSN: 7530–01–407–2248—Tabs, Legal, Clear, Numerical, 26–50

NPA: South Texas Lighthouse for the Blind, Corpus Christi, TX

Contracting Activity: General Services Administration, New York, NY

COVERAGE: A-List for the Total Government Requirement as aggregated by the General Services Administration.

NSN: MR 10629—Scrub Stone, Grill Cleaner

NSN: MR 10626—Poster Book, Coloring, Assorted, 36 x 42

NSN: MR 10609—Bowl, Insulated Thermal, Toddler, 8oz

NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC

Contracting Activity: Defense Commissary Agency, Fort Lee, VA

COVERAGE: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.

NSN: 7530–01–372–3102—Folder, File, Hanging, Letter Size, 1 Divider, 4 Sections, Light Blue

NSN: 7530–00–NIB–1098—Folder, File, Hanging, Light Blue, Letter Size, 2-Dividers, 6 Sections

NSN: 7530–00–NIB–1099—Folder, File, Hanging, Light Blue, Legal Size, 1-Divider, 4 Sections

NSN: 7530–00–NIB–1100—Folder, File, Hanging, Light Blue, Legal Size, 2-Dividers, 6 Sections

NPA: Clovernook Center for the Blind and Visually Impaired, Cincinnati, OH

Contracting Activity: General Services Administration, New York, NY

COVERAGE: A-List for the Total Government Requirement as aggregated by the General Services Administration.

*Service*

Service Type/Location: Janitorial/Custodial Service, Defense Contract Management Agency (DCMA) Office, 366 Avenue D, Building 7216, Dyess AFB, TX.

NPA: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX

Contracting Activity: Defense Contract Management Agency, Defense Contract Managment Office, Fort Lee, VA

**Patricia Briscoe,**

*Deputy Director, Business Operations (Pricing and Information Management).*

[FR Doc. 2013–19298 Filed 8–8–13; 8:45 am]

**BILLING CODE 6353–01–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Acquisition University Board of Visitors; Notice of Federal Advisory Committee Meeting

**AGENCY:** Defense Acquisition University, DoD.

**ACTION:** Meeting notice.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that the following Federal advisory committee meeting of the Defense Acquisition University Board of Visitors will take place.

**DATES:** Wednesday, September 11, 2013, from 9:00 a.m. to 12:00 p.m.

**ADDRESSES:** DAU Headquarters, 9820 Belvoir Road, Fort Belvoir, VA, 22060.

**FOR FURTHER INFORMATION CONTACT:** Christen Goulding, Protocol Director, DAU. Phone: 703–805–5134. Fax: 703–805–5940. Email: *christen.goulding@dau.mil.*

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Meeting:* The purpose of this meeting is to report back to the BoV on continuing items of interest.

Agenda:

9:00 a.m. Welcome and announcements
9:15 a.m. DAU Strategic Plan/FY14 Performance Plan
10:15 a.m. Knowledge Sharing Study
11:15 a.m. Team Training Initiatives and Mission Assistance Prioritization
12:00 p.m. Adjourn

*Public's Accessibility to the Meeting:* Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. However, because of space limitations, allocation of seating will be made on a first-come, first served basis. Persons desiring to attend the meeting should call Ms. Christen Goulding at 703–805–5134.

*Written Statements:* Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Defense Acquisition University Board of Visitors about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the Defense Acquisition University Board of Visitors.

All written statements shall be submitted to the Designated Federal Officer for the Defense Acquisition University Board of Visitors, and this individual will ensure that the written statements are provided to the membership for their consideration.

Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at least five calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the Defense Acquisition University Board of Visitors until its next meeting.

*Committee's Designated Federal Officer or Point of Contact:* Ms. Kelley Berta, Phone: 703–805–5412, Email: *Kelley.berta@dau.mil.*

Dated: August 6, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013–19277 Filed 8–8–13; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

### Notice of Amendment to the Notice of Intent To Prepare an Environmental Impact Statement for the Missouri River Recovery Management Plan, Missouri River, United States

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Intent.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, the U.S. Army Corps of Engineers (USACE), Kansas City and Omaha Districts, intend to prepare the Missouri River Recovery Management Plan and Environmental Impact Statement (EIS). This Notice of Intent amends the notice published in the **Federal Register** on January 18, 2013 (78 FR 4136) to provide additional and updated public scoping information.

**FOR FURTHER INFORMATION CONTACT:** For further information and/or questions about the proposed Plan, please contact Mr. Mark Harberg, Project Manager, by telephone: (402) 995–2554, by mail: 1616 Capitol Avenue, Omaha, NE 68102–4901, or by email: *Mark.Harberg@usace.army.mil.* For inquiries from the media, please contact the Corps' Kansas City District Public Affairs Officer, Mr. David Kolarik by telephone: (816) 389–3486, by mail: 601 E. 12th Street Kansas City, MO 64106, or by email: *David.S.Kolarik@usace.army.mil.*

**SUPPLEMENTARY INFORMATION:** Through preparation of the Management Plan and EIS, USACE will develop a range of alternatives for the purposes of Missouri River recovery and mitigation. This federal action includes activities on the Missouri River and is designed to assist in the recovery of Missouri River species protected under the Federal Endangered Species Act (ESA). Mitigation actions address USACE's requirements pursuant to the 1958 Fish and Wildlife Coordination Act (PL 85–624), section 601(a) of the Water Resources Development Act (WRDA) of 1986, and section 334(a) and (b) of the WRDA of 1999, and Section 3176 of the WRDA 2007.

Section 3176 of WRDA 2007 expanded the USACE's authority to include recovery and mitigation activities on the Missouri River in the upper basin states of Montana, Nebraska, North Dakota, and South Dakota. The combination of recovery and mitigation activities is commonly referred to as the Missouri River Recovery Program.

In accordance with 40 CFR 1502.4 (c), this EIS will evaluate all proposals or parts of proposals similar in nature such that, in effect, they represent a single course of action. The Missouri River Recovery Management Plan and Environmental Impact Statement will assess and, where appropriate, supplement or update prior analysis made pursuant to the requirements listed above. The EIS will assess the programmatic impacts, cumulative effects and alternatives to accomplish the purposes of the ESA, the 1958 Fish and Wildlife Coordination Act (PL 85–624), section 601(a) of the Water

Resources Development Act (WRDA) of 1986, and section 334(a) and (b) of the WRDA of 1999, and Section 3176 of the WRDA 2007. The federal actions which implement those authorities have been combined into one program and are being assessed together to effectively and efficiently carry out the multiple goals associated with the authorizations. Additionally to be addressed in this EIS, the USACE has received a proposal from the Missouri River Recovery Implementation Committee, recommending the agency perform an effects analysis and adaptive management of potential management actions on ESA listed species. Addressing this proposal will result in an analysis of management alternatives and adaptive management actions to benefit these species, and thus requires supporting environmental effects analyses which will be included in this Environmental Impact Statement.

The Missouri River Recovery Management Plan and EIS will be narrower than the scope and purpose of the study from section 5018(a) of the Water Resources Development Act of 2007 (Missouri River Ecosystem Restoration Plan). That study included the additional purpose of ecosystem restoration and was inclusive of the entire Missouri River watershed, including tributaries, while this plan and EIS will focus exclusively on the purposes of recovery and mitigation and be limited primarily to the areas and objectives prescribed in the authorities listed above.

*Scoping.* To provide the public with an opportunity to provide input on the scope of issues to be addressed and to identify issues related to the proposed action, public scoping is being conducted through October 18, 2013. To facilitate the scoping process, live scoping webinars will be conducted on September 11, 2013 and September 18, 2013 from 3:00 p.m. to 4:30 p.m. Central Daylight Savings time. The webinars can be accessed at *https://connect.dco.dod.mil/mngtplan.* The webinars may also be viewed at the following public locations:

**Montana**

- Montana Fish, Wildlife & Parks, Fort Peck State Fish Hatchery, 277 Hwy 117, Fort Peck, MT 59223

**Wyoming**

- State Engineer's Office, 122 West 25th Street, Herschler Building, Fourth Floor East Wing, Cheyenne, WY 82002
- Natural Resources Conservation Service, Douglas Service Center, 911 South Wind River Drive, Douglas, WY 82633

**North Dakota**

- U.S. Fish and Wildlife Service, North Dakota Field Office, 3425 Miriam Avenue, Bismarck, ND 58501

**South Dakota**

- U.S. Army Corps of Engineers/National Park Service, Lewis and Clark Visitor Center, adjacent to Gavins Point Dam in Yankton SD located on the south side of the Missouri River, 55245 Nebraska Highway 121, Crofton, NE 68730

**Nebraska**

- Papio-Missouri River NRD/Chalco Hills-Wehrspann Lake, 8901 S. 154th Street, Omaha, NE 68138

**Iowa**

- Natural Resources Conservation Service, 3539 Southern Hills Dr, Suite 3, Sioux City, IA 51106

**Kansas**

- Environmental Protection Agency, Region 7, 11201 Renner Blvd., Lenexa, KS 66219

**Missouri**

- Natural Resources Conservation Service, Parkade Center, Suite 232, 601 Business Loop 70 West, Columbia, MO 65203

The webinars will consist of a 30-minute background presentation, a 30-minute question and answer period, and 30 minutes for comment submission. Written comments can be submitted through October 18, 2013 at the National Park Service Planning, Environment & Public Comment (PEPC) Web site at *http://parkplanning.nps.gov/MRRMP* or by mail to U.S. Army Corps of Engineers, Kansas City District, c/o CENWK–PM–PR (Management Plan), 601 E. 12th Street Kansas City, MO 64106. All comments will become part of a public record and may be included as an appendix to the Final Management Plan and Environmental Impact Statement.

Additional information concerning the Management Plan and Environmental Impact Statement can be found at *http://moriverrecovery.usace.army.mil.*

Dated: August 2, 2013.

**Randy Sellers,**

*Environmental Resources Specialist.*

[FR Doc. 2013–19297 Filed 8–8–13; 8:45 am]

BILLING CODE 3720–58–P

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

### Board on Coastal Engineering Research

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of meeting.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that the following Federal advisory committee meeting will take place:

*Name of Committee:* Board on Coastal Engineering Research.

*Date of Meeting:* September 4–6, 2013.

*Place:* Atlantic Ballroom, Ocean Place Resort and Spa, One Ocean Boulevard, Long Branch, NJ 07740.

*Time:* 8:00 a.m. to 1:30 p.m. (September 4, 2013). 8:00 a.m. to 5:00 p.m. (September 5, 2013). 8:00 a.m. to 11:00 a.m. (September 6, 2013).

*Purpose of the Meeting:* The purpose of the meeting is to explore impacts due to Hurricane Sandy on the water resources infrastructure and coastlines of North Atlantic Division and discuss research needs associated with sustaining resilient coastal communities and systems through risk reduction, regional sediment management, and ecosystem restoration activities.

*Agenda:* Presentations and panel presentations on Wednesday morning, September 4, will include a Charge to the Board by the Chief of Engineers and panel presentations dealing with Hurricane Sandy: Response and Recovery. Presentations dealing with Response include Forecasting Hurricane Sandy, State of New Jersey Response to Hurricane Sandy, New York City Response to Hurricane Sandy, and National Hurricane Program. Presentations dealing with Recovery (Part 1) include Hurricane Sandy Rebuilding Task Force and Hurricane Sandy Coastal Projects Performance Evaluation Study. There will be an optional field trip Wednesday afternoon to visit Sea Bright, Union Beach, Mantoloking, and Ortley Beach.

On Thursday, September 5, 2013, there will be panel presentations dealing with Hurricane Sandy: Recovery (Part 2) and Hurricane Sandy: Resilience. Presentations dealing with Hurricane Sandy: Recovery include Coastal Breach Closures, Addressing Post-Storm Beach Repair Challenges, The Port Authority of New York/New

Jersey Recovery Operations, and Science and Technology Solutions that Supported Response and Recovery. Presentations dealing with Hurricane Sandy: Resilience include USACE North Atlantic Coast Comprehensive Study; Innovative Approach to Coastal System Resilience; Recommendation to Improve the Strength and Resilience of the Empire State's Infrastructure; Making Coastal Communities Resilient; Coastal Resilience, a Municipality Perspective; and A Framework for Quantifying Resilient Coastal Systems. There will be a luncheon speaker to discuss Improving Resilience to Coastal Storms for the City of New York.

The Board will meet in Executive Session to discuss ongoing initiatives and ongoing and future actions on Friday morning, September 6, 2013.

*Public Participation:* Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, the Board on Coastal Engineering Research meeting is open to the public. Participation by the public is scheduled for 4:00 p.m. on Thursday, September 5, 2013.

The entire meeting and field trip are open to the public, but since seating capacity is limited, advance notice of attendance is required. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted to the Federal Designated Officer for the Board on Coastal Engineering Research prior to the meeting or up to 30 days after the meeting and addressed to COL Jeffrey R. Eckstein, Designated Federal Officer and Executive Secretary, U.S. Army Engineer Research and Development Center, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199, phone 601–634–2513, or *Jeffrey.R.Eckstein@usace.army.mil.*

**SUPPLEMENTARY INFORMATION:**

The Board provides broad policy guidance and review of plans and fund requirements for the conduct of research and development of research projects in consonance with the needs of the coastal engineering field and the objectives of the Chief of Engineers.

**FOR FURTHER INFORMATION CONTACT:** COL Jeffrey R. Eckstein, Designated Federal Officer and Executive Secretary, U.S. Army Engineer Research and Development Center, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199, phone 601–634–2513, or *Jeffrey.R.Eckstein@usace.army.mil.*

**Jeffrey R. Eckstein,**

*Colonel, Corps of Engineers, Designated Federal Officer.*

[FR Doc. 2013–19296 Filed 8–8–13; 8:45 am]

**BILLING CODE 3710–28–P**

## DEPARTMENT OF EDUCATION

**[Docket No. ED–2013–ICCD–0103]**

## Agency Information Collection Activities; Comment Request; Student Assistance General Provisions—Subpart K—Cash Management

**AGENCY:** Federal Student Aid (FSA), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before October 8, 2013.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–20113–ICCD–0103 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202–4537.

**FOR FURTHER INFORMATION CONTACT:** Electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Student Assistance General Provisions—Subpart K—Cash Management

*OMB Control Number:* 1845–0038

*Type of Review:* A revision of an existing information collection.

*Respondents/Affected Public:* Individuals or households, Private Sector, State, Local, or Tribal Governments

*Total Estimated Number of Annual Responses:* 30,306,251

*Total Estimated Number of Annual Burden Hours:* 1,376,701

*Abstract:* This request is for a revision to the current information collection 1845–0038 that is expiring. This collection pertains to the recordkeeping requirements contained in the regulations related to the administration of 34 CFR 668 Subpart K Cash Management of the Student Assistance General Provisions. The regulatory language has not changed. These program regulations are designed to provide benefits to Title IV, HEA applicants, and to protect the taxpayers interest. The information collection requirements in 34 CFR 668.163 and 668.165 are necessary to provide students with required information about their eligibility to receive funding under the federal student financial aid programs and to prevent fraud and abuse of program funds by allowing students to reduce or reject aid being offered as well as being made aware of when such funding can be expected to be available.

The Department is requesting that sections 34 CFR 668.23 and 668.24 which are currently in 1845–0038 be removed and the corresponding 1,260 hours be transferred to 1845–0022. These two sections are not included in Subpart K and are more appropriately a part of 1845–0022. We believe that during the transfer of the information

collections from the Office of Postsecondary Education to Federal Student Aid that the regulatory sub sections were incorrectly included in this package.

Additionally, the Department is requesting the removal of the 1,750 burden hours currently attributed to 34 CFR 668.167 FFEL Program funds. This is due to the authority to make new Federal Family Education Loan (FFEL) program being terminated as of July 1, 2010 as a result of the Student Aid and Fiscal Responsibility Act (SAFRA) that was included in the Health Care and Reconciliation Act of 2010 (HCERA).

**Kate Mullan,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2013–19294 Filed 8–8–13; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF ENERGY

**[OE Docket No. PP–387]**

### Application for Presidential Permit; Soule River Hydroelectric Project: Correction

**AGENCY:** Office of Electricity Delivery and Energy Reliability, DOE.

**ACTION:** Notice of Application; correction.

**SUMMARY:** The Department of Energy (DOE) Office of Electricity Delivery and Energy Reliability corrects a Notice of Application published in the **Federal Register** (76 FR 50726) on July 30, 2013, to revise the DOE point of contact and program Web site for Docket No. PP–387.

**ADDRESSES:** Comments, protests, or motions to intervene should be addressed as follows:

Christopher Lawrence, Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Christopher Lawrence (Program Office) at 202–586–5260 or via electronic mail at *Christopher.Lawrence@hq.doe.gov* or Katherine L. Konieczny (Attorney-Adviser) at 202–586–0503 or via electronic mail at *Katherine.Konieczny@hq.doe.gov.*

*Procedural Matters:* Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/oe/services/electricity-policy-coordination-and-implementation/international-electricity-regulatio-2,* or by emailing Angela Troy at *angela.troy@hq.doe.gov.*

Issued in Washington, DC, on August 5, 2013.

**Brian Mills,**

*Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.*

[FR Doc. 2013–19311 Filed 8–8–13; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

**[Case No. DW–011]**

### Notice of Petition for Waiver of Whirlpool Corporation From the Department of Energy Residential Dishwasher Test Procedure, and Grant of Interim Waiver

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

**ACTION:** Notice of petition for waiver, notice of grant of interim waiver, and request for comments.

**SUMMARY:** This notice announces receipt of and publishes the Whirlpool Corporation (Whirlpool) petition for waiver from specified portions of the U.S. Department of Energy (DOE) test procedure for determining the energy and water consumption of dishwashers. In its petition, Whirlpool provides an alternate test procedure specific to a KitchenAid brand dishwasher equipped with a ''water use system.'' DOE solicits comments, data, and information concerning Whirlpool's petition and the proposed alternate test procedure. Today's notice also grants Whirlpool an interim waiver from the existing DOE test procedures for the subject KitchenAid brand dishwasher.

**DATES:** DOE will accept comments, data, and information with respect to the Whirlpool petition until September 9, 2013.

**ADDRESSES:** You may submit comments, identified by case number DW–011, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: AS_Waiver_Requests@ee.doe.gov.* Include ''Case No. DW–011'' in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, Petition for Waiver Case No. DW–011, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–2945. Please submit one signed original paper copy.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Please submit one signed original paper copy.

*Docket:* For access to the docket to review the background documents relevant to this matter, you may visit the U.S. Department of Energy, 950 L'Enfant Plaza SW., Washington, DC, 20024; (202) 586–2945, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Available documents include the following items: (1) This notice; (2) public comments received; (3) the petition for waiver and application for interim waiver; and (4) prior DOE waivers and rulemakings regarding similar dishwasher products. Please call Ms. Brenda Edwards at the above telephone number for additional information.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–2J, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *Bryan.Berringer@ee.doe.gov.*

Mr. James Silvestro, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–71, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0103. Telephone: (202) 286–4224. Email: *James.Silvestro@hq.doe.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background and Authority

Title III, Part B of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances, which includes dishwashers.[1] Part B includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part B authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results which measure energy efficiency, energy use, water use, or estimated operating costs, and that are not unduly

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

burdensome to conduct. 42 U.S.C. 6293(b)(3). The test procedure for dishwashers is contained in 10 CFR part 430, subpart B, appendix C1.

The regulations set forth in 10 CFR 430.27 contain provisions that enable a party to seek a waiver from the test procedure requirements for covered consumer products. A waiver will be granted by the Assistant Secretary for Energy Efficiency and Renewable Energy (''the Assistant Secretary'') if it is determined that the basic model for which the petition for waiver was submitted contains one or more design characteristics that prevents testing of the basic model according to the prescribed test procedures, or if the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(l). Petitioners must include in their petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption. The Assistant Secretary may grant the waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(l). Waivers remain in effect pursuant to the provisions of 10 CFR 430.27(m).

The waiver process also allows the Assistant Secretary to grant an interim waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 10 CFR 430.27(a)(2). An interim waiver must be granted if it is determined that the applicant will experience economic hardship if the application for interim waiver is denied, if it appears likely that the petition for waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. 10 CFR 430.27(g) An interim waiver remains in effect for 180 days or until DOE issues its determination on the petition for waiver, whichever is sooner. DOE may extend an interim waiver for an additional 180 days. 10 CFR 430.27(h)

## II. Application for Interim Waiver and Petition for Waiver

On July 3, 2013, Whirlpool submitted the petition for waiver and interim waiver from the test procedure applicable to dishwashers set forth in 10 CFR part 430, subpart B, appendix C1. Whirlpool seeks a waiver from the applicable test procedure for its KitchenAid brand basic model KDTE554C++# dishwasher equipped with a ''water use system'' because, Whirlpool asserts, design characteristics of this basic model prevent testing in accordance with the currently prescribed test procedure and will lead to results that are materially inaccurate and mislead consumers.

Whirlpool states that the dishwasher ''water use system'' saves water from the final rinse of a given dishwasher cycle for use in a subsequent dishwasher cycle. If not operated for three or more days, the dishwasher will ''drain out'' the saved water. The dishwasher also performs a ''clean out'' every thirty days or thirty cycles, whichever occurs first. Both ''drain out'' and ''clean out'' events consume additional water and energy during the subsequent cycle. This additional water and energy consumption are accounted for in the waiver petition. The ''water use system'' is installed on soil-sensing model dishwashers that utilize 120 degree (deg.) Fahrenheit (F) inlet water. A ''drain out'' event consumes an additional 1.02 gallons of water for a cycle in which it occurs. The ''clean out'' event consumes an additional 1.24 gallons of water for a cycle in which it occurs. ''Drain out'' and ''clean out'' events occur during the active mode, but before the power dry portion of the cycle begins. The power dry, fan-only mode, inactive mode, and off mode are not affected by ''water use system'' operation water consumption or energy consumption.

DOE has determined that Whirlpool's application for interim waiver does not provide sufficient market, equipment price, shipments, and other manufacturer impact information to permit DOE to evaluate the economic hardship Whirlpool might experience absent a favorable determination on its application for interim waiver. DOE has also determined, however, that it is likely Whirlpool's petition will be granted, and that it is desirable for public policy reasons to grant Whirlpool relief pending a determination on the petition. Based on the information provided by Whirlpool, use of the DOE test procedure may provide materially inaccurate comparative data.

Based on these considerations, it appears likely that the petition for waiver will be granted. As a result, DOE grants Whirlpool's application for interim waiver for the basic models of dishwashers specified in its petition for waiver, pursuant to 10 CFR 430.27(g). Therefore, *it is ordered that:*

The application for interim waiver filed by Whirlpool is hereby granted for the specified Whirlpool dishwasher basic model, subject to the specifications and conditions below.

Whirlpool shall be required to test and rate the specified dishwasher products according to the alternate test procedure as set forth in section III, ''Alternate Test Procedure.''

The interim waiver applies to the following basic model group:

*KitchenAid brand:*

Basic Model—KDTE554C ++ #

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, and this interim waiver does not apply to other basic models that may be manufactured by the petitioner now or in the future. Whirlpool may submit a subsequent petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of dishwashers for which it seeks a waiver from the DOE test procedure. In addition, DOE notes that the grant of an interim waiver or waiver does not release a petitioner from the certification requirements set forth at 10 CFR part 429.

## III. Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures to make representations about the energy consumption and water consumption of products covered by the statute. 42 U.S.C. 6293(c). Consistent representations are important for manufacturers to use in making representations about the energy efficiency of their products and to demonstrate compliance with applicable DOE energy conservation standards. Pursuant to its regulations applicable to waivers and interim waivers, set forth at 10 CFR 430.27, DOE will consider requiring an alternate test procedure for Whirlpool in a subsequent Decision and Order.

During the period of the interim waiver granted in this notice, Whirlpool shall test its dishwasher basic models according to the existing DOE test procedure at 10 CFR 430, subpart B, appendix C1 with the modification set forth below.

''Water use system'' water and energy consumption shall be accounted for during dishwasher water and energy measurement and reporting. The following is a summary of the additional modifications required:

- For ''drain out'' events, constant values of 0.072 gallons per cycle and 2.6 kWh/year shall be added to values measured by appendix C1.
- For ''clean out'' events, constant values of 0.071 gallons per cycle and 10.3 kWh/year shall also be added to values measured by appendix C1.

• To calculate the detergent quantity for testing, a constant value of 0.91 gallons for the water fill amount shall be used, representing both saved water fill and house supply water fill.

• For verification testing, if a ''drain out'' or ''clean out'' event occurs, any results from that use of the test procedure shall be disregarded. Disconnect and reconnect power to the dishwasher, then restart the test procedure.

○ To detect a ''drain out'' event, measure the water volume supplied during the first fill. A cycle shall be considered to have a ''drain out'' event if the first fill uses approximately 1 gallon from the water supply. Without a ''drain out'' event, the first fill would use approximately 0.11 gallons from the water supply.

○ To detect a ''clean out'' event, monitor the temperature of the sump water using an additional temperature measuring device. The device shall be placed inside the sump in an area such that the device will always be submerged in water and will not interfere with the operation of the dishwasher. A cycle shall be considered to have a ''clean out'' event if the temperature of the sump water during wash and rinse portions of the cycle reaches 150 deg. F. Without a ''clean out'' event, the highest sump water temperatures would reach approximately 140 deg. F.

• It is recommended that all testing be completed within 28 days, and within 28 cycles of first dishwasher use, to avoid a ''clean out'' event. No more than 68 hours should lapse between the start of cycles to avoid a ''drain out'' event. Cycles include preconditioning cycles as well as test cycles.

*For further information and detailed methodology of calculations, please continue reading through the remainder of this section before proceeding to section 5 of appendix C1.*

Further detail and calculation method:

''Drain out'' event (if dishwasher is not used for 3 or more days)—The ''drain out'' event consumes an additional 1.02 gallons of water for the cycle in which it occurs. Consumer research shows that only seven percent of consumer cycles, for consumers who run approximately 215 cycles/year, have longer than a three day delay between cycles. This results in ''drain out'' water and energy usage of 0.072 gallons/cycle and 2.61 kWh/year:

• 7 percent of 215 cycles/year equates to 15.1 cycles/year.

• 15.1 cycles/year multiplied by 1.02 gallons/cycle results in 15.4 gallons/year of additional water usage for ''drain out'' events.

• 15.4 gallons/year apportioned across all 215 cycles calculates to 0.072 gallons/cycle.

• The ''drain out'' event water energy consumption, based on 15.4 gallons/year, calculates to 2.59 kWh/year (15.4 gallons/year multiplied by 70 deg. F water heater temperature rise multiplied by the constant K of 0.0024 kWh/gallon/deg. F).

• The additional machine energy consumption associated with a ''drain out'' event is less than 0.001 kWh/event or 0.02 kWh/year.

○ Pump and valve: 10 W for 4.5 minutes followed by 30 W for 0.5 minutes; 7 percent of 215 cycles/year is used for the calculation.

''Clean out'' event (every 30 days or 30 dishwasher cycles whichever occurs first)—The ''clean out'' event consumes an additional 1.24 gallons of water for the cycle in which it occurs. Water is heated during the ''clean out'' event. A ''clean out'' event will occur every 30 days (used for this calculation) or 12.2 events/year. 12.2 events/year, based on 215 cycles/year, calculates to 6 percent of all dishwasher cycles. Water and energy use (apportioned) are 0.071 gallons/cycle and 10.3 kWh/year:

• 1.24 gallons/event multiplied by 12.2 events/year calculates to 15.1 gallons/year of additional water usage for ''clean out'' events.

• 15.1 gallons/year apportioned across all 215 cycles calculates to 0.071 gallons per cycle.

• The ''clean out'' event water energy consumption, based on 15.1 gallons/year, calculates to 2.54 kWh/year (15.1 gallons/year multiplied by 70 deg. F water heater temperature rise multiplied by the constant K of 0.0024 kWh/gallon/deg. F).

• The additional machine energy consumption associated with a ''clean out'' event is 7.72 kWh/year from pump, valve, and heater operation.

○ Pump and valve: Approximately 0.006 kWh per event or 0.073 kWh per year (electrical components use an additional 30 W for a combined duration of 9 minutes plus 10 W for a combined duration of 8.5 minutes; the calculation is based on 12.2 events per year).

○ Pump and heater: 1.24 gallons of water is heated for approximately 47 minutes using 800 watts, or 0.63 kWh/event. This calculates to 7.65 kWh/year based on 12.2 events/year.

Calculation of detergent concentration:

A portion of the water fill volume comes from saved water fill instead of the house supply water fill. This saved water fill amount (0.80 gallons) should be included with (added to) the house supply water fill amount (0.11 gallons) when calculating detergent concentration for the wash (a total of 0.91 gallons). The method to determine the saved water fill volume is affected by several factors including when the first cycle is run on a new dishwasher and ''charging'' of the sump and water lines. Two approaches may be used to determine the amount of water in the first fill:

1. Use a constant amount of water for the wash fill of 0.91 gallons. This is the recommended approach and is representative.

2. Measure the amount of drain water discharged during the first drain out. Measure this amount during the second preconditioning cycle. This would be approximately 0.91 gallons.

Other testing requirements or considerations:

To confirm if saved water has returned to room ambient temperature, a thermocouple may be placed on the surface of saved water tank to measure temperature. Reference section 2.5.1 of appendix C1.

Removing power from the dishwasher will result in a ''clean out'' event during the next dishwasher cycle. As required by section 2.2.1 of appendix C1, it is necessary to maintain a continuous electrical supply to the unit throughout testing, including during preconditioning cycles and the test cycle series.

## IV. Summary and Request for Comments

Through today's notice, DOE announces receipt of Whirlpool's petition for waiver from certain parts of the test procedure that apply to dishwashers and grants an interim waiver. As part of this notice, DOE is publishing Whirlpool's petition for waiver in its entirety pursuant to 10 CFR 431.401(b)(1)(iv). Confidential business information has been redacted from the petition. The petition includes a suggested alternate test procedure, in which the reported energy and water consumption would include an estimate of the energy and water consumption of dishwashers equipped with a ''water use system.''

DOE solicits comments from interested parties on all aspects of the petition. Any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is Nick Gillespie, Government Relations Manager, Whirlpool Corporation, 2000 N. M63—MD 3502, Benton Harbor, MI 49022. All submissions received must

include the agency name and case number for this proceeding. Submit electronic comments in WordPerfect, Microsoft Word, Portable Document Format (PDF), or text (American Standard Code for Information Interchange (ASCII)) file format and avoid the use of special characters or any form of encryption. Wherever possible, include the electronic signature of the author. DOE does not accept telefacsimiles (faxes).

Issued in Washington, DC, on August 5, 2013.

**Kathleen B. Hogan,**

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

July 3, 2013
U.S. Department of Energy
Building Technologies Program, Test Procedure Waiver
1000 Independence Avenue SW
Washington, DC 20585
Via email:
*AS_Waiver_Requests@ee.doe.gov*

**Re: Amended Petition for Dishwasher ''Water Use System'' Waiver with Application for Interim Waiver**

Whirlpool Corporation (Whirlpool) respectfully submits this Amended Petition for Waiver with Application for Interim Waiver, filed pursuant to 10 CFR 430.27, to the U.S. Department of Energy (DOE) regarding the test procedure specified in 10 CFR Part 430, Subpart B, App. C1 (Test Procedure) for measuring the energy and water consumption of dishwashers. Whirlpool is amending our Waiver Petition to include an Application for Interim Waiver, which was not part of the Petition for Waiver submitted to the Department on July 3, 2013.

This Amended Petition for Waiver with Application for Interim Waiver is directed towards Whirlpool dishwashers utilizing a ''water use system'' that will be assembled in the United States at our dishwasher manufacturing facility in Findlay, Ohio. Whirlpool submits that the testing of dishwashers equipped with a ''water use system'' under the Test Procedure will lead to results that are materially inaccurate and mislead consumers.

10 CFR 430.27(a) (1) provides that a manufacturer may submit a petition to waive a requirement of § 430.23 upon grounds that the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures, or the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. Additionally, 10 CFR 430.27(b)(2) allows an applicant to request an Interim Waiver if economic hardship and/or competitive disadvantage is likely to result absent a favorable determination on the Application for Interim Waiver. Whirlpool requests that DOE grant this Petition and Application on these grounds for the reasons set forth below.

*1. Petitioner*

Whirlpool Corporation is the world's leading manufacturer and marketer of major home appliances, with annual sales of approximately $18 billion in 2012, 68,000 employees, and 65 manufacturing and technology research centers around the world. In the U.S., the company has 22,000 employees, including 15,000 manufacturing employees (i.e. more than any of our major competitors combined) and 4,000 knowledge workers in the State of Michigan at its global headquarters. Whirlpool Corporation markets *Whirlpool, Maytag, KitchenAid, Jenn-Air, Amana, Brastemp, Consul, Bauknecht* and other major brand names to consumers in nearly every country around the world. Additional information about the company can be found at *http://www.whirlpoolcorp.com.*

*2. Background*

The dishwasher ''water use system'' saves water from the final rinse of a given dishwasher cycle for use in a subsequent dishwasher cycle. If not operated for three or more days, the dishwasher will ''drain out'' the saved water. The dishwasher also performs a ''clean out'' every thirty days or thirty cycles, whichever occurs first. Both ''drain out'' and ''clean out'' events consume additional water and energy during the subsequent cycle. This additional water and energy consumption is accounted for in the subsequent sections of this waiver petition.

The ''water use system'' will be installed on soil sensing model dishwashers that utilize 120 degree (deg.) Fahrenheit (F) inlet water. A ''drain out'' event consumes an additional 1.02 gallons of water for a cycle in which it occurs. The ''clean out'' event consumes an additional 1.24 gallons of water for a cycle in which it occurs. ''Drain out'' and ''clean out'' events occur during the active mode, but before the power dry portion of the cycle begins. The power dry, fan-only mode, inactive mode and off mode are not affected by ''water use system'' operation water consumption or energy consumption.

*3. Grounds for Waiver/Interim Waiver and Justification for Interim Waiver Application*

Our intent is to accurately account for ''water use system'' energy and water consumption. As we indicated in the second paragraph of this letter, the testing of the ''water use system'' under the current DOE Test Procedure will lead to results that are materially inaccurate and mislead consumers. 10 CFR 430.27(a) (1) provides that a petition to waive a requirement of § 430.23 may be submitted upon grounds that the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures, or the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. Hence, this Petition.

Granting of an Interim Waiver is justified in this case because Whirlpool has provided strong evidence that demonstrates the likelihood of the granting of the Petition for Waiver.

Additionally, Whirlpool will suffer significant economic hardship and competitive disadvantage if this Interim Waiver Application is not granted and there are strong public policy justifications to issue an Interim Waiver to help promote uniform interpretation and application of the Test Procedure to dishwashers with a ''water use system''. As discussed above, if this Interim Waiver is not granted, there will be significant uncertainty in how to measure energy and water consumption for dishwashers with ''water use system''. There are also long lead times and significant expenses associated with the design and manufacture of dishwashers. Compliance with federally mandated energy consumption standards and ENERGY STAR® criteria is a critical design factor for dishwashers. Any delay in obtaining clarity on this issue will cause Whirlpool economic hardship and competitive disadvantage.

*4. Requirements Sought To Be Waived*

''Water use system'' water and energy consumption should be accounted for during dishwasher water and energy measurement and reporting. The following is a summary of the requirements sought to be waived:

- For ''drain out'' events, constant values of 15.4 gallons per year and 2.6 kWh/year should be added to values measured by Appendix C1.
- For ''clean out'' events, constant values of 15.1 gallons per year and 10.3

kWh/year should also be added to values measured by Appendix C1.

• If a ''drain out'' event or a ''clean out'' event takes place within a test, the water and energy consumed should be disregarded when declaring water and energy consumption.

• To calculate the detergent quantity for testing, a constant value of 0.91 gallons for the water fill amount shall be used, representing both saved water fill and house supply water fill.

• For verification testing, a new dishwasher is required. Conservatively, all testing must be completed within 28 days, and within 28 cycles of first dishwasher use, to avoid a ''clean out'' event.

Conservatively, no more than 68 hours may lapse between the start of cycles to avoid a ''drain out'' event.

Otherwise, the test series should be restarted to insure that a ''drain out'' event or a ''clean out'' event do not occur within a test. To restart the test series, disconnect and reconnect power to the dishwasher. Per Appendix C1, the test series includes two preconditioning cycles followed by sensor heavy response, sensor medium response, and sensor light response test cycles. The 28 day, 28 cycle, and 68 hour values must account for and consider all dishwasher cycles, including preconditioning.

*For further information and detailed methodology of calculations, please continue reading through the remainder of this section before proceeding to Section 5.*

**Further detail and calculation method:**

*''Drain out'' event (if dishwasher is not used for 3 or more days)*—The ''drain out'' event consumes an additional 1.02 gallons of water for the cycle in which it occurs. Consumer research shows that only seven percent of consumer cycles, for consumers who run approximately 215 cycles/year, have longer than a three day delay between cycles. This results in ''drain out'' water and energy usage of 0.072 gallons/cycle and 2.61 kWh/year:

• 7 percent of 215 cycles/year equates to 15.1 cycles/year.

• 15.1 cycles/year multiplied by 1.02 gallons/cycle results in 15.4 gallons/year of additional water usage for ''drain out'' events.

• 15.4 gallons/year apportioned across all 215 cycles calculates to 0.072 gallons/cycle.

• The ''drain out'' event water energy consumption, based on 15.4 gallons/year, calculates to 2.59 kWh/year (15.4 gallons/year multiplied by 70 deg F water heater temperature rise multiplied by the constant K of 0.0024 kWh/gallon/deg. F).

• The additional machine energy consumption associated with a ''drain out'' event is less than 0.001 kWh/event or 0.02 kWh/year.

➢ Pump and valve: 10 W for 4.5 minutes followed by 30 W for 0.5 minutes; 7 percent of 215 cycles/year is used for the calculation.

*''Clean out'' event (every 30 days or 30 dishwasher cycles whichever occurs first)*—The ''clean out'' event consumes an additional 1.24 gallons of water for the cycle in which it occurs. Water is heated during the ''clean out'' event. A ''clean out'' event will occur every 30 days (used for this calculation) or 12.2 events/year. 12.2 events/year, based on 215 cycles/year, calculates to 6 percent of all dishwasher cycles. Water and energy use (apportioned) is 0.071 gallons/cycle and 10.3 kWh/year:

• 1.24 gallons/event multiplied by 12.2 events/year calculates to 15.1 gallons/year of additional water usage for ''clean out'' events.

• 15.1 gallons/year apportioned across all 215 cycles calculates to 0.071 gallons/cycle.

• The ''clean out'' event water energy consumption, based on 15.1 gallons/year, calculates to 2.54 kWh/year (15.1 gallons/year multiplied by 70 deg F water heater temperature rise multiplied by the constant K of 0.0024 kWh/gallon/deg. F).

• The additional machine energy consumption associated with a ''clean out'' event is 7.72 kWh/year from pump, valve, and heater operation.

○ Pump and valve: Approximately 0.006 kWh/event or 0.073 kWh/year (electrical components use an additional 30 W for a combined duration of 9 minutes plus 10 W for a combined duration of 8.5 minutes; the calculation is based on 12.2 events/year).

○ Pump and heater: 1.24 gallons of water is heated for approximately 47 minutes using 800 watts, or 0.63 kWh/event. This calculates to 7.65 kWh/year based on 12.2 events/year.

**Calculation of detergent concentration:**

A portion of the water fill volume comes from saved water fill instead of the house supply water fill. This saved water fill amount (0.80 gallons) should be included with (added to) the house supply water fill amount (0.11 gallons) when calculating detergent concentration for the wash (a total of 0.91 gallons). The method to determine the saved water fill volume is affected by several factors including when the first cycle is run on a new dishwasher and ''charging'' of the sump and water lines. Two approaches may be used to determine the amount of water in the first fill:

1. Use a constant amount of water for the wash fill of 0.91 gallons. This is the recommended approach and is representative.

2. Measure the amount of drain water discharged during the first drain out. Measure this amount during the second preconditioning cycle. This would be approximately 0.91 gallons.

**Other testing requirements or considerations:**

To confirm if saved water has returned to room ambient temperature, a thermocouple may be placed on the surface of saved water tank to measure temperature. Ref. Appendix C1, cl. 2.5.1.

Removing power from the dishwasher will result in a ''clean out'' event during the next dishwasher cycle. As required by Appendix C1, cl. 2.2.1, it is necessary to maintain a continuous electrical supply to the unit throughout testing, including during preconditioning cycles and the test cycle series.

*5. Identification of Basic Models*

This Petition for Waiver and Application for Interim Waiver is made with respect to the Basic Model of a dishwasher that incorporates a ''water use system''. The design characteristics that are common to the Basic Model with a ''water use system'' are a tank, a valve, control system and plumbing.

Specific Basic Model is:

*KitchenAid* brand: KDTE554C ++ #

*6. Manufacturer's of Similar Products and Affected Manufacturers*

To the best of our knowledge, Whirlpool is not aware of other manufacturers providing this functionality in the United States.

The manufacturers that sell dishwashers in the United States include ASKO Appliances, Inc., BSH Home Appliances Corp. (Bosch-Siemens Hausgerate GmbH), Electrolux North America, Inc., Fisher & Paykel Appliances, GE Appliances and Lighting, Haier America, Indesit Company Sa, LG Electronics USA, Miele, Inc., Samsung Electronics Co., Arcelik A.S., Fagor America Inc., Teka USA Inc. and Viking Range Corporation. The Association of Home Appliances Manufacturers is also generally interested in energy efficiency requirements for appliances, including dishwashers. Whirlpool will notify all these entities as set forth in the Department's rules and provide them with a version of this Petition for Waiver and Interim Waiver Application Amendment.

*7. Conclusion*

For the above reasons, Whirlpool respectfully requests that the U.S. Department of Energy grant the above Amended Petition for Waiver with Interim Waiver Application. By granting the said Waivers, DOE will ensure that the efficiency of the ''water use system'' is accurately represented to consumers.

Whirlpool certifies that all manufacturers of domestically marketed dishwashers of the same product type have been notified and provided a copy by email letter of this Amended Petition with Application for Interim Waiver.

Thank you for your consideration.

Respectfully,

Nick Gillespie
Government Relations Manager
Whirlpool Corporation

[FR Doc. 2013–19307 Filed 8–8–13; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[ Docket No. DI13–6–000]**

### Browns Valley Irrigation District; Notice of Declaration of Intention and Soliciting Comments, Protests, and/or Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention

b. *Docket No:* DI13–6–000

c. *Date Filed:* July 15, 2013

d. *Applicant:* Browns Valley Irrigation District

e. *Name of Project:* Tennessee Ditch Hydropower Development Project

f. *Location:* The proposed Tennessee Ditch Hydropower Development Project will be located on Tennessee Ditch, tributary to Yuba River, near the town of Browns Valley, Yuba County, California, affecting T. 017, R. 5 E, and Meridian CA21.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Walter Cotter, General Manager, Browns Valley Irrigation District, P.O. Box 6, Browns Valley, CA 95918; telephone: (530) 743–5703

i. *FERC Contact:* Any questions on this notice should be addressed to Jennifer Polardino, (202) 502–6437, or Email address: *Jennifer.Polardino@ferc.gov*

j. *Deadline for filing comments, protests, and/or motions is:* 30 days from the issuance of this notice by the Commission.

Comments, Motions to Intervene, and Protests may be filed electronically via the Internet. See 18 CFR 385.2001(a)(l)(iii) and the instructions on the Commission's Web site under the ''eFiling'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. For more information on how to submit these types of filings, please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp.*

Please include the docket number (DI13–6–000) on any comments, protests, and/or motions filed.

k. *Description of Project:* The Tennessee Ditch Hydropower Development Project will consist of: (1) An existing irrigation ditch, making usable capacity of the Virginia Ranch dam, roughly two miles from the proposed plant site; (2) utilizing water stored in the Collins Reservoir; (3) a 36-inch-diameter, 7,225-foot-long penstock, of approximately 700 feet would pass through a wildlife management area owned by the State of California and operated and managed by the California Department of Fish and Wildlife; (4) a powerhouse containing a 1–MW horizontal Francis-type turbine/generator rated at 50 cubic feet per second at 266 feet of net head; and appurtenant facilities. The project will be connected to an interstate grid.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the Docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOlineSupport@ferc.gov* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*— Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—All filings must bear in all capital letters the title ''COMMENTS'', ''PROTESTS'', AND/OR ''MOTIONS TO INTERVENE'', as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any Motion to Intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: August 5, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–19288 Filed 8–8–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 12576–011]**

### Western Minnesota Municipal Power Agency; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment to License

b. *Project No:* 12576–011

c. *Date Filed:* June 04, 2013

d. *Applicant:* Western Minnesota Municipal Power Agency

e. *Name of Project:* Red Rock Hydroelectric Project

f. *Location:* The project is located at the U.S. Army Corps of Engineers Lake Red Rock Dam on the Des Moines River in Marion County, Iowa.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r

h. *Applicant Contact:* Raymond J. Wahle PE, Missouri River Energy Services, 3724 W. Avera Drive, PO Box 88920, Sioux Falls, SD 57109, Phone: (605) 330–6963, or email: *rwahle@mrenergy.com.*

i. *FERC Contact:* Mr. Mo Fayyad (202) 502–8759 or *mfayyad@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* September 9, 2013.

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. Please include the project number (P–12576–011) on any comments or motions filed.

k. *Description of Request:* The applicant proposes to amend the unconstructed project's license to modify the design of the intake structure, the upstream submerged weir, the penstock geometry, the penstock liner, the reinforced concrete diaphragm wall, the cutoff wall, the temporary construction laydown yard/future vehicle turnaround at the intake structure, the flow bypass conduit, and the substation elevation. The applicant does not propose any change to the authorized installed capacity or maximum hydraulic capacity. The proposed changes would revise the project boundary, which would increase the area of Lands of the United States within the project boundary from 28.3 acres to 31.1 acres.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–12576–011) excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any filing made by an intervener must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: August 5, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–19291 Filed 8–8–13; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. RM07–16–000; RM01–5–000; and RM12–3–000]**

### Revised Company Registration System

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** This document revises the effective date of the Revised Company Registration System. The Commission issued a previous notice in the **Federal Register**, 78 FR 44559 (July 24, 2013), with an effective date of August 5, 2013.

**DATES:** Effective August 12, 2013.

For more information, please contact: *For legal issues:* Nicholas Gladd, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8836, *Nicholas.Gladd@ferc.gov. For technical issues:* Anthony Barracchini, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, 202–502–8940, *anthony.barracchini@ferc.gov.*

**SUPPLEMENTARY INFORMATION:** Notice Regarding Effective Date

On February 7, 2013, the Commission issued an order in Docket No. RM07–16–000, *et al.* (February 7, 2013 Order) directing revisions to the Company Registration system.[1] On July 17, 2013, the Commission issued a notice stating that the revised Company Registration system would be effective on August 5, 2013. However, the information collection requirements in the February 7, 2013 Order have not received

[1] *Revisions to Company Registration and Establishing Technical Conference,* 142 FERC ¶ 61,097 (2013).

clearance from the Office of Management and Budget (OMB). Take notice that the effective date for the revised Company Registration system is changed to August 12, 2013.

Dated: August 2, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–19292 Filed 8–8–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. EL13–82–000; QF89–198–008]**

### Kalaeloa Partners, LP; Notice of Filing

Take notice that on August 1, 2013, Kalaeloa Partners, L.P. (Kalaeloa) filed a petition for recertification as a qualifying cogeneration facility, pursuant to section 292.205(a) of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 292.205(a). Kalaeloa also requests a limited waiver of the Commission's qualifying cogeneration facility operating and efficiency standard requirements for its facility for year 2013.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern Time on August 22, 2013.

Dated: August 2, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–19239 Filed 8–8–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[ Docket No. EL13–81–000]**

### PSEG Long Island LLC, Long Island Electric Utility Servco LLC, Long Island Power Authority, Long Island Lighting Company; Notice of Petition for Declaratory Order

Take notice that on August 1, 2013, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207, PSEG Long Island LLC (PSEG LI), Long Island Electric Utility Servco LLC (Servco), the Long Island Power Authority (Authority), and Long Island Lighting Company (LIPA); (the Authority and LIPA together, LIPA), (collectively, Petitioners) filed a petition for declaratory order requesting the Commission to issue a declaratory order disclaiming jurisdiction and determining that neither PSEG LI nor Servco will be a public utility, as defined in section 201(e) of the Federal Power Act, 16 U.S.C. 824(e). Petitioners' concerns are more fully described in the aforementioned petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern Time on September 2, 2013.

Dated: August 5, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–19289 Filed 8–8–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RM98–1–000]**

### Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a

proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped chronologically, in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

| *Docket No.* | *Filed date* | *Presenter or requester* |
|---|---|---|
| *Prohibited:* | | |
| 1. CP13–14–000 | 07–24–13 | David P. Marsh.[1] |
| *Exempt:* | | |
| 1. CP13–483–000, CP13–492–000 | 05–28–13 | FERC Staff.[2] |
| 2. CP13–14–000 | 08–02–13 | Hon. Chris Gibson. |

[1] Two letters were received. The first one was addressed to Commissioner Norris, and the second one was addressed to Commissioner LaFleur.
[2] Phone record.

Dated: August 5, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–19293 Filed 8–8–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP13–524–000]**

### Carolina Gas Transmission Corporation; Notice of Request Under Blanket Authorization

Take notice that on July 19, 2013 Carolina Gas Transmission Corporation (CGT), 601 Old Taylor Road, Cayce, South Carolina 29033, filed in Docket No. CP13–524–000, a request pursuant to sections 157.205, 157.208, and 157.210 of the Commission's Regulations under the Natural Gas Act for authorization to construct and operate: (1) A new compressor station near Moore, in Spartanburg County, South Carolina; (2) add a new compressor unit to an existing compressor station near Bethune, Kershaw County, South Carolina; (3) rearrange the existing Moore Purchase meter and regulation station; and (4) Moore Wye main line valve station. The project will increase the firm receipt capacity by 28,000 dekatherms per day to serve customers who have requested service, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Michael R. Ferguson, Manager-System Intergity, Carolina Gas Transmission Corporation, 601 Old Taylor Road, Cayce, South Carolina 29033, or call (803) 217–2107, or by email *mferguson@scana.com*.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with he Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commentary will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and ill not have the right

to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: August 2, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–19238 Filed 8–8–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[ Project No. 9403–007]**

### Rivermill Hydroelectric, Inc., New Hampshire Hydro Associates; Notice of Transfer of Exemption

August 5, 2013.

1. By letter filed July 19, 2013, Rivermill Hydroelectric, Inc. and New Hampshire Hydro Associates informed the Commission that the exemption from licensing for the HDI Mascoma Dam Project,[1] FERC No. 9403, originally issued September 21, 1988,[2] has been transferred to New Hampshire Hydro Associates. The project is located on the Mascoma River in Grafton County, New Hampshire. The transfer of an exemption does not require Commission approval.

2. New Hampshire Hydro Associates is now the exemptee of the HDI Mascoma Dam Project, FERC No. 9403. All correspondence should be forwarded to Rivermill Hydroelectric, Inc., c/o Essex Hydro Associates, L.L.C., located at 55 Main Street, 4th Floor, Boston, MA 02108.

Dated: August 5, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–19290 Filed 8–8–13; 8:45 am]

**BILLING CODE 6717–01–P**

[1] On July 29, 2013, Commission staff spoke with the exemptee and confirmed correct project name is HDI Mascoma Dam Project.

[2] 44 FERC ¶ 62,273, Order Granting Exemption from Licensing (5 MW or Less).

## DEPARTMENT OF ENERGY

### Western Area Power Administration

### Boulder Canyon Project

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of Base Charge and Rates.

**SUMMARY:** In this notice, the Deputy Secretary of Energy (Deputy Secretary) approves the Fiscal Year (FY) 2014 Base Charge and Rates for Boulder Canyon Project (BCP) electric service provided by the Western Area Power Administration (Western). The Base Charge will provide sufficient revenue to pay all annual costs, including interest expense, and repay investments within the allowable period.

**DATES:** The revised Base Charge and Rates will be effective the first day of the first full billing period beginning on or after October 1, 2013, and will stay in effect through September 30, 2014, or until superseded.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jack Murray, Rates Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, (602) 605–2442, email *jmurray@wapa.gov*.

**SUPPLEMENTARY INFORMATION:** Hoover Dam, authorized by the Boulder Canyon Project Act (45 Stat. 1057, December 21, 1928), sits on the Colorado River along the Arizona and Nevada border. The Hoover Dam powerplant has 19 generating units (two for plant use) and an installed capacity of 2,078,800 kilowatts (kW) (4,800 kW for plant use). High-voltage transmission lines and substations connect BCP power to consumers in southern Nevada, Arizona, and southern California. BCP electric service rates are adjusted annually using an existing rate formula established on April 19, 1996. The rate formula requires the BCP Contractors to pay a Base Charge (expressed in dollars), rather than a rate, for their power. The Base Charge is calculated to generate sufficient revenue to cover all annual costs and to repay investment obligations within allowable time periods. The Base Charge is allocated to each BCP Contractor in proportion to its allocation of Hoover power. A BCP composite power rate, expressed in mills per kilowatt-hour (mills/kWh), can be inferred by dividing the Base Charge by energy sales in the year; however, the rate is not used to determine customers' bills.

Rate Schedule BCP–F8, Rate Order No. WAPA–150, effective October 1, 2010, through September 30, 2015, allows for an annual recalculation of the Base Charge and Rates.[1] This notice sets forth the recalculation for FY 2014. Under Rate Schedule BCP–F8, the existing composite rate, effective on October 1, 2012, is 21.28 mills/kWh. The current Base Charge is $82,379,637, the energy rate is 10.64 mills/kWh, and the capacity rate is $1.96 per kilowatt-month (kW-month).

The recalculated Base Charge for BCP electric service, effective October 1, 2013, is $76,108,019, a 7.61-percent decrease from the FY 2013 Base Charge. The major contributing factor to the decrease is the lower than expected costs in several categories. Expenses for operation and maintenance expenses, the uprating program, the visitor center, and replacement costs were less than projected. Other factors for the decrease are additional carryover from FY 2011 into FY 2012 and higher than projected FY 2012 Other Revenues from the Hoover Dam Visitor Center and Ancillary Services, which are used to offset costs to be recovered from power customers. The FY 2012 results allowed additional funds to be carried into FY 2013 and FY 2014, which enables the FY 2014 Base Charge to be reduced from the current level. The FY 2014 composite rate of 20.18 mills/kWh is a decrease of approximately 5 percent compared to the FY 2013 BCP composite rate of 21.28 mills/kWh. The FY 2014 energy rate of 10.09 mills/kWh is a decrease of approximately 5 percent compared to the existing energy rate of 10.64 mills/kWh. The FY 2014 capacity rate of $1.87/kW-month is a decrease of approximately 4.5 percent compared to the existing capacity rate of $1.96/kW-month. FY 2014 Energy and Capacity sales have decreased compared with FY 2013, due to a forecast of continued reduction in hydrological conditions resulting in lower lake elevation. Although the energy and capacity sales for FY 2014 are decreasing, the significant decrease in the revenue requirement for FY 2014 results in a decrease to the composite and energy and capacity rates. The proposed rates were calculated using Western's FY 2013 Final Master Schedule, which provides the FY 2014 projections for energy and capacity sales.

The following summarizes the steps taken by Western to ensure involvement of all interested parties in determining the Base Charge and Rates:

1. A **Federal Register** notice was published on February 4, 2013 (78 FR 7775), announcing the proposed rate adjustment process, initiating a public consultation and comment period, announcing public information and

[1] FERC confirmed and approved Rate Schedule BCP–F8 on a final basis on December 9, 2010, in Docket No. EF10–7–000, *See United States Department of Energy, Western Area Power Administration, Boulder Canyon Project,* 133 FERC ¶ 62,229 (December 9, 2010).

public comment forums, and presenting procedures for public participation.

2. Discussion of the proposal was initiated at an informal BCP Contractor meeting held March 6, 2013, in Phoenix, Arizona. At this informal meeting, representatives from Western and the Bureau of Reclamation (Reclamation) explained the basis for the estimates used to calculate the Base Charge and Rates and held a question and answer session.

3. At the public information forum held on March 27, 2013, in Phoenix, Arizona, Western and Reclamation representatives explained the proposed Base Charge and Rates for FY 2014 in greater detail and held a question and answer session.

4. A public comment forum held on April 10, 2013, in Phoenix, Arizona, provided the public with an opportunity to comment for the record. Two individuals commented at this forum.

5. Western received one comment letter during the 90-day consultation and comment period. The consultation and comment period ended May 6, 2013. Western responded to comments received in this **Federal Register** notice. The written comments were received from the following interested party representing various customers of the BCP Contractors:

- Irrigation & Electrical Districts Association of Arizona, Phoenix, Arizona.

Comments and responses, paraphrased for brevity when not affecting the meaning of the statements, are presented below.

**Rate Impacting Issues**

*Comment:* A Commenter expressed concern over cost increases for Western's headquarters administrative and general expenses. The commenter further expressed that this expense is becoming a larger and larger impact to all power rates on projects administered by Western.

*Response:* In addition to standard inflation, other cost increases address compliance requirements such as cyber security and North American Electric Reliability Corporation requirements, and programmatic support in the areas of safety, physical security, and technology replacements and upgrades. Western's indirect costs since 2008 average approximately 10 percent, demonstrating that Western manages its costs to ensure the lowest possible rates consistent with sound business principles. Western will continue to reduce costs through process improvements and by centralizing functions where Western-wide economies of scale can be achieved. The resulting costs, when allocated to the individual power systems, have a lower rate impact overall than if each region performed the functions separately.

**Visitor Center**

*Comment:* A Commenter requested in the final rate calculation and rate order that the Visitor Center costs be broken down to isolate annual costs and capital costs. The commenter further explained that because there is a proposal to repay the remaining Visitor Center costs through non-federal contributions, the breakdown would be helpful to explain to financial partners as well as others what the Visitor Center represents as a separate business unit within the project.

*Response:* Reclamation provided the detail breakdown of the Visitor Center financial analysis at the May 15, 2013 BCP Engineering and Operating Committee meeting and it has also been posted on Western's Web site at *www.wapa.gov/dsw/pwrmkt/BCP/RateAdjust.htm*.

*BCP Electric Service Rates*

BCP Base Charge and the resulting calculated Rates for electric service are designed to recover an annual revenue requirement that includes operation and maintenance expenses, payments to states, visitor services, the uprating program, replacements, investment repayment, and interest expense. Western's power repayment study (PRS) allocates the projected annual revenue requirement for electric service equally between capacity and energy.

*Availability of Information*

Information about this Base Charge and Rate adjustment, including the PRS, comments, letters, memorandums, and other supporting material developed or maintained by Western and used to develop the FY 2014 BCP Base Charge and Rates is available for public review at the Desert Southwest Customer Service Regional Office, Western Area Power Administration, 615 South 43rd Avenue, Phoenix, AZ 85005. The information is also available on Western's Web site at *www.wapa.gov/dsw/pwrmkt/BCP/RateAdjust.htm*.

*Ratemaking Procedure Requirements*

BCP electric service rates are developed under the Department of Energy Organization Act (42 U.S.C. 7101–7352), through which the power marketing functions of the Secretary of the Interior and Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other acts that specifically apply to the project involved, were transferred to and vested in the Secretary of Energy, acting by and through Western.

By Delegation Order No. 00–037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop long-term power and transmission rates on a non-exclusive basis to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC). Existing Department of Energy procedures for public participation in electric service rate adjustments are located at 10 CFR part 903, effective September 18, 1985 (50 FR 37835), and 18 CFR part 300. Department of Energy procedures were followed by Western in developing the rate formula approved by FERC on December 9, 2010, at 133 FERC ¶ 62,229.[2]

The Boulder Canyon Project Implementation Agreement (BCPIA) requires that Western determine the annual base charge and rates for the next fiscal year before October 1 of each rate year. The rates for the first rate year, and each fifth rate year thereafter, become effective provisionally upon approval by the Deputy Secretary and subject to final approval by FERC. For all other rate years, the rates become effective on a final basis upon approval by the Deputy Secretary. Because FY 2014 is an interim year, these rates become effective on a final basis upon approval by the Deputy Secretary.

Western will continue to provide annual rates to the BCP Contractors by October 1 of each year using the same rate-setting formula. In accordance with 10 CFR part 904, effective June 1, 1987

[2] The existing rate-setting formula was established in Rate Schedule BCP–F5 (Rate Order No. WAPA–70) on April 19, 1996, in Docket No. EF96–5091–000, at 75 FERC ¶ 62,050, for the period beginning November 1, 1995, and ending September 30, 2000. Rate Schedule BCP–F6 (Rate Order No. WAPA–94, extending the existing rate-setting formula beginning on October 1, 2000, and ending September 30, 2005), was approved on July 31, 2001, in Docket No. EF00–5092–000, at 96 FERC ¶ 61,171. Rate Schedule BCP–F7 (Rate Order No. WAPA–120, extending the existing rate-setting formula for another five-year period beginning on October 1, 2005, and ending September 30, 2010), was approved on June 22, 2006, in Docket No. EF05–5091–000 at 115 FERC ¶ 61,362. Rate Schedule BCP–F8 (Rate Order No. WAPA–150, extending the existing rate-setting formula for another five-year period beginning on October 1, 2010), was approved on December 9, 2010, in Docket No. EF10–7–000 at 133 FERC ¶ 62,229.

(57 FR 43154), and the BCPIA, the rates are reviewed annually and adjusted upward or downward to assure sufficient revenues are collected to achieve payment of all costs and financial obligations associated with the project. Each fiscal year, Western prepares a PRS for the BCP to update actual revenues and expenses, including interest, estimates of future revenues, operating expenses, and capitalized costs.

The BCP rate-setting formula includes a base charge, an energy rate, and a capacity rate. The rate-setting formula was used to determine the BCP FY 2014 Base Charge and Rates.

Western proposed a FY 2014 Base Charge of $76,108,019, an energy rate of 10.09 mills/kWh, and a capacity rate of $1.87/kW-month.

Consistent with procedures set forth in 10 CFR part 903 and 904 and 18 CFR part 300, Western held a consultation and comment period. The notice of the proposed FY 2014 Base Charge and Rates for electric service was published in the **Federal Register** on February 4, 2013 (78 FR 7775).

Under Delegation Order Nos. 00–037.00 and 00–001.00C, and in compliance with 10 CFR part 903 and 18 CFR part 300, I hereby approve the FY 2014 Base Charge and Rates for BCP Electric Service on a final basis under Rate Schedule BCP–F8 through September 30, 2014.

Issued in Washington, DC, on August 2, 2013.

**Daniel B. Poneman,**

*Deputy Secretary of Energy.*

[FR Doc. 2013–19305 Filed 8–8–13; 8:45 am]

**BILLING CODE 6450–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[ER–FRL–9010–5]**

## Environmental Impacts Statements;

## Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements Filed 07/29/2013 Through 08/02/2013 Pursuant to 40 CFR 1506.9.

### Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

*EIS No. 20130231, Final EIS, USFS, OR,* West Bend Vegetation Management Project, Review Period Ends: 09/19/2013, Contact: Beth Peer 541–383–4769

*EIS No. 20130232, Final EIS, USN, MD,* Outdoor Research, Development, Test and Evaluation Activities at NSWC, Review Period Ends: 09/09/2013, Contact: Stacia Courtney 540–653–8154

*EIS No. 20130233, Draft Supplement, USFS, ID,* Salmon-Challis National Forest Travel Planning and OHV Designation Project, Comment Period Ends: 10/08/2013, Contact: Karen Gallogly 208–756–5103

*EIS No. 20130234, Draft EIS, BLM, NM,* Ochoa Mine Project, Comment Period Ends: 09/23/2013, Contact: Shiva Achet 575–234–5924

*EIS No. 20130235, Draft EIS, VCT, NM,* Valles Caldera National Preserve—Landscape Restoration and Stewardship Plan, Comment Period Ends: 09/26/2013, Contact: Marie E. Rodriguez 505–660–3333

### Amended Notices

*EIS No. 20130148, Draft Supplement, USACE, FL,* Jacksonville Harbor Navigation, Comment Period Ends: 09/30/2013, Contact: Paul Stodola 904–232–3271

Revision to FR Notice Published 07/12/2013; Extending Comment Period from 07/31/2013 to 09/30/2013.

Dated: August 6, 2013.

**Cliff Rader,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2013–19361 Filed 8–8–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2013–0490; FRL–9394–3]**

## FIFRA Scientific Advisory Panel; Notice of Public Meeting

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

**ACTION:** Notice.

**SUMMARY:** There will be a 3-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) to consider and review scientific uncertainties associated with corn rootworm resistance monitoring for Bt corn Plant Incorporated Protectants (PIPs).

**DATES:** The meeting will be held on October 30–November 1, from approximately 9:00 a.m. to 5:00 p.m.

*Comments.* The Agency encourages that written comments and requests for oral comments be submitted by October 16, 2013. However, written comments and requests to make oral comments may be submitted until the date of the meeting, but anyone submitting written or requesting oral comments after October 16, 2013, should contact the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT**. For additional instructions, see Unit I.C. of the **SUPPLEMENTARY INFORMATION**.

*Nominations.* Nominations of candidates to serve as ad hoc members of FIFRA SAP for this meeting should be provided on or before August 23, 2013.

*Webcast.* This meeting may be webcast. Please refer to the FIFRA SAP's Web site, *http://www.epa.gov/scipoly/sap* for information on how to access the webcast. Please note that the webcast is a supplementary public process provided only for convenience. If difficulties arise resulting in webcasting outages, the meeting will continue as planned.

*Special accommodations.* For information on access or services for individuals with disabilities, and to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

**ADDRESSES:** The meeting will be held at the Environmental Protection Agency, Conference Center, Lobby Level, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA 22202.

*Comments.* Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2013–0490, by one of the following methods:

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

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

If your comments contain any information that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your comments.

*Nominations, requests to present oral comments, and requests for special accommodations.* Submit nominations to serve as ad hoc members of FIFRA SAP, requests for special seating accommodations, or requests to present oral comments to the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Fred Jenkins, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–3327; fax number: (202) 564–8382; email address: *jenkins.fred@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. General Information

*A. Does this action apply to me?*

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) and FIFRA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

*B. What should I consider as I prepare my comments for EPA?*

When submitting comments, remember to:

1. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

2. 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.

3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

4. Describe any assumptions and provide any technical information and/or data that you used.

5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

6. Provide specific examples to illustrate your concerns and suggest alternatives.

7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

8. Make sure to submit your comments by the comment period deadline identified.

*C. How may I participate in this meeting?*

You may participate in this meeting by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify docket ID number EPA–HQ–OPP–2013–0490 in the subject line on the first page of your request.

1. *Written comments.* The Agency encourages that written comments be submitted, using the instructions in **ADDRESSES**, no later than October 16, 2013, to provide FIFRA SAP the time necessary to consider and review the written comments. Written comments are accepted until the date of the meeting, but anyone submitting written comments after October 16, 2013, should contact the DFO listed under **FOR FURTHER INFORMATION CONTACT**. Anyone submitting written comments at the meeting should bring 20 copies for distribution to FIFRA SAP.

2. *Oral comments.* The Agency encourages that each individual or group wishing to make brief oral comments to FIFRA SAP submit their request to the DFO listed under **FOR FURTHER INFORMATION CONTACT** no later than October 16, 2013, in order to be included on the meeting agenda. Requests to present oral comments will be accepted until the date of the meeting and, to the extent that time permits, the Chair of FIFRA SAP may permit the presentation of oral comments at the meeting by interested persons who have not previously requested time. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment. Oral comments before FIFRA SAP are limited to approximately 5 minutes unless prior arrangements have been made. In addition, each speaker should bring 20 copies of his or her comments and presentation slides for distribution to the FIFRA SAP at the meeting.

3. *Seating at the meeting.* Seating at the meeting will be open and on a first-come basis.

4. *Request for nominations to serve as ad hoc members of FIFRA SAP for this meeting.* As part of a broader process for developing a pool of candidates for each meeting, FIFRA SAP staff routinely solicits the stakeholder community for nominations of prospective candidates for service as ad hoc members of FIFRA SAP. Any interested person or organization may nominate qualified individuals to be considered as prospective candidates for a specific meeting. Individuals nominated for this meeting should have expertise in one or more of the following areas: Insect resistance to pesticides, Insect Resistance Management, Corn rootworm biology and ecology, Population sampling, Bioassay techniques (to assess insect susceptibility). Nominees should be scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments on the scientific issues for this meeting. Nominees should be identified by name, occupation, position, address, and telephone number. Nominations should be provided to the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before August 23, 2013. The Agency will consider all nominations of prospective candidates for this meeting that are received on or before this date. However, final selection of ad hoc members for this meeting is a discretionary function of the Agency.

The selection of scientists to serve on FIFRA SAP is based on the function of the panel and the expertise needed to address the Agency's charge to the panel. No interested scientists shall be ineligible to serve by reason of their membership on any other advisory committee to a Federal department or agency or their employment by a Federal department or agency except the EPA. Other factors considered during the selection process include availability of the potential panel member to fully participate in the panel's reviews, absence of any conflicts of interest or appearance of lack of impartiality, independence with respect to the matters under review, and lack of bias. Although financial conflicts of interest, the appearance of lack of impartiality, lack of independence, and bias may result in disqualification, the absence of such concerns does not assure that a candidate will be selected to serve on FIFRA SAP. Numerous qualified candidates are identified for each panel. Therefore, selection decisions involve carefully weighing a number of factors including the candidates' areas of expertise and professional qualifications and achieving an overall balance of different scientific perspectives on the panel. In order to have the collective breadth of experience needed to address the Agency's charge for this meeting, the Agency anticipates selecting approximately seven ad hoc scientists.

FIFRA SAP members are subject to the provisions of 5 CFR part 2634,

Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR part 6401. In anticipation of this requirement, prospective candidates for service on the FIFRA SAP will be asked to submit confidential financial information which shall fully disclose, among other financial interests, the candidate's employment, stocks and bonds, and where applicable, sources of research support. The EPA will evaluate the candidates financial disclosure form to assess whether there are financial conflicts of interest, appearance of a lack of impartiality or any prior involvement with the development of the documents under consideration (including previous scientific peer review) before the candidate is considered further for service on FIFRA SAP. Those who are selected from the pool of prospective candidates will be asked to attend the public meetings and to participate in the discussion of key issues and assumptions at these meetings. In addition, they will be asked to review and to help finalize the meeting minutes. The list of FIFRA SAP members participating at this meeting will be posted on the FIFRA SAP Web site at *http://www.epa.gov/scipoly/sap* or may be obtained from the OPP Docket or at *http://www.regulations.gov.*

## II. Background

### *A. Purpose of FIFRA SAP*

FIFRA SAP serves as the primary scientific peer review mechanism of EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) and is structured to provide scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues as to the impact of regulatory actions on health and the environment. FIFRA SAP is a Federal advisory committee established in 1975 under FIFRA that operates in accordance with requirements of the Federal Advisory Committee Act. FIFRA SAP is composed of a permanent panel consisting of seven members who are appointed by the EPA Administrator from nominees provided by the National Institutes of Health and the National Science Foundation. FIFRA established a Science Review Board consisting of at least 60 scientists who are available to the SAP on an ad hoc basis to assist in reviews conducted by the SAP. As a peer review mechanism, FIFRA SAP provides comments, evaluations and recommendations to improve the effectiveness and quality of analyses made by Agency scientists. Members of FIFRA SAP are scientists who have sufficient professional qualifications, including training and experience, to provide expert advice and recommendation to the Agency.

### *B. Public Meeting*

As part of the Insect Resistance Management program for Bt corn Plant Incorporated Protectants (PIPs), registrants are required to conduct annual resistance monitoring of the key target insects. This monitoring program includes population sampling (performed randomly and in response to field damage), bioassays to evaluate susceptibility/resistance (traditionally with artificial insect diet), and (if necessary) remedial action plans to mitigate field resistance.

Resistance monitoring for corn rootworm (CRW) has been beset by a number of technical challenges. The PIPs registered for control of CRW are considered ''non-high dose,'' meaning that a proportion of even a susceptible population can be expected to survive exposure to the Bt toxin(s). Opportunities for monitoring investigations are limited because CRW have one generation per year, undergo an obligate diapause period, and can be difficult to maintain in laboratory environments. Testing with artificial diet bioassays (as is done for lepidopteran pests of Bt corn) has yielded highly variable results which have been problematic to interpret. Taken together, these factors have complicated the establishment of workable (regulatory) definition of ''resistance'' for CRW (based on bioassay results).

Several novel bioassay techniques have been developed by corn entomologists in recent years. These procedures involve testing with Bt corn plants and may be more suitable for CRW than artificial diet bioassays. Some questions remain, however, as to how these ''on-plant'' assays should be interpreted in the context of resistance determinations and whether the sensitivity of diet bioassays can be improved.

EPA seeks to improve the resistance monitoring program for CRW by addressing the scientific uncertainties associated with this insect. Specifically, EPA's charge to the panel will include the following topics: Population sampling (random vs. focused), triggers (i.e., field damage to Bt corn) for investigations of potentially resistant populations, bioassay techniques, defining resistance (in the context of bioassay results), and remedial action plans in the event of resistance to contain or limit the spread of resistant populations.

### *C. FIFRA SAP Documents and Meeting Minutes*

EPA's background paper, related supporting materials, and charge/questions to FIFRA SAP, will be available by approximately late September. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, at *http://www.regulations.gov* and the FIFRA SAP homepage at *http://www.epa.gov/scipoly/sap.*

FIFRA SAP will prepare meeting minutes summarizing its recommendations to the Agency approximately 90 days after the meeting. The meeting minutes will be posted on the FIFRA SAP Web site or may be obtained from the OPP Docket or at *http://www.regulations.gov.*

## List of Subjects

Environmental protection, Pesticides and pests.

Dated: July 31, 2013.

**David Dix,**

*Acting Director, Office of Science Coordination and Policy.*

[FR Doc. 2013–19372 Filed 8–8–13; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9845–1; EPA–HQ–ORD–2009–0229, ORD–2013–0111, ORD–2013–0430]**

## Announcement of the IRIS Public Meeting Schedule for Calendar Years 2013 and 2014; Announcement of the Availability of Preliminary Materials for tert-Butyl Alcohol, Ethyl tert-Butyl Ether, and Hexahydro-1,3,5-trinitro-1,3,5-triazine; and Announcement of a Public Meeting on These Preliminary Materials

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

**ACTION:** Notice of a series of public meetings and the availability of preliminary materials.

**SUMMARY:** EPA's Integrated Risk Information System (IRIS) Program is committed to proactive stakeholder engagement, increased transparency, and using the best available science in IRIS assessments. In accordance with the recently announced enhancements of the IRIS Program, EPA is announcing a series of public meetings for calendar years 2013 and 2014 to obtain public

input at specific stages in the process of developing an IRIS assessment.

EPA is also announcing the availability of preliminary materials for three chemicals, *tert*-butyl alcohol (*tert*-butanol), ethyl-*tert*-butyl ether (ETBE), and hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX), which will be discussed at the first public meeting scheduled for October 23–24, 2013. The preliminary materials for *tert*-butanol and ETBE are posted on the IRIS Web site, and the preliminary materials for RDX will be posted approximately 60 days before the meeting. These materials are being released for public viewing and comment prior to the public meeting on October 23–24, 2013, which will provide an opportunity for the IRIS Program to engage in early discussions (before the IRIS assessments have been prepared) with stakeholders and the public on data that may be used to identify health hazards and characterize exposure-response relationships.

**DATES:** The 2013 and 2014 IRIS public meetings will be held on the dates specified below. They will begin at 10:00 a.m. and end at 5:00 p.m., Eastern Time, or earlier, if comments and discussions have been completed. For planning purposes, a 2-day time period has been reserved for the meetings, but the actual duration will be specified when the topics are identified for each meeting. The meeting dates are set, but topics will be specified in the draft agendas provided for each meeting throughout the year. All future announcements and information about the meetings planned for 2013 and 2014, and the availability of preliminary materials for any chemicals undergoing review by the IRIS Program, will be posted on the IRIS Web site (*http://www.epa.gov/iris/publicmeetings/*). Meeting information will be posted well in advance (generally 60 days) of each meeting; no further announcements for the 2013 and 2014 public meetings or the availability of preliminary materials will be made in the **Federal Register**. In the event there are no materials to be presented or discussed for any of the set meeting dates, a notice canceling the meeting will be posted on the IRIS Web site.

**Meeting Date**

October 23–24, 2013

**Topics**

*tert*-Butyl alcohol (*tert*-Butanol)
Ethyl *tert*-butyl ether (ETBE)
Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX)

The following meeting dates are set. Topics will be specified well in advance of each meeting.

December 12–13, 2013
February 26–27, 2014
April 23–24, 2014
June 25–26, 2014
September 3–4, 2014
October 29–30, 2014
December 15–16, 2014

**ADDRESSES:** The public meetings announced in this notice will be held at an EPA conference room at One Potomac Yard (South Building), 2777 South Crystal Drive, Arlington, Virginia, 22202. To gain entrance to this EPA building, attendees must register at the security desk in the lobby and present photo identification. A webinar and teleconference line will also be available for registered attendees/speakers. Broad public participation will ensure that EPA uses the best available science in risk assessment. For those who are unable to attend in person, EPA encourages participation via the webinar or teleconference line.

*Information on Services for Individuals with Disabilities:* EPA welcomes public attendance at the IRIS public meetings and will make every effort to accommodate persons with disabilities. For information on access or services for individuals with disabilities, contact Christine Ross, IRIS Staff, Environmental Protection Agency, National Center for Environmental Assessment, Mail Code: 8601P; telephone: 703–347–8592; facsimile: 703–347–8689; or email: *ross.christine@epa.gov* (reference the October 23–24, 2013 IRIS public meeting) and include your name and contact information.

**FOR FURTHER INFORMATION CONTACT:** For general information about IRIS public meetings, please contact Christine Ross, IRIS Staff, Environmental Protection Agency, National Center for Environmental Assessment (NCEA), Mail Code: 8601P; telephone: 703–347–8592; facsimile: 703–347–8689; or email: *ross.christine@epa.gov.* For information regarding the subject matter of a specific meeting, please contact the EPA representative identified on the IRIS public meeting Web site (*http://www.epa.gov/iris/publicmeeting/*).

**SUPPLEMENTARY INFORMATION:**

## I. Information about IRIS

EPA's IRIS Program is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to chemical substances found in the environment. Through the IRIS Program, EPA provides the highest quality science-based human health assessments to support the Agency's regulatory activities and decisions to protect public health. The IRIS database contains information for more than 500 chemical substances that can be used to support the first two steps (hazard identification and dose-response evaluation) of the human health risk assessment process. When supported by available data, IRIS provides health effects information and toxicity values for health effects (including cancer and effects other than cancer). Government and others combine IRIS toxicity values with exposure information to characterize public health risks of chemical substances; this information is then used to support risk management decisions designed to protect public health.

## II. IRIS Public Meetings

Public meetings will be held approximately every 2 months beginning on October 23–24, 2013. Materials for the public meetings will be posted on the IRIS Web site (*http://www.epa.gov/iris/publicmeetings/*) well in advance of the meeting (generally 60 days). The meetings will provide an opportunity for the public to provide input on preliminary materials prior to development of the draft assessment and provide input on drafts of assessments and charges to the peer review panels prior to external peer review. The planned meeting dates for calendar years 2013 and 2014 are: October 23–24, 2013; December 12–13, 2013; February 26–27, 2014; April 23–24, 2014; June 25–26, 2014; September 3–4, 2014; October 29–30, 2014; and December 15–16, 2014.

In step 1 of the IRIS process (development of the draft assessment), EPA will release preliminary materials comprised of draft literature search strategies describing the processes for identifying and screening scientific literature and the literature search results, and preliminary evidence tables and preliminary exposure-response arrays summarizing key characteristics and findings from critical studies that EPA proposes to consider in identifying hazards and characterizing exposure-response relationships. EPA will hold a public meeting to discuss these materials. In step 4 of the IRIS process (public review and comment/independent expert peer review), EPA will release the draft assessment and draft peer review charge for public comment and also hold a public meeting to discuss these materials.

The draft literature search strategies, preliminary evidence tables, and preliminary exposure-response arrays are responsive to the National Research Council (NRC) 2011 report *Review of the Environmental Protection Agency's*

*Draft IRIS Assessment of Formaldehyde,* in which the NRC recommended ways to improve the development of IRIS assessments. The literature search strategies, which describe the processes for identifying scientific literature, screening studies for consideration, and selecting studies to include in evidence tables, are responsive to NRC recommendations regarding systematic review of the scientific literature. The preliminary evidence tables and preliminary exposure-response arrays are responsive to the NRC recommendation for presenting key study data in a standardized manner.

EPA welcomes all comments on the draft literature search strategies, preliminary evidence tables, and preliminary exposure-response arrays, including comments on:

- The clarity and transparency of the materials;
- the approach for identifying pertinent literature;
- the selection of studies for data extraction to preliminary evidence tables and exposure-response arrays;
- methodological considerations that could affect the interpretation of or confidence in study results; and
- additional studies published or nearing publication that may provide data for the evaluation of human health hazard or exposure-response relationships.

The IRIS Program believes that public involvement can be most beneficial at the early stages of developing an assessment. Releasing the draft literature search strategy, preliminary evidence tables, and exposure response arrays early will ensure that critical research is not omitted and communicates to the public why critical studies were chosen for further evaluation, helping frame major scientific issues and ultimately leading to more efficient production of assessments. In order to promote such early public involvement and increase transparency, EPA will in many cases be releasing materials that reflect preliminary deliberations that are subject to further evolution as the assessment continues. Consequently, meeting materials provided at the early stage of an assessment, such as preliminary evidence tables, have not been subjected to external peer review, and they do not constitute EPA policy, nor represent any Agency determination. Such materials are being distributed with the sole objective of facilitating a public meeting that is intended to promote the use of the best available science and improve the utility and clarity of IRIS assessments.

## III. Meeting Registration and Presentations

Registrants will be required to provide their name, title, affiliation, sponsor (if different from affiliation), and contact information. If you intend to request time on the agenda to make a specific presentation, please register no later than 30 days before the meeting to attend in person or via webinar/teleconference. All other participants should register no later than 7 days before the meeting. Participants that want to make a specific presentation should indicate such in their registration and provide the length of time required. In general, presentations should be no more than 30 minutes. Please submit any written materials to the appropriate docket number for the subject chemical, as specified in Section III of this notice, no later than 7 days before the meeting. If there are more requests for presentations than time allows, the time limit for each presentation will be adjusted. During the meeting, remote attendees and individuals attending the meeting in person are welcome to make comments, ask questions, and participate in the dialogue. Details regarding registration procedures (in person, via webinar, or teleconference) will be posted on the IRIS Web site (*http://www.epa.gov/iris/publicmeeting/*).

## IV. Meeting Materials and Public Involvement

Materials for the public meetings will be posted well in advance (generally 60 days) of each meeting on the IRIS Web site (*http://www.epa.gov/iris/publicmeeting/*). A limited number of paper copies will be available from the Information Management Team, NCEA; telephone: 703–347–8561; facsimile: 703–347–8691. If you request a paper copy, please provide your name, mailing address, and the title of the document you are requesting.

## V. October 23–24, 2013, Public Meeting on tert-Butanol, ETBE and RDX

The October 23–24, 2013 public meeting will be devoted to discussing the preliminary materials for *tert*-butanol, ETBE, and RDX. The preliminary materials for *tert*-butanol and ETBE are posted on the IRIS Web site (*http://www.epa.gov/iris/publicmeeting/*), and the preliminary materials for RDX will be posted approximately 60 days before the meeting on or about August 23, 2013. The *tert*-butanol materials will be discussed first, followed by ETBE and RDX. EPA may add additional chemicals to the agenda if materials become available in time to allow adequate notice to the public. If additional chemicals are added to the October 23–24, 2013 meeting agenda, they will be posted on the IRIS Web site approximately 60 days before the meeting on or about August 23, 2013. A more detailed agenda for the meeting will be posted on the IRIS Web site shortly after speaker registration closes.

The preliminary evidence tables and preliminary exposure-response arrays should be regarded solely as representing the data on each endpoint that have been identified as a result of the draft literature search strategy. They do not reflect any conclusions about hazard identification or dose-response assessment. After obtaining public input and conducting additional study evaluation and data integration, EPA will revise these materials to support hazard identification and dose-response assessment in the draft Toxicological Reviews for *tert*-butanol, ETBE, and RDX.

For the October 23–24, 2013 meeting, if you intend to request time on the agenda to make a specific presentation, please register no later than September 23, 2013. All other participants should register no later than October 16, 2013. Please submit any written materials (including scheduled presentation materials) to the appropriate docket number specified in Section III of this notice no later than October 16, 2013. If there are more requests for presentations than time allows, the time limit for each presentation will be adjusted. Details regarding registration procedures (in person, via webinar, or teleconference) will be posted on the IRIS Web site.

## VI. How to Submit Materials to the Docket at *http://www.regulations.gov*

*General Instructions:* EPA invites the public to submit comments and other relevant information regarding the chemicals discussed at a public meeting to the appropriate docket number established for each chemical. Such data, information, or comments may be submitted to the appropriate docket identified by the Docket ID number by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting materials.
- *Email: Docket_ORD@epa.gov.*
- *Facsimile:* 202–566–9744.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 28221T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. The telephone number is 202–566–1752. If you provide materials by mail, please submit one unbound original with pages numbered

consecutively, and three copies of the materials. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

• *Hand Delivery:* The OEI Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center 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. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. If you provide comments by hand delivery, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

*Instructions:* Direct your *tert*-butanol materials to Docket ID No. EPA–HQ–ORD–2013–0111, ETBE materials to EPA–HQ–ORD–2009–0229, and RDX materials to EPA–HQ–ORD–2013–0430. Please submit your materials as early as possible. It is EPA's policy to include all materials it receives in the public docket without change and to make the materials available online at *http://www.regulations.gov*, including any personal information provided, unless materials include 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 that EPA will not know your identity or contact information unless you provide it in the body of your materials. If you send email comments directly to EPA without going through *http://www.regulations.gov*, your email address will be automatically captured and included as part of the materials that are placed in the public docket and made available on the Internet. If you submit electronic materials, EPA recommends that you include your name and other contact information in the body of your materials and with any disk or CD–ROM you submit. If EPA cannot read your materials due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your materials. Electronic files should avoid the use of special characters and 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 at *http://www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

*Instructions for Submitting Information to the tert-Butanol Docket:* The October 23–24, 2013 public meeting announced in this **Federal Register** will discuss *tert*-butanol. The docket number for *tert*-butanol is EPA–HQ–ORD–2013–0111. Persons submitting relevant information on *tert*-butanol should follow the general instructions provided above using the *tert*-butanol docket number.

*Instructions for Submitting Information to the ETBE Docket:* The October 23–24, 2013 public meeting announced in this **Federal Register** will discuss ETBE. The docket number for ETBE is EPA–HQ–ORD–2009–0229. Persons submitting relevant information on ETBE should follow the general instructions provided above using the ETBE docket number.

*Instructions for Submitting Information to the RDX Docket:* The October 23–24, 2013 public meeting announced in this **Federal Register** will discuss RDX. The docker number for RDX is EPA–HQ–ORD–2013–0430. Persons submitting relevant information on RDX should follow the general instructions provided above using the RDX docker number.

Dated: August 2, 2013.

**Lynn Flowers,**

*Acting Director, National Center for Environmental Assessment.*

[FR Doc. 2013–19366 Filed 8–8–13; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2013–0025; FRL–9392–8]**

## Notice of Receipt of Pesticide Products; Registration Applications to Register New Uses

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

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of applications to register new uses for pesticide products containing currently registered active ingredients pursuant to the provisions of section 3(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This notice provides the public with an opportunity to comment on the applications.

**DATES:** Comments must be received on or before September 9, 2013.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number and the EPA Registration Number or EPA File Symbol of interest as shown in the body of this document, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:** 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. What should I consider as I prepare my comments for EPA?*

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

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

**II. Registration Applications**

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under the Agency's public participation process for registration actions, there will be an additional opportunity for a 30-day public comment period on the proposed decision. Please see the Agency's public participation Web site for additional information on this process *(http://www.epa.gov/pesticides/regulating/registration-public-involvement.html*). EPA received the following applications to register new uses for pesticide products containing currently registered active ingredients:

1. *EPA Registration Numbers:* 100–889 and 100–963. *Docket ID number:* EPA–HQ–OPP–2013–0268. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419–8300. *Active ingredient:* Thiabendazole, 2-(4-thiazolyl) benzimidazole. *Product type:* Fungicide. *Proposed uses:* Vegetable, root (except sugar beet), subgroup 1B; onion, bulb, subgroup 3–07A; Brassica, head and stem, subgroup 5–A; vegetable, cucurbit, group 9; alfalfa, spinach (including baby); and small grain cereals (wheat, barley, oats, rye, and triticale).

2. *EPA Registration Numbers:* 264–693 and 264–695. *Docket ID number:* EPA–HQ–OPP–2013–0390. *Applicant:* Bayer CropScience LP, P.O. Box 12014, 2 T. W. Alexander Drive, Research Triangle Park, NC 27709. *Active ingredient:* Fenamidone. *Product type:* Fungicide. *Proposed uses:* Potato, seed treatment.

3. *EPA Registration Numbers:* 352–535, 352–560, and 352–816. *Docket ID number:* EPA–HQ–OPP–2013–0034. *Applicant:* E.I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, DE 19898. *Active ingredient:* Nicosulfuron. *Product type:* Herbicide. *Proposed uses:* Postemergence application to sorghum containing the ALS-tolerant ''DuPont INZEN Z'' trait.

4. *EPA Registration Numbers:* 352–555, 352–748, and 352–816. *Docket ID number:* EPA–HQ–OPP–2013–0035. *Applicant:* E.I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, DE 19898. *Active ingredient:* Rimsulfuron. *Product type:* Herbicide. *Proposed use:* Postemergence application to sorghum containing the ALS-tolerant ''DuPont INZEN Z'' trait.

5. *EPA File Symbol:* 7969–GGO. *Docket ID number:* EPA–HQ–OPP–2012–0262. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528. *Active ingredient:* Topramezone. *Product type:* Herbicide. *Proposed use:* Aquatic weed management.

6. *EPA Registration Numbers:* 7969–283 and 7969–284. *Docket ID number:* EPA–HQ–OPP–2013–0255. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528. *Active ingredient:* Metrafenone. *Product type:* Fungicide. *Proposed use:* Fruits, pome group 11–10.

**List of Subjects**

Environmental protection, Pesticides and pest.

Dated: August 1, 2013.

**Daniel J. Rosenblatt,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 2013–19358 Filed 8–8–13; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Wednesday, August 7, 2013, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Jeremiah O. Norton (Appointive), concurred in by Director Thomas J. Curry (Comptroller of the Currency), Director Richard Cordray (Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the

''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street NW., Washington, DC.

Dated: August 7, 2013.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2013–19470 Filed 8–7–13; 4:15 pm]

**BILLING CODE P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation has been Appointed Either Receiver, Liquidator, or Manager

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Update Listing of Financial Institutions in Liquidation.

**SUMMARY:** Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: August 5, 2013.

Federal Deposit Insurance Corporation.

**Pamela Johnson.**

*Regulatory Editing Specialist.*

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

| FDIC Ref. No. | Bank name | City | State | Date closed |
|---|---|---|---|---|
| 10484 ..... | First Community Bank of Southwest Florida (also operating as Community Bank of Cape Coral). | Fort Myers ..... | FL | 8/2/2013 |

[FR Doc. 2013–19338 Filed 8–8–13; 8:45 am]

**BILLING CODE 6714–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

**[Document Identifier: HHS–OS–19606–30D]**

### Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

**ACTION:** Notice.

**SUMMARY:** In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, will submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for renewal of the approved information collection assigned OMB control number 0990–0221, scheduled to expire on January 31, 2014. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

**DATES:** *Deadline:* Comments on the ICR must be received on or before September 9, 2013.

**ADDRESSES:** Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Information Collection Clearance Staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the OMB control number 0990–0221 and document identifier HHS–OS–19606–30D for reference.

*Information Collection Request Title:* Family Planning Annual Report: Forms and Instructions.

*OMB No.:* 0990–0221.

*Abstract:* The Office of Population Affairs (OPA), Office of the Assistant Secretary for Health (OASH), U.S. Department of Health and Human Services (HHS) administers and oversees the Title X Family Planning Program. The Family Planning Annual Report (FPAR) is an annual reporting requirement for family planning services delivery projects (''Title X service grantees'') authorized and funded by the Title X Family Planning Program [''Population Research and Voluntary Family Planning Programs'' (Pub. L. 91–572)], which was enacted in 1970 as Title X of the Public Health Service Act (Section 1001 of Title X of the Public Health Service Act, 42 United States Code 300). The Title X Family Planning Program is the only Federal grant program dedicated solely to providing individuals with comprehensive family planning and related preventive health services.

The FPAR, the only source of annual, uniform reporting by all Title X service grantees, provides consistent, national-, regional-, state-, and grantee-level data on the services provided and the characteristics of the individuals served. OPA uses FPAR data to monitor compliance with statutory requirements and accountability and federal performance requirements for Title X family planning funds as required by the 1993 Government Performance and Results Act (GPRA) and HHS, to guide financial and program planning and evaluation, and to respond to inquiries about the program from policymakers and Congress. Note that there are no changes to the FPAR except minor corrections or clarifications to submission and reporting instructions or definitions. The estimated average hour burden has been reduced to 36 hours, which is 4 hours lower than the 40-hour estimate of the previous OMB submission.

*Need and Proposed Use of the Information:* The program's purpose is to assist individuals in determining the number and spacing of their children. It is designed to provide access to contraceptive services, supplies, and information to all who want and need them. By law, priority is given to persons from low-income families

(Section 1006[c] of Title X of the Public Health Service Act, 42 U.S.C. 300).

*Likely Respondents:* Title X service grantees.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN-HOURS

| Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|
| Family Planning Annual Report: Forms and Instructions | 93 | 1 | 36 | 3,348 |
| Total | 93 | 1 | 36 | 3,348 |

**Keith A. Tucker,**

*Information Collection Clearance Officer, Department of Health and Human Services.*

[FR Doc. 2013–19250 Filed 8–8–13; 8:45 am]

**BILLING CODE 4150–28–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–13–0728]**

### Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 and send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

**Proposed Project**

National Notifiable Disease Surveillance System (NNDSS)—Revision—Office of Surveillance, Epidemiology, and Laboratory Services (OSELS), Public Health Surveillance and Informatics Program Office (PHSIPO), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The Public Health Services Act (42 U.S.C. 241) authorizes CDC to disseminate nationally notifiable condition information. The Nationally Notifiable Disease Surveillance System (NNDSS) is based on data collected at the state, territorial and local levels as a result of legislation and regulations in those jurisdictions that require health care providers, medical laboratories, and other entities to submit health-related data on reportable conditions to public health departments. These *reportable conditions,* which include infectious and non-infectious diseases, vary by jurisdiction depending upon each jurisdiction's health priorities and needs. Currently approximately 300 conditions are reportable in one or more of the states. Since infectious disease agents and environmental hazards often cross geographical boundaries, public health departments have to be able to share data on certain conditions across jurisdictions and coordinate program activities to prevent and control the conditions. Each year, the Council of State and Territorial Disease Epidemiologists (CSTE), supported by CDC, performs an assessment of conditions reported to state, territorial and local jurisdictions to determine which should be designated *nationally notifiable conditions.* For conditions that are nationally notifiable, case notifications are voluntarily submitted to CDC so that information can be shared across jurisdictional boundaries and both surveillance and prevention and control activities can be coordinated at regional and national levels.

CDC requests a three-year approval for a Revision for the National Notifiable Diseases Surveillance System (NNDSS), [National Electronic Disease Surveillance System (NEDSS, OMB Control No. 0920–0728, Expiration Date 01/31/2014]. This request has been developed in coordination with four other CDC applications to OMB for nationally notifiable diseases case notification: Control Nos. 0920–0128, (Congenital Syphilis Surveillance), 0920–0819 (Nationally Notifiable Sexually Transmitted Disease (STD) Morbidity Surveillance) 0920–0009 (National Disease Surveillance Program—I. Case Reports) and 0920–0004 (National Disease Surveillance Program—II. Disease Summaries). This consolidation of information collection 0920–0128 and some parts of information collections 0920–0819, 0920–0009 and 0920–0004, is an important step in implementing CDC's longer term strategy of developing a more coordinated and integrated infectious diseases surveillance system that reduces overlap and duplication; increases interoperability, integration and efficiency; and thereby reduces burden to state, territorial and local health departments that report infectious disease data to CDC. Due to the coordination, this NNDSS application includes 11 conditions and many additional data elements for the case notifications that were not previously included in NNDSS OMB application Control No. 0920–0728. For many conditions submitted to CDC,

participating public health departments also submit data elements which are specific to each condition. With the coordination with other CDC programs conducting surveillance on notifiable conditions, this application includes disease-specific tables for 68 diseases. The 2010 NNDSS OMB application included disease-specific data elements for only 14 of those conditions.

Because this information collection request includes case notifications that were not part of the 2010 NNDSS/NEDSS application, replaces one application and replaces parts of three other OMB applications, burden estimates have been adjusted to incorporate burden estimates from the other four applications. The estimates are adjusted for the increased number of conditions reported to NNDSS, the expansion of core data elements, and the inclusion of more disease-specific tables. These changes have increased the burden estimates in this application in comparison with the burden estimates in the 2010 NNDSS/NEDSS OMB application (OMB Control No. 0920–0728). As CDC works with state, territorial and local health departments to develop and implement new information technologies to submit these data through NNDSS, burden will also increase as the public health departments commit resources to implementing the new technologies. However, over the next 3 years, as the new automated electronic systems are implemented, burden will be decreased. The estimated annual burden is 28,340 hours.

ESTIMATES OF ANNUALIZED BURDEN HOURS

| Respondents | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total burden (in hours) |
|---|---|---|---|---|
| States | 50 | 52 | 10 | 26000 |
| Territories | 5 | 52 | 5 | 1300 |
| Cities | 2 | 52 | 10 | 1040 |
| Total | | | | 28,340 |

**Leroy A. Richardson,**

*Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2013–19270 Filed 8–8–13; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–13–0916]**

### Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

**Proposed Project**

Evaluation of Core Violence and Injury Prevention Program (Core VIPP)—Revision—(0920–0916, Expiration 1/13/2014)—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

Injuries and their consequences, including unintentional and violence-related injuries, are the leading cause of death for the first four decades of life, regardless of gender, race, or socioeconomic status. More than 179,000 individuals in the United States die each year as a result of unintentional injuries and violence, more than 29 million others suffer non-fatal injuries and over one-third of all emergency department (ED) visits each year are due to injuries. In 2000, injuries and violence ultimately cost the United States $406 billion, with over $80 billion in medical costs and the remainder lost in productivity. Most events that result in injury and/or death from injury could be prevented if evidence-based public health strategies, practices, and policies were used throughout the nation.

CDC's National Center for Injury Prevention and Control (NCIPC) is committed to working with their partners to promote action that reduces injuries, violence, and disabilities by providing leadership in identifying priorities, promoting tools, and monitoring effectiveness of injury and violence prevention and to promote effective strategies for the prevention of injury and violence, and their consequences. One tool NCIPC will use to accomplish this is the Core Violence and Injury Prevention Program (Core VIPP). This program funds state health departments (SHDs) to build their capacity to disseminate, implement, and evaluate evidence-based/best practice programs and policies. Although some states were funded previously through similar CDC-funded programs, this evaluation will only consider the implementation and outcomes of Core VIPP during the five-year funding period from August 2011 to July 2016. The program includes one Basic Integration Component (BIC) and four expanded components: Regional Network Leader (RNLs), Surveillance Quality Improvement (SQI), Motor Vehicle Child Injury Prevention Policy (MVP), and Multi-component Interventions in Multiple Setting to Prevent Falls in Older Adults (Falls). This Core VIPP evaluation only includes the BIC, RNL, SQI, and MVP

components. The Falls' program is being evaluated separately by the Division of Unintentional Injury (NCIPC/DUIP).

BIC and the expanded components are intended to support funded states in building capacity and achieving health impact in their states. The key components of violence and injury prevention (VIP) capacity for Core BIC VIPP are defined as: Infrastructure, Evaluation, Strategies, Collaboration, and Surveillance. States funded with the expanded components MVP and SQI are anticipated to be building increased capacity for motor vehicle-related policy strategies and surveillance, respectively. States funded through the RNL expanded component are anticipated to be facilitators of knowledge-sharing in order to support building VIP infrastructure for Core-funded and non-Core-funded states in their regions. The evidence-informed strategies that states implement as part of Core VIPP are anticipated to lead to health impact.

CDC requests OMB approval to continue to collect Core VIPP program evaluation data for an additional three-year period. The purpose of the evaluation is to track states' progress toward: (1) Achieving the Performance Measures identified in the Funding Opportunity Announcement (FOA); (2) Building and/or sustaining their VIP capacity; and (3) Achieving their focus area SMART (Specific, Measurable, Attainable, Reasonable, and Time-bound) objectives. The ability of states to make progress towards their SMART objectives will serve as a measure of Core VIPP's impact on the burden of violence and injury related morbidity and mortality in funded states.

The primary data collections methods will be used in the evaluation include: (1) Interim and Annual Progress Reports, (2) State of the States (SOTS) online surveys, (3) Interviews, and (4) Online surveys related to the Regional Network Leader component. The progress reports will track states' performance measures and the activities stated in the Core VIPP FOA and monitor states' progress toward their focus area SMART objectives; the SOTS surveys will be used to measure grantees' changes in VIP capacity. Interviews will be used to provide more in-depth information about the key facilitators and barriers states have encountered while implementing BIC and the expanded components. The interviews also provide states the opportunity to share more specific information about their experiences implementing BIC. The online surveys for RNL will be delivered through the Regional Network Leaders to assess the strength and effectiveness of regional networks to connect states to each other for peer-to-peer knowledge and information sharing.

This is a mixed method evaluation, and data will be collected using a variety of methods to answer the evaluation questions. Qualitative and quantitative data will be collected through progress reports, surveys, the health impact tracking tool, and interviews. Quantitative data will be analyzed using descriptive statistics. Qualitative data will be collected through interviews, which will be transcribed and analyzed to identify common themes that emerge.

The table below details the annualized number of respondents, the average response burden per interview, and the total response burden for the surveys and telephone interviews. Estimates of burden for the survey are based on previous experience with evaluation data collections conducted by the evaluation staff. For the Base Integration Component (BIC), the State of the States (SOTS) web-based survey assessment will be completed by 20 Core Funded State Health Departments (SHDs) and will take 3 hours to complete. The SOTS Financial Module will also be completed by the 20 BIC funded SHD and will take 1 hour to complete. The supplemental SOTS Survey Questions will be completed by 20 BIC funded SHDs and take 1.5 hours to complete. The BIC telephone interviews will take 1.5 hours and will be completed by the 20 Core funded SHDs. We expect that each of the 20 BIC funded SHDs will complete three web-based surveys and three telephone interviews annually during the last three years of Core funding.

The annual surveys and interviews for the subcomponents (SQI, RNL, and MVP) are also detailed below. The Regional Network Leader (RNL) surveys will be completed by the five RNL funded SHDs and will take 1 hour to complete. The five RNL funded SHDs will also complete a telephone interview that will take 1 hour to complete. The four Surveillance Quality Improvement (SQI) funded SHDs will complete a telephone interview that will take 1 hour to complete. The four Motor Vehicle Child Injury Prevention Policy (MVP) SHDs will complete a telephone interview that will take 1 hour to complete.

There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Form name | No. of respondents | No. of responses per respondent | Avg. burden per response (in hrs.) | Total burden (in hrs.) |
|---|---|---|---|---|---|
| Core VIPP Funded SHD Injury Program director. | State of the States Survey (SOTS)—Attachment C. | 20 | 1 | 3 | 60 |
| Core VIPP Funded SHD Injury Program director. | SOTS Financial Module—Attachment E. | 20 | 1 | 1 | 20 |
| Core VIPP Funded SHD Injury Program management and staff. | Supplemental SOTS Survey Questions—Attachment F. | 20 | 1 | 1.5 | 30 |
| Core VIPP Funded SHD Injury Program management and staff. | BIC Telephone Interview—Attachment D. | 20 | 1 | 1.5 | 30 |
| RNL awardees | RNL Telephone Interview—Attachment G. | 5 | 1 | 1 | 5 |
| RNL awardees | RNL Surveys—Attachment H & I | 5 | 1 | 2 | 10 |
| SQI awardees | SQI Telephone Interview—Attachment G. | 4 | 1 | 1 | 4 |
| MVP awardees | MVP Telephone Interview—Attachment D. | 4 | 1 | 1 | 4 |
| Total | | | | | 163 |

**Leroy A. Richardson,**

*Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2013–19271 Filed 8–8–13; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[CDC–2013–0016; NIOSH 129–A]**

### National Institute for Occupational Safety and Health (NIOSH) Personal Protective Technology (PPT) Program; Framework Document for the Healthcare Worker Personal Protective Equipment Action Plan

**AGENCY:** The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of draft document for public comment.

**SUMMARY:** The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the availability of a document titled ''Framework for Setting the NIOSH PPT Program Action Plan for Healthcare Worker Personal Protective Equipment: 2013–2018'', now available for public comment at *http://www.regulations.gov*.

**DATES:** *Public comment period:* Comments must be received by Friday, September 13, 2013.

**ADDRESSES:** You may submit comments, identified by CDC–2013–0016 and Docket Number NIOSH–129–A, by either of the two following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS–C34, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

*Instructions:* All information received in response to this notice must include the agency name and docket number (CDC–2013–0016; NIOSH–129–A). All relevant comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. All electronic comments should be formatted as Microsoft Word. Please make reference to CDC–2013–0016 and Docket Number NIOSH–129–A. Access to any prior background documents or previous comments received please go to NIOSH Docket 129 (*http://www.cdc.gov/niosh/docket/archive/docket129.html*).

**SUPPLEMENTARY INFORMATION:** The NIOSH personal protective technology (PPT) program publishes and periodically updates its research agenda on personal protective equipment (PPE) for healthcare workers. The research agenda or action plan describes the near term and long term strategy for the PPT program's research and intervention, standards development, and information dissemination program to improve the efficacy and effectiveness of PPE used in healthcare settings. Since the healthcare worker PPE action plan was last updated in 2010 (revision 4), several reports have been published that provide updated national priorities related to PPE for healthcare workers. For example, in 2011, the Institute of Medicine (IOM) published a report entitled *Preventing Transmission of Pandemic Influenza and Other Viral Respiratory Diseases: Personal Protective Equipment for Healthcare Personnel Update 2010* that assessed the nation's progress on improving PPE for healthcare personnel exposed to infectious respiratory diseases and made recommendations to address research gaps (to access this document please go to *http://www.regulations.gov*).

The NIOSH PPT program has started the process to update the PPE for healthcare workers action plan for 2013–2018. A framework document titled ''Framework for Setting the NIOSH PPT Program Action Plan for Healthcare Worker Personal Protective Equipment: 2013–2018'' has been drafted to:

1. Identify proposed ''recommendations'' and ''activities'' to use in an updated healthcare worker PPE action plan;
2. Compare current NIOSH intramural and extramural program activities versus the proposed recommendations and activities;
3. Propose an overarching strategy for NIOSH PPT program management to prioritize among competing recommendations, activities, and future action steps; and
4. Outline the process planned for seeking stakeholder input on what ''action steps'' should be taken by NIOSH and the NIOSH PPT program to address the recommendations.

Comments are sought in three specific areas:

1. Proposed use of the 2011 IOM report recommendations as the basis for the 12 overarching recommendations and 36 activities in next revision of the action plan;
2. Proposed use of improving healthcare worker PPE compliance as the overarching goal for prioritization; and
3. Specific actions that NIOSH and the NIOSH PPT program should take to address the proposed recommendations

**FOR FURTHER INFORMATION CONTACT:** Dr. Ronald E. Shaffer, Senior Scientist, NIOSH NPPTL Office of the Director at *RShaffer@cdc.gov,* telephone (412) 386–4001, fax (412) 386–6617.

Dated: August 2, 2013.

**John Howard,**

*Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.*

[FR Doc. 2013–19273 Filed 8–8–13; 8:45 am]

**BILLING CODE 4163–19–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention (CDC)

### Announcement of Requirements and Registration for Million Hearts® Hypertension Control Challenge

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice.

*Award Approving Official:* Thomas R. Frieden, MD, MPH, Director, Centers for Disease Control and Prevention, and Administrator, Agency for Toxic Substances and Disease Registry.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC) located within the Department of Health and Human Services (HHS) announces the launch of the Million Hearts® Hypertension Control Challenge on August 9, 2013. The challenge will be open until September 9, 2013.

Million Hearts® is a national initiative to prevent 1 million heart attacks and strokes by 2017. Achieving this goal means that 10 million more Americans must have their blood pressure under control. Million Hearts® is working to control high blood pressure through clinical approaches, such as using health information technology to its fullest potential and integrating team-based approaches to care, as well as community approaches, such as strengthening tobacco control, and lowering sodium consumption.

To support improved blood pressure control, HHS/CDC is announcing the Million Hearts® Hypertension Control

Challenge. This challenge recognizes organizations that invest in hypertension control, improve understanding of successful implementation strategies at the health system level, and motivate providers and health systems to strengthen their hypertension control efforts.

The challenge will identify clinicians, clinical practices, and health systems that have achieved exceptional rates of hypertension control and recognize them as Million Hearts® Hypertension Control Champions. To support improved quality of care delivered to patients with hypertension, Million Hearts® will document the systems, processes, and staffing that contribute to the exceptional blood pressure control rates achieved by Champions.

Champions will receive a cash prize and local and national recognition.

**DATES:** The contest begins on August 9, 2013 and ends on September 9, 2013.

**FOR FURTHER INFORMATION CONTACT:** Susan Ladd, Division for Heart Disease and Stroke Prevention, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Hwy NE., Mailstop F–72, Atlanta, GA 30341, Telephone: 770–488–2424, Fax: 770–488–8151, Attention: Hypertension Control Challenge, Email: *millionhearts@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** The challenge is authorized by Public Law 111–358, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science Reauthorization Act of 2010 (COMPETES Act).

This information collection request is approved by the Office of Management and Budget (OMB). [OMB control no. 0920–0976, expires 7/31/2016.]

## Subject of Challenge Competition

Entrants of the Million Hearts Hypertension Control Challenge will be asked to submit two point-in-time measures of the hypertension control rate for the practice's or health system's hypertensive population approximately twelve months apart. Entrants will also be asked to describe the sustainable systems used by the practice or health system that support continued improvements in blood pressure control and some population characteristics.

## Eligibility Rules for Participating in the Competition

To be eligible to win a prize under this challenge, an individual or entity—

(1) Shall have completed the nomination form to participate in the competition under the rules promulgated by HHS/CDC;

(2) Shall have complied with all the requirements in this section;

(3) Shall be a U.S. licensed clinician or medical practice providing health care services in family practice, internal medicine, osteopathy, or obstetrics/gynecology, primarily for adults or shall be a U.S. licensed health system that provides coverage to a patient population representative of the geographic area.

(4) Must provide medical care to control hypertension to adult patients and have a data management system (electronic or paper) that allows HHS/CDC or their contractor to check data submitted.

(5) In the case of a private entity, shall be licensed in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States;

(6) May not be a Federal entity or Federal employee acting within the scope of their employment;

(7) Shall not be an HHS employee working on their applications or submissions during assigned duty hours;

(8) Shall not be an employee or contractor at HHS/CDC.

(9) Federal grantees, may not use Federal funds to develop COMPETES Act challenge applications unless consistent with the purpose of their grant award.

(10) Federal contractors may not use Federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge submission.

(11) Must agree to participate in a process to verify hypertension control data by submitting de-identified electronic medical records, allowing remote review of de-identified records, or allowing a site visit or confirmation through another source.

(12) Must not have been convicted or be under investigation for criminal offenses or health care fraud. Examples of fraud include felony health care fraud, patient abuse, or neglect; felony convictions for other health care-related fraud, theft, or other financial misconduct; and felony convictions relating to unlawful manufacture, distribution, prescription, or dispensing of controlled substances as verified through the Office of the Inspector General List of Excluded Individuals and Entities.

(13) Must agree to accept the prize if selected and agree to participate in an interview to develop a success story that describes the systems and processes that support hypertension control among patients.

An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equal basis.

By participating in this challenge, an individual or organization agrees to assume any and all risks related to participating in the challenge. Individuals or organizations also agree to waive claims against the Federal Government and its related entities, except in the case of willful misconduct, when participating in the challenge, including claims for injury; death; damage; or loss of property, money, or profits, and including those risks caused by negligence or other causes.

By participating in this challenge, individuals or organizations agree to protect the Federal Government against third party claims for damages arising from or related to challenge activities.

Individuals or organizations are not required to hold liability insurance related to participation in this challenge.

Federal organizations will be offered a simultaneous opportunity to participate in a separate but similar challenge, and will be eligible for recognition only. No cash prize will be awarded to Federal organizations.

## Registration Process for Participants

To participate, contestants will navigate to *www.MHhypertensionchallenge.com.* On this site, applicants will find the rules and guidelines for participating as well as the entry form. On the homepage, applicants in the private sector will click the button labeled ''Private Organization Nomination'' to voluntarily enter the challenge. Information on the nomination form will include:

- Name and complete address of nominee and business address of the nominator. If more than one site is represented in the submission, the administrative office or lead office should be provided.
- Contact information to include business telephone number and email address.
- Data to show evidence of clinical success in achieving hypertension control, including: (a) Clinical hypertension control rate within three months of submission and clinical hypertension control rate 9–12 months

previous for the hypertensive patient population, (b) a description of the sustainable systems adopted to achieve hypertension control and (c) a description of the clinic population served.

HHS/CDC defines ''hypertension control'' as a blood pressure reading <140 mmHg systolic and <90 mmHg diastolic among hypertensive patients. Million Hearts® supports use of the National Quality Forum #0018 (other nationally recognized measures for defining hypertension control may be used and shall be specified in the nomination form).

The hypertension control rate should be inclusive of the provider or health system's entire hypertensive patient population, not limited to a sample. Examples of ineligible data submissions include hypertension control rates that are limited to treatment cohorts from research studies or pilot studies, patients limited to a specific age range (such as 18–35), or patients enrolled in quality improvement projects.

The estimated burden for completing the nomination form is 30 minutes.

**Amount of the Prize**

Up to a total of 14 of the highest scoring clinical practices or health systems (judged separately) will be recognized as Million Hearts® Hypertension Control Champions and will receive a cash award of $5,000. A maximum of $70,000 will be awarded in this challenge.

**Payment of the Prize**

Prizes awarded under this challenge will be paid by electronic funds transfer and may be subject to Federal income taxes. HHS will comply with the Internal Revenue Service withholding and reporting requirements, where applicable.

**Basis Upon Which Winner Will Be Selected**

Nomination will be scored based on hypertension control rate (90% of score), treatment of a population in which achieving hypertension control is more challenging, such as high risk or low income individuals (5% of score), and sustainable systems in the practice that support hypertension control (5% of score). A CDC-sponsored panel of three to five experts consisting of both HHS/CDC staff and external Million Hearts® partners will review the nominations with the highest scores to select finalists. Finalist selection may consider geographic location and population treated.

Finalists will be asked to participate in a 15-day process to verify their data so that HHS/CDC can confirm information submitted on the nomination form. Data confirmation may include one or more of the following activities: A remote review of summary data or de-identified electronic medical record list, a random hard copy or electronic record review, and/or verification through other reporting systems, such as the National Committee for Quality Assurance or the Centers for Medicare & Medicaid Services. A background check will also be conducted on selected finalists. At a minimum, the background check will verify the finalist's license and include a search of the Office of the Inspector General List of Excluded Individuals and Entities.

If a selected finalist does not respond to requests for data and information by the requested date or if a selected finalist receives negative findings through the background check or data confirmation, HHS/CDC reserves the option to exclude that individual or organization from the challenge award process and to select the next highest scoring nominee.

Each selected Champion will participate in a post-challenge telephone interview. The interview will include questions about the strategies employed by the individual or organization to achieve high rates of hypertension control, including barriers and facilitators for those strategies. The interview will focus on systems and processes and should not require preparation time by the Champion. The estimated time for the interview is two hours, which includes time to review the interview protocol with the interviewer, respond to the interview questions, and review a summary data about the Champion's practices. The summary will be written as a success story and will be posted on the Million Hearts® Web site.

**Additional Information**

Information received from nominees will be stored in a password protected file on a secure server. The challenge Web site may post the number of nominations received but will not include information about individual nominees. The database of information submitted by nominees will not be posted on the Web site. Information collected from nominees will include general details, such as the business name, address, and contact information of the nominee. This type of information is generally publically available. The nomination will collect and store only aggregate clinical data through the nomination process; no individual patient data will be collected or stored.

Information for selected Champions, such as the provider, practice, or health system's name, location, and hypertension control rate will be shared through press releases, the challenge Web site, and Million Hearts® and HHS/CDC resources.

Summary data on the types of systems and processes that nominees use to control hypertension may be shared in documents or other communication products that describe generally used practices for successful hypertension control. No individual or organization names will be included in the summary document except for the selected Champions. HHS/CDC will use the summary data only as described and will secure the data to the full extent allowable by law.

**Compliance With Rules and Contacting Contest Winners**

Finalists and Champions must comply with all terms and conditions of these official rules, and winning is contingent upon fulfilling all requirements herein. The initial finalists will be notified by email, telephone, or mail after the date of the judging.

**Privacy**

If contestants choose to provide HHS/CDC with personal information by filling out the nomination form through the challenge Web site at *www.MHhypertensionchallenge.com,* that information is used to respond to contestants in matters regarding their selection as a finalist. Information is not collected for commercial marketing. Winners are permitted to cite that they won this challenge.

The names, cities, and states of selected champions will be made available in promotional materials and at recognition events.

**General Conditions**

The HHS/CDC reserves the right to cancel, suspend, and/or modify the challenge, or any part of it, for any reason, at HHS/CDC's sole discretion.

**Authority:** 15 U.S.C. 3719.

Dated: August 5, 2013.

**J. Ronald Campbell,**

*Director, Division of Executive Secretariat, Centers for Disease Control and Prevention.*

[FR Doc. 2013–19272 Filed 8–8–13; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifiers: CMS–367, CMS–10265, CMS–10279 and CMS–10483]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by September 9, 2013.

**ADDRESSES:** When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–6974 or, Email: *OIRA_submission@omb.eop.gov* .

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786–1326.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Medicaid Drug Program Monthly and Quarterly Drug Reporting Format; *Use:* Labelers transmit drug data to us within 30 days after the end of each calendar month and quarter. We calculate the unit rebate amount (URA) for each National Drug Code and distributes to all state Medicaid agencies. States use the URA to invoice the labeler for rebates. The monthly data is used to calculate Federal Upper Limit prices for applicable drugs and for states that opt to use this data to establish their pharmacy reimbursement methodology. *Form Number:* CMS–367 (OCN: 0938–0578); *Frequency:* Monthly and quarterly; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 590; *Total Annual Responses:* 9,440; *Total Annual Hours:* 139,712. (For policy questions regarding this collection contact Cindy Bergin at 410–786–1176.)

2. *Type of Information Collection Request:* Reinstatement with a change of a previously approved collection; *Title of Information Collection:* Mandatory Insurer Reporting Requirements of Section 111 of the Medicare, Medicaid and SCHIP Act of 2007; *Use:* The purpose of this submission is to renew the information collection request (ICR) and the information collected in accordance with to Section 111 of the Medicare, Medicaid and SCHIP Act of 2007 (MMSEA). The information is collected from applicable reporting entities for the purpose of coordination of benefits. Section 111 mandates the reporting of information in the form and manner specified by the Secretary, DHHS. Data the Secretary collects is necessary for both pre-payment and post-payment coordination of benefit purposes, including necessary recovery actions.

Section 111 establishes separate mandatory reporting requirements for GHP arrangements as well as for liability insurance (including self-insurance), no-fault insurance, and workers' compensation; for purposes of this ICR these may be collectively be referred to as ''non-GHP.'' Both GHP and non-GHP entities have had and continue to have the responsibility for determining when they are primary to Medicare and to pay appropriately, even without the mandatory Section 111 process. In order to make this determination, they should already and always be collecting most of the information CMS will require in connection with Section 111 of the MMSEA. *Form Number:* CMS–10265 (OCN: 0938–1074); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profits, Not-for-profit institutions and State, Local or Tribal Governments; *Number of Respondents:* 22,647; *Total Annual Responses:* 22,647; *Total Annual Hours:* 333,130. (For policy questions regarding this collection contact Cynthia Ginsburg at 410–786–2579.)

3. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Ambulatory Surgical Center Conditions for Coverage; *Use:* The Ambulatory Surgical Center (ASC) Conditions for Coverage (CfCs) focus on a patient-centered, outcome-oriented, and transparent processes that promote quality patient care. The CfCs are designed to ensure that each facility has properly trained staff to provide the appropriate type and level of care for that facility and provide a safe physical environment for patients. The CfCs are used by Federal or state surveyors as a basis for determining whether an ASC qualifies for approval or re-approval under Medicare. We, along with the healthcare industry, believe that the availability to the facility of the type of records and general content of records, which this regulation specifies, is standard medical practice and is necessary in order to ensure the well-

being and safety of patients and professional treatment accountability. *Form Number:* CMS–10279 (OCN: 0938–1071); *Frequency:* Annual; *Affected Public:* Private sector—Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 5,300; *Total Annual Responses:* 5,300; *Total Annual Hours:* 206,700. (For policy questions regarding this collection contact Jacqueline Leach at 410–786–4282.)

4. *Type of Information Collection Request:* New Collection (Request for a new control number); *Title of Information Collection:* Evaluation of the Multi-Payer Advanced Primary Care Practice (MAPCP) Demonstration: Conduct Beneficiary Experience with Care Surveys; *Use:* On September 16, 2009, the Department of Health and Human Services announced the establishment of the Multi-payer Advanced Primary Care Practice (MAPCP) Demonstration, under which Medicare joined Medicaid and private insurers as a payer participant in state-sponsored patient-centered medical home (PCMH) initiatives. We selected eight states to participate in this demonstration: Maine, Vermont, Rhode Island, New York, Pennsylvania, North Carolina, Michigan, and Minnesota. We are conducting a survey to assess the care experiences of beneficiaries involved in the MAPCP Demonstration. We have chosen to measure patient experience using a validated, standardized survey questionnaire, the PCMH version of the Consumer Assessment of Healthcare Providers and Systems (PCMH–CAHPS). The PCMH–CAHPS is a validated, federally developed instrument that measures patient experience in 6 domains (access to care, provider communication, office staff interactions, attention to medical, emotional, or both medical and emotional health, health care support, and medication decisions). *Form Number:* CMS–10483 (OCN: 0938–NEW); *Frequency:* Annually; *Affected Public:* Individuals and households; *Number of Respondents:* 10,038; *Total Annual Responses:* 10,038; *Total Annual Hours:* 3,313. (For policy questions regarding this collection contact Suzanne Wensky at 410–786–0226.)

Dated: August 6, 2013.

**Martique Jones,**

*Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2013–19379 Filed 8–8–13; 8:45 am]

BILLING CODE 4120–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–416, CMS–R–71, and CMS–10150]**

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by October 8, 2013.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786–1326

**SUPPLEMENTARY INFORMATION:**

### Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–416 Annual Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Participation Report

CMS–R–71 Quality Improvement Organization (QIO) Assumption of Responsibilities and Supporting Regulations

CMS–10150 Collection of Drug Pricing and Network Pharmacy Data from Medicare Prescription Drug Plans (PDPs and MA–PDs) and Supporting Regulations

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. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

### Information Collections

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of*

*Information Collection:* Annual Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Participation Report; *Use:* The baseline data collected is used to assess the effectiveness of state early and periodic screening, diagnostic and treatment (EPSDT) programs in reaching eligible children, by age group and basis of Medicaid eligibility, who are provided initial and periodic child health screening services, referred for corrective treatment, and receiving dental, hearing, and vision services. This assessment is coupled with the state's results in attaining the participation goals set for the state. The information gathered from this report, permits federal and state managers to evaluate the effectiveness of the EPSDT law on the basic aspects of the program. *Form Number:* CMS–416 (OCN: 0938–0354); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours:* 1,568. (For policy questions regarding this collection contact Marsha Lillie-Blanton at 410–786–8856.)

2. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Quality Improvement Organization (QIO) Assumption of Responsibilities and Supporting Regulations; *Use:* The Peer Review Improvement Act of 1982 amended Title XI of the Social Security Act to create the Utilization and Quality Control Peer Review Organization (PRO) program which replaces the Professional Standards Review Organization (PSRO) program and streamlines peer review activities. The term PRO has been renamed Quality Improvement Organization (QIO). This information collection describes the review functions to be performed by the QIO. It outlines relationships among QIOs, providers, practitioners, beneficiaries, intermediaries, and carriers. *Form Number:* CMS–R–71 (OCN#: 0938–0445); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 6,939; *Total Annual Responses:* 50,377; *Total Annual Hours:* 158,993. (For policy questions regarding this collection contact Coles Mercier at 410–786–2112.)

3. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Collection of Drug Pricing and Network Pharmacy Data from Medicare Prescription Drug Plans (PDPs and MA–PDs) and Supporting Regulations; *Use:* Both stand alone prescription drug plans (PDPs) and Medicare Advantage Prescription Drug (MA–PDs) plans are required to submit drug pricing and pharmacy network data to us. These data are made publicly available to people with Medicare through the Medicare Prescription Drug Plan Finder web tool on *http://www.medicare.gov.* Drug prices vary across a plans pharmacy network based on the contracts that each plan negotiates with each pharmacy or pharmacy chain in their networks. The pharmacy networks can change during the course of the year as new pharmacies open, close, change ownership, or plans negotiate new contracts with pharmacies resulting in different dispensing fees for prescriptions. Drug prices also change frequently due to the daily fluctuation of the Average Wholesale Price (AWP), thus plans increase or decrease their drug prices to reflect these changes.

The purpose of the data is to enable prospective and current Medicare beneficiaries to compare, learn, select and enroll in a plan that best meets their needs. The database structure provides the necessary drug pricing and pharmacy network information to accurately communicate plan information in a comparative format. *Form Number:* CMS–10150 (OCN#: 0938–0951); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 680; *Total Annual Responses:* 17,680; *Total Annual Hours:* 70,720. (For policy questions regarding this collection contact Jay Dobbs at 410–786–1182.)

Dated: August 6, 2013.

**Martique Jones,**

*Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2013–19321 Filed 8–8–13; 8:45 am]

**BILLING CODE 4120–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[CMS–5506–N3]**

### Medicare Program; Comprehensive ESRD Care Initiative; Extension of the Submission Deadlines for the Letters of Intent and Applications

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Notice of extension of deadlines.

**SUMMARY:** This notice reopens the Comprehensive ESRD Care Initiative Letters of Intent submission period and extends the deadlines for the submission of the Comprehensive ESRD Care Initiative Letters of Intent and Applications to August 30, 2013. All potential applicants must submit a Letter of Intent to be eligible to submit an application.

**DATES:** *Letter of Intent Submission Deadline:* Interested organizations must submit a non-binding letter of intent on or before August 30, 2013, by an online form at: *https://cmsgov.secure.force.com/cec.*

*Application Submission Deadline:* Interested organizations must submit an application on or before August 30, 2013, as described on the Innovation Center Web site at: *http://innovation.cms.gov/initiatives/comprehensive-ESRD-care/apply.html.* Updates on this initiative will also be posted to the Web site.

**FOR FURTHER INFORMATION CONTACT:** Melissa Cohen, (410) 786–1829 or *ESRD-CMMI@cms.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

The Center for Medicare and Medicaid Innovation (Innovation Center) is interested in identifying models designed to improve care for beneficiaries with end-stage renal disease (ESRD). To promote seamless and integrated care for beneficiaries with ESRD, we are developing a comprehensive care delivery model to emphasize coordination of a full-range of clinical and non-clinical services across providers, suppliers, and settings. Through the Comprehensive ESRD Care Model, we seek to identify ways to improve the coordination and quality of care for this population, while lowering total per-capita expenditures under the Medicare program. We anticipate that the Comprehensive ESRD Care Model would result in improved health outcomes for beneficiaries with ESRD regarding the functional status, quality of life, and overall well-being, as well as increased beneficiary and caregiver engagement, and lower costs to Medicare through improved care coordination.

On February 6, 2013, we published a notice in the **Federal Register** announcing a request for applications from organizations to participate in the testing of the Comprehensive ESRD Care Model, for a period beginning in 2013 and ending in 2016, with a possible extension into subsequent years.

In that notice, we stated that organizations interested in applying to participate in the testing of the Comprehensive ESRD Care Model must

submit a non-binding letter of intent by March 15, 2013, and an application by May 1, 2013.

On July 17, 2013, we published a notice in the **Federal Register** announcing an extension of deadlines. The new deadlines were July 19, 2013 for the Letter of Intent and August 1, 2013 for the application.

**II. Provisions of the Notice**

Since the publication of the July 17, 2013 notice, several stakeholders have requested additional time to prepare their applications and form partnerships. Therefore, for the Comprehensive ESRD Care Initiative, the Innovation Center is reopening the Letters of Intent submission period and extending the deadlines for submission of both the Letters of Intent and the Applications to August 30, 2013.

In the **DATES** section of this notice, we are including the new submissions deadlines. For additional information on the Comprehensive ESRD Care Model and how to apply, we refer readers to click on the Request for Applications located on the Innovation Center Web site at: *http://innovation.cms.gov/initiatives/comprehensive-ESRD-care.*

(No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare-Supplementary Medical Insurance Program)

Dated: August 5, 2013.

**Marilyn Tavenner,**

*Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 2013–19351 Filed 8–8–13; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Proposed Information Collection Activity; Comment Request

*Title:* Home Visiting: Approaches to Father Engagement and Father's Experiences.

*OMB No.:* New Collection.

*Description:* The Office of Planning, Research, and Evaluation (OPRE) in the Administration for Children and Families (ACF) is proposing an information collection activity for the Home Visiting: Approaches to Father Engagement and Father's Experiences Study.

This study will document strategies used by home visiting programs to engage and serve fathers and the perceptions of the fathers regarding the programs. The findings will be of broad interest to many home visiting programs that desire to increase the active engagement of fathers.

Data collection will involve semi-structured discussions and interviews with administrators and managers of select home visiting programs as well as staff about the objectives, experiences, and specific methods and approaches used by program operators that have successfully engaged fathers.

Data collection will also include semi-structured discussions and interviews with invited and/or participating fathers about their expectations, perceptions, and opinions of the home visiting program and experiences with the program.

*Respondents:* Administrators and managers of select home visiting programs, home visiting staff, and participating and invited fathers.

ANNUAL BURDEN ESTIMATES

| Instrument | Total number of respondents | Annual number of respondents | Number of responses per respondent | Average burden hours per response | Annual burden hours |
|---|---|---|---|---|---|
| Discussion Guide for use with Fathers | 250 | 83 | 1 | 2 | 166 |
| Discussion Guide for use with Home Visiting Program Administrators, Managers, and Staff | 50 | 17 | 1 | 2 | 34 |

Estimated Total Annual Burden Hours: 200.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Robert Sargis,**

*Reports Clearance Officer, Administration for Children and Families.*

[FR Doc. 2013–19337 Filed 8–8–13; 8:45 am]

**BILLING CODE 4184–35–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2012–N–0471]**

### Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Prescription Drug User Fee Cover Sheet; Form FDA 3397

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Prescription Drug User Fee Cover Sheet; Form FDA 3397'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

**FOR FURTHER INFORMATION CONTACT:** Ila S. Mizrachi, Office of Operations, Food and Drug Administration, 1350 Piccard

Dr., PI50–400B, Rockville, MD 20850, 301–796–7726, *ila.mizrachi@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** On November 6, 2012, the Agency submitted a proposed collection of information entitled ''Prescription Drug User Fee Cover Sheet; Form FDA 3397'' 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 0910–0297. The approval expires on December 31, 2015. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: August 5, 2013.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2013–19276 Filed 8–8–13; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2013–N–0001]**

### Oncologic Drugs Advisory Committee; Notice of Meeting

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

*Name of Committee:* Oncologic Drugs Advisory Committee.

*General Function of the Committee:* To provide advice and recommendations to the Agency on FDA's regulatory issues.

*Date and Time:* The meeting will be held on September 12, 2013, from 8 a.m. to 5 p.m.

*Location:* FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

*Contact Person:* Caleb Briggs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *ODAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

*Agenda:* On September 12, 2013, the committee will discuss supplemental biologics license application 125409/51, with the trade name PERJETA (pertuzumab) injection, application submitted by Genentech, Inc. The proposed indication (use) for this product is in combination with trastuzumab and docetaxel for the neoadjuvant treatment of patients with human epidermal growth factor receptor 2 (HER2)-positive, locally advanced, inflammatory, or early stage breast cancer (tumor greater than 2 cm in diameter) as part of a complete early breast cancer regimen containing either fluorouracil, epirubicin, and cyclophosphamide or carboplatin.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

*Procedure:* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 28, 2013. Oral presentations from the public will be scheduled between approximately 12:30 p.m. and 1:30 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 20, 2013. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 21, 2013.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA 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 Caleb Briggs at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 2, 2013.

**Jill Hartzler Warner,**

*Acting Associate Commissioner for Special Medical Programs.*

[FR Doc. 2013–19252 Filed 8–8–13; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2013–N–0001]**

### Anti-Infective Drugs Advisory Committee; Notice of Meeting

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration

(FDA). The meeting will be open to the public.

*Name of Committee:* Anti-Infective Drugs Advisory Committee.

*General Function of the Committee:* To provide advice and recommendations to the Agency on FDA's regulatory issues.

*Date and Time:* The meeting will be held on October 18, 2013, from 8 a.m. to 5 p.m.

*Location:* FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

*Contact Person:* Diane Goyette, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: *AIDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

*Agenda:* On October 18, 2013, the committee will discuss the safety and effectiveness of new drug application (NDA) 204684, miltefosine capsules, submitted by Paladin Therapeutics, Inc., for the proposed indication of treatment of patients with visceral (involving internal organs), mucosal (involving areas such as inside the mouth and nose), and cutaneous (involving the skin) leishmaniasis, an infection caused by a parasite.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

*Procedure:* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before October 2, 2013. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 24, 2013. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 25, 2013.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA 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 Diane Goyette at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 2, 2013.

**Jill Hartzler Warner,**

*Acting Associate Commissioner for Special Medical Programs.*

[FR Doc. 2013–19253 Filed 8–8–13; 8:45 am]

BILLING CODE 4160–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2013–N–0001]**

## Food and Drug Administration Patient Network Annual Meeting; Demystifying Food and Drug Administration: An Exploration of Drug Development Hosted by the Food and Drug Administration Office of Health and Constituent Affairs, Formerly the Office of Special Health Issues

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of meeting.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing a meeting for patients, caregivers, patient advocates, as well as patient advocate and health professional groups, to provide a primer on drug product development and explore patient involvement in drug development. The meeting will serve as a forum for FDA's patient stakeholders and the general public, including health professionals, academia, and industry to learn about FDA's role in, and various regulatory issues related to drug development, analyze where in the process patient input may be most practical and most valuable, and explore practicable approaches to incorporating meaningful patient input that will represent broad patient perspectives in drug development and regulatory decision making. Specifically, this meeting will provide information and facilitate a discussion about: FDA's role in drug development and where and how patients can take an active role.

**DATES:** The meeting will be held on September 10, 2013, from 8:30 a.m. to 4:30 p.m. Register to attend the conference at *http://www.patientnetwork.fda.gov/patient-network-annual-meeting-September-10-2013* on or before August 27, 2013. There is no registration fee for this conference. Early registration is suggested because space is limited. The conference will be available for viewing via Webcast please register at for the Webcast at *http://www.patientnetwork.fda.gov/patient-network-annual-meeting-September-10-2013.* We request that organizations limit the number of representatives to two. For further registration information or problems with registering call Cindy de Sales at 240–316–3200 ext. 207.

If you need special accommodations due to a disability, please specify those accommodations when registering for this 1-day conference.

**ADDRESSES:** The meeting will be held at the Washington Marriott at Metro Center 775 12th St. NW., Washington DC 20001.

**FOR FURTHER INFORMATION CONTACT:** Steve Morin, Office of Health and Constituent Affairs, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–0161, FAX: 301–847–8623, email: *Steve.Morin@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. The FDA Patient Network

This is the second FDA Patient Network Annual Meeting hosted by the FDA Office of Health and Constituent Affairs, formerly the Office of Special Health Issues, the Agency's primary liaison with patient and health professional communities. This annual meeting is being hosted as part of the larger FDA Patient Network program. The FDA Patient Network is a new resource for patients, caregivers, independent patient advocates, and patient advocate groups that seeks to:

- Educate and inform patient stakeholders about FDA, its regulatory authorities and processes, its initiatives and programs, and
- Provide a venue for advocacy for patient stakeholder involvement within FDA, enhancing transparency of Agency actions for patients. In addition to an annual meeting, the FDA Patient Network consists of:
- The FDA Patient Network Web site—A new, patient-centered Web site that contains educational modules, centralized Agency information, and multi-directional communication tools (*www.patientnetwork.fda.gov*);
- The biweekly *FDA Patient Network News* email newsletter containing FDA-related information on a variety of topics, including new product approvals, significant labeling changes, safety warnings, notices of upcoming public meetings, proposed regulatory guidances and opportunity to comment, and other information of interest to patients and patient advocates; and
- Hosting of periodic meetings, briefings, and listening sessions between patient advocates and FDA staff.

## II. Patient Involvement in the Drug Development Life Cycle

We believe that enhancing patients' understanding of the drug development process will provide a better foundation for their participation in regulatory decision making, and clarify where patient input can be most meaningful in the drug development life cycle. Patients who live with a disease have a direct stake in the development of new therapies to treat and minimize symptoms they are experiencing. They are in a unique position to contribute to the various product-specific regulatory decisions that occur throughout the drug development process, as well as the policy decisions that impact the drug development and review paradigm. Though several programs exist that facilitate patient representation on Advisory Committees or participation in selected review meetings, there are currently few venues in which the patient perspective is discussed outside of a specific product's marketing application review. FDA believes the medical product review process could benefit from a more scientific, systematic, and expansive approach to obtaining input from patients who are experiencing a particular disease condition.

As part of the Food and Drug Administration Safety and Innovation Act, specifically section 1137 (see: *http://www.fda.gov/RegulatoryInformation/Legislation/FederalFoodDrugandCosmeticActFDCAct/SignificantAmendmentstotheFDCAct/FDASIA/ucm311045.htm*), FDA is tasked with developing and implementing strategies to solicit the views of patients during the medical product development process and consider their perspectives during regulatory discussions. This includes:

- Fostering participation of FDA Patient Representatives as Special Government Employees in appropriate Agency meetings with medical product sponsors and investigators; and
- Exploring means to provide for identification of potential FDA Patient Representatives who do not have any, or have minimal, financial interest in the medical products industry.

FDA is conducting this meeting with patients, caregivers, patient advocates, and patient advocate groups to provide a forum to demystify the drug development process and FDA's role in drug regulation, and facilitate a discussion between these stakeholders and the Agency to foster a collaborative relationship. This meeting, intended to build upon the objectives of the inaugural Patient Network Annual Meeting, held on May 18, 2012, will provide an open forum for patients and patient advocates to engage with FDA on both ongoing and emerging medical product regulatory issues.

Dated: August 5, 2013.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2013–19275 Filed 8–8–13; 8:45 am]

BILLING CODE 4160–01–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.

### Rabbit Antibody to Mouse Sphingosine-1-phosphate (S1P) Lyase

*Description of Technology:* The cleavage of sphingoid base phosphates by sphingosine-1-phosphate (S1P) lyase to produce phosphoethanolamine and a fatty aldehyde is the final degradative step in the sphingolipid metabolic pathway. Researchers at NIH injected rabbits with the C-terminal peptide of the mouse S1P lyase—551–TTDPVTQGNQMNGSPKPR–568—to develop an antibody that can be used in western blotting to study this pathway.

*Potential Commercial Applications:* The antibody can be used to detect and measure S1P lyase.

*Competitive Advantages:* The antibody works very well for western blotting.

*Development Stage:* In vitro data available.

*Inventor:* Richard L. Proia (NIDDK).

*Publication:* Bektas M, et al. Sphingosine 1-phosphate lyase deficiency disrupts lipid homeostasis in liver. J Biol Chem. 2010 Apr 2;285(14):10880–9. [PMID 20097939].

*Intellectual Property:* HHS Reference No. E–465–2013/0—Research Tool. Patent protection is not being pursued for this technology.

*Licensing Contact:* Jaime M. Greene, M.S.; 301–435–5559; *greenejaime@mail.nih.gov*.

**Rabbit Antibody to Mouse Sphingosine Kinase 2 (SphK2)**

*Description of Technology:* Two isoforms of sphingosine kinase, sphingosine kinase 1 (SphK1) and sphingosine kinase 2 (SphK2), convert sphingosine to sphingosine 1-phosphate (S1P) in mammalian cells. While the importance of SphK1 has been known for some time, information about SphK2 is still being revealed. Therefore, researchers at NIH have developed an antibody against mouse SphK2, which can be used to further understand the role of this enzyme.

*Potential Commercial Applications:* The antibody can be used to detect and measure SphK2.

*Competitive Advantages:* The antibody works very well for western blotting.

*Development Stage:* In vitro data available.

*Inventor:* Richard L. Proia (NIDDK).

*Publication:* Olivera A, et al. IgE-dependent activation of sphingosine kinases 1 and 2 and secretion of sphingosine 1-phosphate requires Fyn kinase and contributes to mast cell responses. J Biol Chem. 2006 Feb 3;281(5):2515–25. [PMID 16316995].

*Intellectual Property:* HHS Reference No. E–466–2013/0—Research Tool. Patent protection is not being pursued for this technology.

*Licensing Contact:* Jaime M. Greene, M.S.; 301–435–5559; *greenejaime@mail.nih.gov*.

**Video Monitoring System for Vivarium Cage Racks**

*Description of Technology:* This invention pertains to a system for continuous observation of rodents in home-cage environments with the specific aim to facilitate the quantification of activity levels and behavioral patterns for mice housed in a commercial ventilated cage rack. The home-cage in-rack provides daytime and nighttime monitoring with the stability and consistency of a home-cage environment. The system is made up of a dual-video camera hardware design mounted on a video rack and an executable software means for automatic detection and processing for tracking multiple animals.

*Potential Commercial Applications:*
- vivarium monitoring.
- laboratory test animal management.

*Competitive Advantages:*
- real-time monitoring.
- day or night monitoring.

*Development Stage:* Prototype.

*Inventors:* James Mitchell (NCI), Ghadi Salem (CIT), Thomas Pohida (CIT).

*Intellectual Property:* HHS Reference No. E–090–2013/0—US Provisional Patent Application 61/841,064 filed June 28, 2013.

*Licensing Contact:* Michael Shmilovich, Esq., CLP; 301–435–5019; *shmilovm@mail.nih.gov*.

*Collaborative Research Opportunity:* The National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Video Monitoring System for Vivarium Cage Racks. For collaboration opportunities, please contact John D. Hewes, Ph.D. at *hewesj@mail.nih.gov*.

**MRI Scanner Bore Covering**

*Description of Technology:* This invention pertains to a bore covering for creating controlled environments and specifically for maintaining temperature within the bore of an MRI scanner. The bore covering includes a covering sheet with fastening means (e.g., weak-tack adhesive, pressure-sensitive adhesive or low-tack adhesive) around its inner surfaces that permits reversible attachment to the scanner. The adhesive ends can be peeled away to expose an edge of the bore opening or the entire sheet may be constructed with peel away gaps so that warm air can be pumped into the bore. On the inner surface the bore covering may include a gap that is connected to a climate control device or an exhaust vent to expel air out of the MRI scanner bore.

*Potential Commercial Applications:* MR imaging of infants and neonates.

*Competitive Advantages:*
- Temperature control.
- Comfort.

*Development Stage:* Prototype.

*Inventors:* Robert Balaban, Robert Lederman, Michael Hansen, Anthony Faranesh, Kanishka Ratnayaka (all of NHLBI).

*Intellectual Property:* HHS Reference No. E–026–2013/0—US Provisional Patent Application 61/836,817 filed June 19, 2013.

*Licensing Contact:* Michael Shmilovich, Esq., CLP; 301–435–5019; *shmilovm@mail.nih.gov*.

*Collaborative Research Opportunity:* The National Heart, Lung, and Blood Institute (NHLBI) is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize MRI Scanner Bore Covering. For collaboration opportunities, please contact Dr. Denise Crooks at *crooksd@mail.nih.gov*.

**Cotranslational Protein Expression System for High-throughput Screening**

*Description of Technology:* Reporter gene-based assays are used extensively in high-throughput screening (HTS) to identify chemical modulators of cellular pathways for drug discovery and development. However, such screening frequently results in a large number of false ''hits'' due to interactions of screened compounds with reporter proteins, producing confounding results. Thus, validation of results using these assays often involves significant time and expense.

The inventors have developed an assay system that significantly improves detection of target-relevant active compounds by discriminating between signals arising from the target activity and those caused by reporter bias. This system utilizes simultaneous detection (also known as ''coincidence detection'') of non-homologous reporter proteins with dissimilar properties, such as differing catalysis, light emission, or fluorescence characteristics; simultaneous observation of signals from these reporters indicates a high probability that it is a true target response. The reporters are cotranslationally expressed from a single RNA transcript, which ensures stable stoichiometry of the expressed proteins.

*Potential Commercial Applications:* High-throughput screening of chemical libraries in a single assay platform for commercial or research use.

*Competitive Advantages:* This method will significantly enhance the ability to identify and prioritize active compounds from reporter gene-based assays.

*Development Stage:* Early-stage.

*Inventors:* James Inglese, Ken C-C Cheng, Samuel A. Hasson (all of NCATS).

*Publication:* Chan K, Inglese J. A coincidence reporter-gene system for high-throughput screening. Nat Methods. 2012 Oct;9(10):937. [PMID 23018994].

*Intellectual Property:* HHS Reference No. E–300–2012/0—PCT Application No. PCT/US2013/032184 filed March 15, 2013.

*Licensing Contact:* Tara L. Kirby, Ph.D.; 301–435–4426; *tarak@mail.nih.gov*.

*Collaborative Research Opportunity:* The National Center for Advancing Translational Sciences (NCATS) is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Cotranslational Protein Expression

System for High-throughput Screening. For collaboration opportunities, please contact NCATS Technology Development Coordinator at *NCATSPartnerships@mail.nih.gov*.

**Human Melanoma Metastasis Cell Lines Harboring Bcl-2-Like Protein 12 (BCL2L12) Mutations**

*Description of Technology:* Using whole-genome and whole-exome sequencing to identify somatic (e.g., tumor-specific) alternations in human melanoma samples, the researchers at the NIH have found a recurrent synonymous (or silent) somatic mutation in the Bcl-2-Like Protein 12 (BCL2L12). The mutant BCL2L12 bound to p53 and inhibited UV-induced apoptosis more efficiently than wild-type BCL2L12 and therefore could be a novel melanoma oncoprotein. This appears to be the first report of a mutation that does not alter the encoded protein, yet affects the protein function in the cancer genome. Consequently, these cell lines could be used to further investigate the effects of BCL2L12 in melanoma and to develop therapeutics targeting this gene and protein.

*Potential Commercial Applications:*

- Diagnostic array for the detection of BCL2L12 mutations.
- In vitro and in vivo cell model for the BCL2L12 mutation in melanoma. This is a useful tool for investigating BCL2L12 phenotype biology, including growth, motility, invasion, and metabolite production.

*Competitive Advantages:*

- Cell lines are derived from melanoma patients.
- The BCL2L12 mutation is frequent in melanomas.

*Development Stage:* Pre-clinical.

*Inventors:* Yardena Samuels (NHGRI) and Steven Rosenberg (NCI).

*Publication:* Gartner JJ, et al. Whole-genome sequencing identifies a recurrent functional synonymous mutation in melanoma. Proc Natl Acad Sci USA. 2013 Jul 30; Epub ahead of print. [PMID 23901115].

*Intellectual Property:* HHS Reference No. E–145–2012/0—Research Tool. Patent protection is not being pursued for the BCL2L12 melanoma metastatic cell lines.

*Related Technologies:* HHS Reference Nos. E–029–2012/0 (research tool), E–013–2011/0 (patent app: US), E–024–2012/0 (research tool), E–272–2008/0 (patent app: US, EP), E–229–2010/0 (research tool), E–232–2010/0 (research tool).

*Licensing Contact:* Whitney Hastings; 301–451–7337; *hastingw@mail.nih.gov*.

*Collaborative Research Opportunity:* The NHGRI is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize this technology. For collaboration opportunities, please contact Claire Driscoll, Director, NHGRI Technology Transfer Office, at *cdriscol@mail.nih.gov* or 301–594–2235.

**Gag-Based DNA Vaccines Against HIV**

*Description of Technology:* Novel DNA vaccine constructs against HIV that express highly conserved elements (CE) within the HIV Gag protein and elicit strong, cross-clade cellular and humoral responses. The DNA vaccine vectors were engineered to express CEs for protection against different clades of HIV and prevention of immunodominance, two issues associated with current HIV vaccine candidates.

*In vivo* studies of Rhesus macaques vaccinated with variants of these constructs expressing seven highly CEs covering >99 of all known Gag sequences elicited strong, cellular T-cell and humoral antibody immune responses. The Gag-specific antibody responses were high titer and cross-clade. Cross-clade protection is important given the sequence diversity of HIV as is the absence of immunodominant epitopes that generate antibodies which are not protective against HIV.

*Potential Commercial Applications:* HIV vaccines.

*Competitive Advantages:* Addresses two key hurdles faced by current HIV vaccines: sequence diversity of HIV and immunodominance.

*Development Stage:*

- Early-stage.
- Pre-clinical.
- In vitro data available.
- In vivo data available (animal).

*Inventors:* George N. Pavlakis (NCI), Barbara K. Felber (NCI), James Mullins (University of Washington).

*Intellectual Property:* HHS Reference No. E–132–2012/0—PCT Application No. PCT/US2013/028932 filed March 4, 2013.

*Related Technology:* HHS Reference No. E–308–2000/0—Patent family filed in the U.S., Canada, Australia, Europe, and Japan.

*Licensing Contact:* Kevin W. Chang, Ph.D.; 301–435–5018; *changke@mail.nih.gov.*

**Diffusion Through Skull as Route of Delivery for Treatment of Brain Injury and Disease**

*Description of Technology:* Traumatic Brain injury (TBI) often results from head impact and is a major cause of death and disability. Brain injuries vary in severity and can be associated with hemorrhaging, swelling, inflammation, and death of brain tissue. Inventors at NINDS developed a novel approach to treating brain injuries that involves transcranial application of small molecules. They discovered, using two photon laser scanning microscopy, that compounds as large as 40,000 molecular weight (MW) can pass directly through the intact skull into the underlying cerebral spinal fluid (CSF) that circulates through the brain and spinal cord. Small molecular weight compounds (e.g. 600 MW) pass through the skull more quickly than large ones and appear to do so by simple diffusion. Researchers have shown that application of a variety of agents, including glutathione, TNP–ATP hydrase (P2X4 inhibitor), oxidated ATP (P2X7 inhibitor), MRS2578 (P2Y6 inhibitor), MeSAMP (P2Y12 inhibitor) and Carbenoxelone (Connexin Hemichannel Inhibitor) directly to the head results in delivery of the agents to the brain. Transcranial drug application can be used to pharmacologically target several tiers of brain injury responses, from the toxic mediators that cause cell death to the molecular signals that drive inflammation. Application can be by direct application to the skull through the scalp (e.g. rubbing it in), transdermal patch, or subcutaneous injection under the scalp.

*Potential Commercial Applications:*

- Treating Traumatic Brain Injury.
- Treating stroke.
- Treating other acute CNS conditions, including encephalitis and meningitis.
- Treating chronic CNS disorders such as brain tumors, Alzheimer's, Parkinson's, and multiple sclerosis.

*Competitive Advantages:*

- Quickly achieves a high local drug concentration at the site of brain injury.
- Bypasses the blood brain barrier and allows rapid administration of therapeutic agents directly into injured or inflamed brain.
- Current therapies to treat Traumatic Brain Injury with neuroprotective agents are often limited by ability to achieve therapeutic concentrations of therapeutic agent in the brain.

*Development Stage:*

- In vitro data available.
- In vivo data available (animal).

*Inventors:* Dorian McGavern and Theodore Roth (NINDS).

*Publication:* Manuscript in preparation.

*Intellectual Property:* HHS Reference No. E–025–2012/0—PCT Application No. PCT/US2013/24741 filed February 5, 2013.

*Licensing Contact:* Betty B. Tong, Ph.D.; 301–594–6565; *tongb@mail.nih.gov.*

*Collaborative Research Opportunity:* The National Institute of Neurological Disorders and Stroke (NINDS) is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize treatment of brain injury or disease through transcranial drug delivery. For collaboration opportunities, please contact Melissa Maderia, Ph.D., M.B.A. at *maderiam@mail.nih.gov* or 240–276–5533.

**Tri-functional Imaging Agent for Monoclonal Antibody Tumor-Targeted Imaging**

*Description of Technology:* This is a novel lysine-based trifunctional chelate which bears both a chelating moiety (CHX-A″) for sequestering radiometals (86Y or 111In) and a near-infrared dye, e.g., Cy5.5, for dual modality PET (or SPECT) and fluorescence imaging. Successful conjugation of monoclonal antibody trastuzumab (Herceptin) or cetuximab (Erbitux), has also been achieved by efficient thiol-maleimide chemistry, thereby yielding an immunoconjugate (Signaling agent (Cy5.5-Lys(SMCC)-CHX-A″) conjugated to trastuzumab) or (Signaling agent (Cy7-Lys(SMCC)-CHX-A″) conjugated to cetuximab). Both specifically target antigen expressing cells and internalization of the agent has been imaged over time. Trastuzumab can be radiolabeled with isothiocyanate derivatives of the bifunctional chelating agents 1B4M (2-(4-aminobenzy1)-6-methyldiethylenetriaminepentaacetic acid); and CHX-A″ (N-[(R)-2-amino-3-(p-aminophenyl)propyl]-trans-(S,S)-cyclohexane-1,2-diamine-N,N,N′,N″,N″-pentaacetic acid).

*Potential Commercial Applications:*
- Cancer imaging.
- Cancer diagnostics.

*Competitive Advantages:*
- Target specific.
- Multifunctional (imageable through multiple platforms).

*Development Stage:*
- Early-stage.
- In vivo data available (animal).

*Inventors:* Martin W. Brechbiel, Heng Wu, Kwamena E. Baidoo (all of NCI).

*Publications:*

1. Xu H, et al. Design, synthesis, and characterization of a dual modality positron emission tomography and fluorescence imaging agent for monoclonal antibody tumor-targeted imaging. J Med Chem. 2007 Sep 20;50(19):4759–65. [PMID 17725340]

2. Nayak TK, et al. PET and MRI of metastatic peritoneal and pulmonary colorectal cancer in mice with human epidermal growth factor receptor 1-targeted 89Zr-labeled panitumumab. J Nucl Med. 2012 Jan;53(1):113–20. [PMID 22213822]

3. Dadwal M, et al. Synthesis and evaluation of a bifunctional chelate for development of Bi(III)-labeled radioimmunoconjugates. Bioorg Med Chem Lett. 2011 Dec 15;21(24):7513–5. [PMID 22047687]

4. Song HA, et al. Efficient bifunctional decadentate ligand 3p-C-DEPA for targeted alpha-radioimmunotherapy applications. Bioconjug Chem. 2011 Jun 15;22(6):1128–35. [PMID 21604692]

5. Bumb A, et al. Preparation and characterization of a magnetic and optical dual-modality molecular probe. Nanotechnology. 2010 Apr 30;21(17):175704. [PMID 20368682]

*Intellectual Property:* HHS Reference No. E–194–2007/0—US Patent Application No. 12/667,790 filed 05 Jan 2010 (allowed).

*Related Technology:* HHS Reference No. E–111–2013/0—US Provisional Application No. 61/779,016 filed 13 Mar 2013.

*Licensing Contact:* Michael A. Shmilovich, Esq., CLP; 301–435–5019; *shmilovm@mail.nih.gov.*

*Collaborative Research Opportunity:* The National Cancer Institute Radiation Oncology Branch is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Trifunctional Imaging Agent for Monoclonal Antibody Tumor-Targeted Imaging. For collaboration opportunities, please contact John D. Hewes, Ph.D. at *hewesj@mail.nih.gov.*

Dated: August 6, 2013.

**Richard U. Rodriguez,**

*Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.*

[FR Doc. 2013–19285 Filed 8–8–13; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Environmental Health Sciences Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Advisory Environmental Health Sciences Council.

*Date:* September 10, 2013.

*Open:* 8:30 a.m. to 3:15 p.m.

*Agenda:* Discussion of program policies and issues.

*Place:* Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

*Closed:* 3:30 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

*Date:* September 11, 2013.

*Closed:* 8:30 a.m. to 3:15 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

*Contact Person:* Gwen W. Collman, Ph.D., Interim Director, Division of Extramural Research & Training, National Institutes of Health, Nat. Inst. of Environmental Health Sciences, 615 Davis Dr. KEY615/3112, Research Triangle Park, NC 27709, (919) 541–4980, *collman@niehs.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.niehs.nih.gov/dert/c-agenda.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety

Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: August 2, 2013.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2013–19283 Filed 8–8–13; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Mental Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Interagency Autism Coordinating Committee (IACC) Subcommittee for Services Research and Policy Subcommittee.

The IACC Subcommittee for Services Research and Policy will be having a conference call on Tuesday, August 27, 2013. The Subcommittee will discuss future subcommittee activities. The meeting will be accessible by conference call.

*Name of Committee:* Interagency Autism Coordinating Committee (IACC).

*Type of meeting:* Conference Call.

*Date:* August 27, 2013.

*Time:* 2 p.m.–4 p.m. *Eastern Time*—Approximate end time.

*Agenda:* The committee will discuss future subcommittee activities.

*Place:* Conference call only; No in-person meeting.

*Conference Call:* Dial: 888–989–8135, Access code: 3593305.

*Cost:* The conference call is free.

*Contact Person:* Ms. Lina Perez, Office of Autism Research Coordination, National Institute of Mental Health, NIH, 6001 Executive Boulevard, NSC, Room 6182A, Rockville, MD 20852, Phone: (301) 443–6040, Email: *IACCPublicInquiries@mail.nih.gov.*

*Please Note:* The meeting will be open to the public and accessible via conference call. Members of the public who participate using the conference call phone number will be able to listen to the meeting but will not be heard. If you experience any technical problems with the conference call, please send an email to *helpdeskiacc@gmail.com* or call 415–652–8023 for technical support.

*Accommodations Statement:* Individuals who participate by using this electronic service and who need special assistance such as captioning or other reasonable accommodations should submit a request to the Contact Person listed on this notice at least 5 days prior to the meeting.

This meeting notice is being published less than 30 days in advance of the meeting due to the urgent need of the subcommittee to discuss the subcommittees upcoming activities and emerging issues in the autism community.

Schedule subject to change.

Information about the IACC is available on the Web site: *http://www.iacc.hhs.gov.*

Dated: August 5, 2013.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2013–19284 Filed 8–8–13; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

**[Docket No. USCG–2013–0240]**

### Draft Revisions to the Marine Safety Manual, Volume III, Chapters 20–26

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of availability with request for comments

**SUMMARY:** The Coast Guard announces the availability of a draft update to the Marine Safety Manual (MSM), Volume III, Marine Industry Personnel, and the corresponding Commandant Change Notice that highlights the changes made to that manual. MSM Volume III provides information and interpretations on international conventions and U.S. statutory and regulatory issues relating to marine industry personnel. This Commandant Change Notice discusses the substantive changes to chapters 20 through 26 of MSM Volume III. The Coast Guard seeks and will consider comments on this draft before issuing a final version of this manual.

**DATES:** Comments must be received by the Coast Guard on or before October 8, 2013.

**ADDRESSES:** To view the documents mentioned in this notice, go to *http://www.regulations.gov* and use ''USCG–2013–0240'' as your search term. Locate this notice in the search results, and use the filters on the left side of the page to locate specific documents by type. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Lieutenant Corydon Heard, Office of Commercial Vessel Compliance, U.S. Coast Guard; telephone 202–372–1208, email *Corydon.F.Heard@uscg.mil.* If you have questions on viewing material in the docket, call Docket Operations at 202–366–9826.

**SUPPLEMENTARY INFORMATION:**

*Viewing the Commandant Change Notice and Draft of MSM Volume III, Chapters 20–26*: To view this Commandant Change notice and Draft MSM Volume III, chapters 20–26, go to *http://www.regulations.gov*, use ''USCG–2013–0240'' as your search term, and follow the instructions in the **ADDRESSES** section above.

#### Background and Purpose

Volume III of the Marine Safety Manual (MSM) provides information and interpretations on international conventions and U.S. statutory and regulatory issues relating to marine industry personnel. The last revisions to Volume III of the MSM were released on May 27, 1999. This notice updates portions of chapters 20 through 26.

Specifically, substantive changes include: (1) Updated provisions for vessel manning, including guidance for the issuing of safe manning documents; (2) clarifying roles, responsibilities, and facilitation of communications with the appropriate offices at Coast Guard Headquarters in alignment with *Deputy Commandant for Operations Organization 3.0;* and (3) revised discussion on the impact of multiple international standards, including the Officer's Competency Certificates Convention (OCCC) 1936, the International Convention for Safety of Life at Sea (SOLAS), the Global Maritime Distress and Safety System (GMDSS), and the Principles of Minimum Safe Manning (IMO Resolution A.1047(27)). Additionally, this draft clarifies the applicability of tonnage measurement systems to U.S. flag vessels, and it also includes changes resulting from the consolidation of merchant mariner qualification credentials, including the removal of

references to the operated uninspected towing vessel endorsement.

Future changes to the MSM may be released if the Coast Guard promulgates new regulations that may affect the guidance and information contained within the MSM.

This notice is issued under authority of 5 U.S.C. 552(a) and Department of Homeland Security Delegation No. 0170.1(1).

Dated: August 5, 2013.

**Jonathan C. Burton,**

*Captain, U.S. Coast Guard, Director, Inspections and Compliance.*

[FR Doc. 2013–19359 Filed 8–8–13; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID: FEMA–2013–0034; OMB No. 1660–0125]**

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** The Federal Emergency Management Agency, 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 revision of a currently approved collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the collection of information to administer the Homeland Security Grant Program (HSGP).

**DATES:** Comments must be submitted on or before October 8, 2013.

**ADDRESSES:** To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2013–0034. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 840, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Julie Vernetti, Program Analyst, FEMA, Grant Programs Directorate, 202–786–9857. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 646–3347 or email address: *FEMA-Information-Collections-Management@dhs.gov*.

**SUPPLEMENTARY INFORMATION:** FEMA's Homeland Security Grant Program (HSGP) is an important part of the Administration's larger, coordinated effort—known as the Federal Investment Strategy—to strengthen homeland security preparedness. The HSGP implements objectives addressed in a series of post-9/11 laws, strategy documents, plans, and Homeland Security Presidential Directives. FEMA management requirements are incorporated into the Homeland Security Grant Program and reflect changes mandated in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110–053). Additional statutory requirements are outlined in the Department of Homeland Security Appropriations Act, 2013 (Pub. L. 113–6).

### Collection of Information

*Title:* FEMA Preparedness Grants: Homeland Security Grant Program (HSGP).

*Type of Information Collection:* Revision of a currently approved collection.

*OMB Number:* 1660–0125.

*FEMA Forms:* FEMA Form 089–1, HSGP Investment Justification; FEMA Form 089–16, OPSG Operations Order Report; FEMA Form 089–20, OPSG Inventory of Operation Orders.

*Abstract:* The HSGP is an important tool among a comprehensive set of measures to help strengthen the Nation against risks associated with potential terrorist attacks. DHS/FEMA uses the information to evaluate applicants' familiarity with the national preparedness architecture and identify how elements of this architecture have been incorporated into regional/state/local planning, operations, and investments. The Homeland Security Grant Program (HSGP) is a primary funding mechanism for building and sustaining national preparedness capabilities. HSGP is comprised of three separate grant programs: The State Homeland Security Program (SHPS), the Urban Areas Security Initiative (UASI), and the Operation Stonegarden (OPSG). Together, these grants fund a range of preparedness activities, including planning, organization, equipment purchase, training, exercises, and management and administration costs.

*Affected Public:* State, Local or Tribal Government.

*Number of Respondents:* 322.

*Number of Responses:* 532.

*Estimated Total Annual Burden Hours:* 333,502 hours.

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

| Type of respondent | Form name/form No. | Number of respondents | Number of Responses per Respondent | Total Number of responses | Average burden per response (in hours) | Total annual burden (in hours) | Average hourly wage rate | Total annual respondent cost |
|---|---|---|---|---|---|---|---|---|
| State, Local or Tribal Government. | HSGP/SHSP/UASI Investment Justification, FEMA Form 089–1. | 56 | 1 | 56 | 1488.5 | 83,356 | $38.14 | $3,179,197 |
| State, Local or Tribal Government. | Documentation from SAA on how operational overtime UASI funds held by State would support urban area. | 10 | 2 | 20 | 4 | 80 | 38.14 | 3,051 |
| State, Local or Tribal Government. | Multi-year Training & Exercise Plan. | 56 | 1 | 56 | 42 | 2,352 | 38.14 | 89,705 |
| State, Local or Tribal Government. | Urban Area Working Group Structure, including Points of Contact. | 62 | 2 | 124 | 1354 | 167,896 | 38.14 | 6,403,553 |

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS—Continued

| Type of respondent | Form name/form No. | Number of respondents | Number of Responses per Respondent | Total Number of responses | Average burden per response (in hours) | Total annual burden (in hours) | Average hourly wage rate | Total annual respondent cost |
|---|---|---|---|---|---|---|---|---|
| State, Local or Tribal Government. | UASI Governance Charter | 33 | 2 | 66 | 250 | 16,500 | 38.14 | 629,310 |
| State, Local or Tribal Government. | UASI Strategy | 33 | 2 | 66 | 500 | 33,000 | 38.14 | 1,258,620 |
| State, Local or Tribal Government. | UAWG spending consensus | 33 | 2 | 66 | 80 | 5,280 | 38.14 | 201,379 |
| State, Local or Tribal Government. | OPSG Operations Order/ FEMA Form 089–16. | 39 | 1 | 39 | 570 | 22,230 | 38.14 | 847,852 |
| State, Local or Tribal Government. | OPSG Inventory of Operation Orders/FEMA Form 089–20. | 39 | 1 | 39 | 72 | 2,808 | 38.14 | 107,097 |
| Total | | 322 | | 532 | | 333,502 | | 12,719,764 |

• **Note:** The ''Avg. Hourly Wage Rate'' for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

*Estimated Cost:* The estimated annual cost to respondents for the hour burden is $12,719,764. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $2,617,570.

**Comments**

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: August 5, 2013.

**Loretta Cassatt,**

*Chief, Records Branch, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. 2013–19326 Filed 8–8–13; 8:45 am]

**BILLING CODE 9111–19–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2013–0002]**

### Changes in Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final Notice.

**SUMMARY:** New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or the regulatory floodway (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

**DATES:** The effective date for each LOMR is indicated in the table below.

**ADDRESSES:** Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard determinations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

These new or modified flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These new or modified flood hazard determinations are used to meet the

floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

| State and county | Location and case No. | Chief executive officer of community | Community map repository | Effective date of modification | Community No. |
|---|---|---|---|---|---|
| Alaska: | | | | | |
| Sitka (FEMA Docket No.: B–1319). | City and Borough of Sitka (13–10–0358P). | The Honorable Mim McConnell, Mayor, City and Borough of Sitka, 100 Lincoln Street, Sitka, AK 99835. | 100 Lincoln Street, 1st Floor, Sitka, AK 99835. | June 26, 2013 | 020006 |
| California: | | | | | |
| Santa Barbara (FEMA Docket No.: B–1327). | City of Lompoc (13–09–0272P). | The Honorable John Linn, Mayor, City of Lompoc, 100 Civic Center Plaza, Lompoc, CA 93436. | 100 Civic Center Plaza, Lompoc, CA 93436. | July 31, 2013 | 060334 |
| Idaho: | | | | | |
| Ada, (FEMA Docket No.:, B–1327). | Unincorporated areas of Ada County, (13–10–0375P). | The Honorable Dave Case, Chairman, Ada County Board of Commissioners, 200 West Front Street, 3rd Floor, Boise, ID 83702. | 200 West Front Street, Boise, ID 83702. | August 15, 2013 | 160001 |
| Blaine (FEMA Docket No.: B–1327). | Unincorporated areas of Blaine County (13–10–0554P). | The Honorable Angenie McCleary, Chairman, Blaine County Board of Commissioners, 206 1st Avenue South, Suite 300, Hailey, ID 83333. | Blaine County Planning and Zoning, 219 1st Avenue South, Suite 208, Hailey, ID 83333. | August 15, 2013 | 165167 |
| Illinois: | | | | | |
| Peoria (FEMA Docket No.: B–1327). | City of Peoria (12–05–5395P). | The Honorable Jim Ardis, Mayor, City of Peoria, 419 Fulton Street, Room 207, Peoria, IL 61602. | Peoria City Hall, Public Works Department, 419 Fulton Street, Room 307, Peoria, IL 61602. | August 9, 2013 | 170536 |
| McLean (FEMA Docket No.: B–1327). | Town of Normal (11–05–4448P). | The Honorable Chris C. Koos, Mayor, Town of Normal, 100 East Phoenix Avenue, Normal, IL 61761. | City of Public Works Department, 211 South Linden Street, Normal, IL 61761. | August 16, 2013 | 170502 |
| Dupage (FEMA Docket No.: B–1327). | Village of Glen Ellyn (13–05–2368P). | The Honorable Mark Pfefferman, Village President, Village of Glen Ellyn, 535 Duane Street, Glen Ellyn, IL 60137. | Village Hall, 535 Duane Street, Glen Ellyn, IL 60137. | August 2, 2013 | 170207 |
| Will (FEMA Docket No.: B–1327). | Village of Romeoville (12–05–1759P). | The Honorable John D. Noak, Mayor, Village of Romeoville, 1050 West Romeo Road, Romeoville, IL 60446. | Village Hall, 1050 West Romeo Road, Romeoville, IL 60446. | July 19, 2013 | 170711 |
| Will (FEMA Docket No.: B–1327). | Unincorporated areas of Will County (12–05–1759P). | The Honorable Lawrence M. Walsh, County Executive, Will County, 302 North Chicago Street, Joliet, IL 60432. | Will County Land Use, 58 East Clinton Street, Suite 500, Joliet, IL 60432. | July 19, 2013 | 170695 |
| Boone and Winnebago (FEMA Docket No.: B–1319). | City of Loves Park (12–05–6395P). | The Honorable Darryl F. Lindberg, Mayor, City of Loves Park, 100 Heart Boulevard, Loves Park, IL 61111. | Loves Park Development Public Works Department, 100 Heart Boulevard, Loves Park, IL 61111. | June 19, 2013 | 170722 |
| Kane (FEMA Docket No.: B–1319). | Village of North Aurora (13–05–0140P). | The Honorable Dale Berman, Village President, Village of North Aurora, 25 East State Street, North Aurora, IL 60542. | North Aurora Village Hall, Building and Zoning Division, 25 East State Street, North Aurora, IL 60542. | June 26, 2013 | 170329 |
| Iowa: | | | | | |
| Hardin (FEMA Docket No.: B–1319). | City of Iowa Falls, (12–07–3261P). | The Honorable Jerry Welden, Mayor, City of Iowa Falls, 315 Stevens Street, Iowa Falls, IA 50126. | 315 Stevens Street, Iowa Falls, IA 50126. | June 20, 2013 | 190140 |
| Hardin (FEMA Docket No.: B–1319). | Unincorporated areas of Hardin County, (12–07–3261P). | The Honorable Brian Lauterbach, Chair, Hardin County Board of Supervisors, 1215 Edington Avenue, Suite 1, Eldora, IA 50627. | 1215 Edgington Avenue, Suite 2, Eldora, IA 50627. | June 20, 2013 | 190874 |
| Kansas: | | | | | |
| McPherson (FEMA Docket No.: B–1319). | Unincorporated areas of McPherson County, (12–07–2666P). | The Honorable Ron Loomis, Chairman, McPherson County Commission, 117 North Maple, McPherson, KS 67460. | 117 North Maple, McPherson, KS 67460. | June 24, 2013 | 200214 |
| McPherson (FEMA Docket No.: B–1319). | City of Galva (12–07–2666P). | The Honorable H. Wayne Ford, Mayor, City of Galva, 208 South Main, Galva, KS 67443. | 208 South Main, Galva, KS 67443 | June 24, 2013 | 200497 |
| Michigan: | | | | | |
| Macomb (FEMA Docket No.: B–1327). | Township of Macomb (12–05–7428P). | The Honorable Janet I. Dunn, Supervisor, Macomb Township, 54111 Broughton Road, Macomb, MI 48042. | 54111 Broughton Road, Macomb, MI 48042. | August 16, 2013 | 260445 |
| Minnesota: | | | | | |

| State and county | Location and case No. | Chief executive officer of ommunity | Community map repository | Effective date of odification | Community No. |
|---|---|---|---|---|---|
| Steele (FEMA Docket No.: B–1327). | City of Owatonna (12–05–7769P). | The Honorable Thomas A. Kuntz, Mayor, City of Owatonna, 540 West Hills Circle, Owatonna, MN 55060. | 540 West Hills Circle, Owatonna, MN 55060. | July 26, 2013 ..... | 270463 |
| Olmsted (FEMA Docket No.: B–1327). | City of Rochester (13–05–0422P). | The Honorable Ardell F. Brede, Mayor, City of Rochester, 201 4th Street Southeast, Room 281, Rochester, MN 55904. | 2122 Campus Drive Southeast, Suite 100, Rochester, MN 55904. | July 26, 2013 ..... | 275246 |
| Olmsted (FEMA Docket No.: B–1327). | Unincorporated areas of Olmsted County (13–05–0422P). | The Honorable Jim Bier, Chairperson, Olmsted County Board of Commissioners, 151 4th Street Southeast, Rochester, MN 55904. | 2122 Campus Drive Southeast, Suite 100, Rochester, MN 55904. | July 26, 2013 ..... | 270626 |
| Missouri: | | | | | |
| Pulaski (FEMA Docket No.: B–1327). | Unincorporated areas of Pulaski County (13–07–0592P). | The Honorable Gene Newkirk, Presiding Commissioner, Pulaski County, 301 Historic 66 East, Suite 101, Waynesville, MO 65583. | 301 Historic 66 East, Suite 101, Waynesville, MO 65583. | July 22, 2013 ..... | 290826 |
| Nebraska: | | | | | |
| Colfax (FEMA Docket No.: B–1327). | Village of Leigh (12–07–2322P). | The Honorable Larry Fuhr, Chairman, Leigh Village Board, P.O. Box 277, Leigh, NE 68643. | 109 Short Street, Leigh, NE 68643. | July 25, 2013 ..... | 310386 |
| Colfax (FEMA Docket No.: B–1327). | Unincorporated areas of Colfax County (12–07–2322P). | The Honorable Jerry Heard, Chairman, Colfax County Board of Commissioners, P.O. Box 435, Schuyler, NE 68641. | 411 East 11th Street, Schuyler, NE 68661. | July 25, 2013 ..... | 310426 |
| Platte (FEMA Docket No.: B–1327). | Unincorporated areas of Platte County (12–07–2322P). | The Honorable Jerry Micek, Chairman, Platte County Board of Commissioners, 2610 14th Avenue, Columbus, NE 68601. | 2610 14th Street, Columbus, NE 68601. | July 25, 2013 ..... | 310467 |
| Ohio: | | | | | |
| Cuyahoga (FEMA Docket No.: B–1319). | City of Lyndhurst (12–05–7754P). | The Honorable Joseph M. Cicero, Jr., Mayor, City of Lyndhurst, 5301 Mayfield Road, Lyndhurst, OH 44124. | 5301 Mayfield Road, Lyndhurst, OH 44124. | July 5, 2013 ..... | 390113 |
| Oregon: | | | | | |
| Marion (FEMA Docket No.: B–1319). | City of Salem (12–10–1472P). | The Honorable Anna M. Peterson, Mayor, City of Salem, 555 Liberty Street Southeast, Room 220, Salem, OR 97301. | 555 Liberty Street Southeast, Room 305, Salem, OR 97301. | June 21, 2013 ..... | 410167 |
| Marion (FEMA Docket No.: B–1319). | Unincorporated areas of Marion County (12–10–1472P). | The Honorable Janet Carlson, Chair, Marion County Board of Commissioners, 451 Division Street, Northeast, Salem, OR 97301. | Marion County Public Works, Planning and Zoning, 5155 Silverton Road Northeast, Salem, OR 97305. | June 21, 2013 ..... | 410154 |
| Wisconsin: | | | | | |
| Kenosha (FEMA Docket No.: B–1319). | Village of Bristol (12–05–7434P). | The Honorable Mike Farrell, Village President, Village of Bristol, 19801 83rd Street, Bristol, WI 53104. | 19801 83rd Street, Bristol, WI 53104. | June 20, 2013 ..... | 550595 |
| Kenosha (FEMA Docket No.: B–1319). | Village of Pleasant Prairie (12–05–7434P). | The Honorable John Steinbrink, Village President, Village of Pleasant Prairie, 8640 88th Avenue, Pleasant Prairie, WI 53158. | 9915 39th Avenue, Pleasant Prairie, WI 53158. | June 20, 2013 ..... | 550613 |
| Chippewa (FEMA Docket No.: B–1327). | City of Bloomer (13–05–0677P). | The Honorable Randy Summerfield, Mayor, City of Bloomer, 1503 Main Street, Bloomer, WI 54724. | 1503 Main Street, Bloomer, WI 54724. | August 14, 2013 ..... | 550042 |
| Chippewa (FEMA Docket No.: B–1327). | Unincorporated areas of Chippewa County (13–05–0677P). | The Honorable Paul Michels, Chairman, Chippewa County Board of Supervisors, 711 North Bridge Street, Chippewa Falls, WI 54729. | 711 North Bridge Street, Room 9, Chippewa Falls, WI 54729. | August 14, 2013 ..... | 555549 |
| Wyoming: | | | | | |
| Fremont (FEMA Docket No.: B–1327). | Town of Dubois (13–08–0063P). | The Honorable Twila Blakeman, Mayor, Town of Dubois, 712 Meckem Street, Dubois, WY 82513. | 712 Meckem Street, Dubois, WY 82513. | August 9, 2013 ..... | 560018 |
| Fremont (FEMA Docket No.: B–1327). | Unincorporated areas of Fremont County, (13–08–0063P). | The Honorable Douglas L. Thompson, Chairman, Fremont County Board of Commissioners, 450 North 2nd Street, Lander, WY 82520. | 450 North 2nd Street, Room 360, Lander, WY 82520. | August 9, 2013 ..... | 560080 |

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: July 26, 2013.

**Roy E. Wright,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2013–19323 Filed 8–8–13; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1340]**

### Proposed Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

**DATES:** Comments are to be submitted on or before November 7, 2013.

**ADDRESSES:** The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1340, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov*.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html*.

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf*.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

| Community | Community map repository address |
|---|---|
| **Story County, Iowa, and Incorporated Areas** | |
| Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata* | |
| City of Ames | Department of Planning and Housing, City Hall, 515 Clarke Avenue, Ames, IA 50010. |
| Unincorporated Areas of Story County | Story County Planning and Zoning Department, 900 Sixth Street, Nevada, IA 50201. |
| **Warren County, Iowa, and Incorporated Areas** | |
| Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* | |

| Community | Community map repository address |
|---|---|
| City of Carlisle | City Hall, 195 North First Street, Carlisle, IA 50047. |
| City of Cumming | City Hall, 649 North 44th Street, Cumming, IA 50061. |
| City of Des Moines | City Hall, 400 Robert D Ray Drive, Des Moines, IA 50309. |
| City of Norwalk | City Hall, 705 North Avenue, Norwalk, IA 50211. |
| Unincorporated Areas of Warren County | County Courthouse, 301 North Buxton Street, Suite 212, Indianola, IA 50125. |
| **Pottawatomie County, Kansas, and Incorporated Areas** | |
| Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata* | |
| City of St. George | City Hall, 220 First Street, St. George, KS 66535. |
| Unincorporated Areas of Pottawatomie County | County Office Building, 207 North First Street, Westmoreland, KS 66549. |
| **Kandiyohi County, Minnesota, and Incorporated Areas** | |
| Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata* | |
| City of Lake Lillian | City Hall, 531 Lakeview Street, Lake Lillian, MN 56253. |
| City of New London | City Hall, 20 1st Avenue Southwest, New London, MN 56273. |
| City of Raymond | City Office, 208 Cofield Street, Raymond, MN 56282. |
| City of Regal | Mayor's Residence, 14465 293rd Avenue Northeast, Belgrade, MN 56312. |
| City of Spicer | City Hall, 217 Hillcrest Avenue, Spicer, MN 56288. |
| City of Willmar | City Office Building, 333 6th Street Southwest, Willmar, MN 56201. |
| Unincorporated Areas of Kandiyohi County | Kandiyohi County Office Building, 400 Benson Avenue Southwest, Willmar, MN 56201. |
| **Upper Ohio-Shade Watershed** | |
| **Athens County, Ohio, and Incorporated Areas** | |
| Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/AthensOH/Preliminary%20Maps/Forms/AllItems.aspx* | |
| City of Athens | 8 East Washington Street, Athens, OH 45701. |
| City of Nelsonville | 211 Lake Hope Drive, Nelsonville, OH 45764. |
| Unincorporated Areas of Athens County | 28 Curan Drive, Athens, OH 45701. |
| Village of Chauncey | 42 Converse Street, Chauncey, OH 45719. |
| **Multnomah County, Oregon, and Incorporated Areas** | |
| Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionX/GreshamPMR/Preliminary%20Maps/Forms/AllItems.aspx* | |
| City of Fairview | City Hall, 1300 Northeast Village Street, Fairview, OR 97024. |
| City of Gresham | City Hall, Community Development Office, 1333 Northwest Eastman Parkway, Gresham, OR 97030. |
| Unincorporated Areas of Multnomah County | Multnomah County Office of Land Use and Planning, 1600 Southeast 190th Avenue, Portland, OR 97214. |
| **King County, Washington, and Incorporated Areas** | |
| Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionX/KingCountyCoastal/SitePages/Home.aspx* | |
| City of Bothell | City Hall, 18305 101st Avenue Northeast, Bothell, WA 98011. |
| City of Burien | City Hall, 400 Southwest 152nd Street, Suite 300, Burien, WA 98166. |
| City of Des Moines | City Engineering Department, 21650 11th Avenue South, Suite D, Des Moines, WA 98198. |
| City of Federal Way | City Hall, 33325 8th Avenue South, Federal Way, WA 98003. |
| City of Kenmore | City Hall, 18120 68th Avenue Northeast, Kenmore, WA 98028. |
| City of Kirkland | City Hall, 123 5th Avenue, Kirkland, WA 98033. |
| City of Normandy Park | City Hall, 801 Southwest 174th Street, Normandy Park, WA 98166. |
| City of Redmond | City Hall, 15670 Northest 85th Street, Redmond, WA 98703. |
| City of Seattle | City Hall, 600 4th Avenue, Seattle, WA 98124. |
| City of Shoreline | City Hall, 17500 Midvale Avenue North, Shoreline, WA 98133. |
| City of Tukwila | City Hall, 6200 Southcenter Boulevard, Tukwila, WA 98188. |
| City of Woodinville | City Hall, 17301 133rd Avenue Northeast, Woodinville, WA 98072. |
| Unincorporated Areas of King County | Department of Water and Land Resources, 201 South Jackson Street, Suite 600, Seattle, WA 98104. |

| Community | Community map repository address |
|---|---|
| **Dane County, Wisconsin, and Incorporated Areas** | |
| Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata* | |
| City of Edgerton | City Hall, 12 Albion Street, Edgerton, WI 53534. |
| City of Madison | City Hall, 210 Martin Luther King Jr. Boulevard, Room 403, Madison, WI 53703. |
| City of Middleton | City Hall, 7426 Hubbard Avenue, Middleton, WI 53562. |
| City of Stoughton | City Hall, 381 East Main Street, Stoughton, WI 53589. |
| City of Sun Prairie | City Hall, 300 East Main Street, Sun Prairie, WI 53590. |
| Unincorporated Areas of Dane County | City County Building, 210 Martin Luther King Jr. Boulevard, Room 116, Madison, WI 53703. |
| Village of Cambridge | Village Hall, 200 South Spring Street, Cambridge, WI 53523. |
| Village of Cottage Grove | Village Hall, 221 East Cottage Grove Road, Cottage Grove, WI 53527. |
| Village of De Forest | Village Hall, 306 DeForest Street, DeForest, WI 53532. |
| Village of Deerfield | Village Hall, 4 North Main Street, Deerfield, WI 53531. |
| Village of Marshall | Village Hall, 130 South Pardee Street, Marshall, WI 53559. |
| Village of McFarland | Village Hall, 5915 Milwaukee Street, McFarland, WI 53558. |
| Village of Oregon | Village Hall, 117 Spring Street, Oregon, WI 53575. |
| Village of Rockdale | Village Hall, 148 Water Street, Rockdale, WI 53523. |
| Village of Waunakee | Village Hall, 500 West Main Street, Waunakee, WI 53597. |

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Date: July 26, 2013.

**Roy E. Wright,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2013–19328 Filed 8–8–13; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket No. FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1299]**

### Proposed Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency; DHS.

**ACTION:** Notice; correction.

**SUMMARY:** On March 6, 2013, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 78 FR 14581–14583. The table provided here represents the proposed flood hazard determinations and communities affected for Allegheny County, Pennsylvania (All Jurisdictions).

**DATES:** Comments are to be submitted on or before November 7, 2013.

**ADDRESSES:** The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1299, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064 or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.*

In the proposed flood hazard determination notice published at 78 FR 14581–14583 in the March 6, 2013, issue of the **Federal Register**, FEMA

published a table titled ''Allegheny County, Pennsylvania, and Incorporated Areas.'' This table contained inaccurate information as to the watershed or communities affected by the proposed flood hazard determinations, or the associated community map repository or web addresses also featured in the table. In this document, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.

**Correction**

In Proposed rule FR Doc. 2013–05186, beginning on page 14578 in the issue of March 6, 2013, make the following correction. On pages 14581–14583, correct the Allegheny County, Pennsylvania table as follows:

| Community | Community map repository address |
|---|---|
| **Allegheny County, Pennsylvania (All Jurisdictions)** | |
| Maps Available for Inspection Online at: *www.rampp-team.com/pa.htm* | |
| Borough of Aspinwall | Borough Office, 217 Commercial Avenue, Aspinwall, PA 15215. |
| Borough of Avalon | Borough Hall, 640 California Avenue, Avalon, PA 15202. |
| Borough of Baldwin | Baldwin Borough Municipal Building, 3344 Churchview Avenue, Pittsburgh, PA 15227. |
| Borough of Bell Acres | Bell Acres Borough Building, 1153 Camp Meeting Road, Sewickley, PA 15143. |
| Borough of Bellevue | Borough Hall, 537 Bayne Avenue, Bellevue, PA 15202. |
| Borough of Ben Avon | Ben Avon Borough Building, 7101 Church Avenue, Pittsburgh, PA 15202. |
| Borough of Blawnox | Blawnox Borough Office, 376 Freeport Road, Pittsburgh, PA 15238. |
| Borough of Brackenridge | Borough Office, 1000 Brackenridge Avenue, Brackenridge, PA 15014. |
| Borough of Braddock | Borough Municipal Building, 415 6th Street, Braddock, PA 15104. |
| Borough of Braddock Hills | Braddock Hills Borough Building, 1300 Brinton Road, Pittsburgh, PA 15221. |
| Borough of Bradford Woods | Borough Office, 4908 Wexford Run Road, Bradford Woods, PA 15015. |
| Borough of Brentwood | Brentwood Borough Municipal Building, 3624 Brownsville Road, Pittsburgh, PA 15227. |
| Borough of Bridgeville | Borough Municipal Building, 425 Bower Hill Road, Bridgeville, PA 15017. |
| Borough of Carnegie | Borough Building, 1 Veterans Way, Carnegie, PA 15106. |
| Borough of Castle Shannon | Castle Shannon Borough Building, 3310 McRoberts Road, Pittsburgh, PA 15234. |
| Borough of Cheswick | Borough Office, 220 South Atlantic Avenue, Cheswick, PA 15024. |
| Borough of Churchill | Churchill Borough Municipal Building, 2300 William Penn Highway, Pittsburgh, PA 15235. |
| Borough of Coraopolis | Borough Hall, 1012 5th Avenue, Coraopolis, PA 15108. |
| Borough of Crafton | Crafton Borough Hall, 100 Stotz Avenue, Pittsburgh, PA 15205. |
| Borough of Dravosburg | Borough Building, 226 Maple Avenue, Dravosburg, PA 15034. |
| Borough of East Pittsburgh | Borough Office<br>813 Linden Avenue, East Pittsburgh, PA 15112. |
| Borough of Edgeworth | Borough Building, 301 Beaver Road, Edgeworth, PA 15143. |
| Borough of Elizabeth | Borough Hall, 206 3rd Avenue, Elizabeth, PA 15037. |
| Borough of Emsworth | Emsworth Borough Office, 171 Center Avenue, Pittsburgh, PA 15202. |
| Borough of Etna | Etna Borough Office, 437 Butler Street, Pittsburgh, PA 15223. |
| Borough of Forest Hills | Forest Hills Borough Building, 2071 Ardmore Boulevard, Pittsburgh, PA 15221. |
| Borough of Fox Chapel | Fox Chapel Borough Building, 401 Fox Chapel Road, Pittsburgh, PA 15238. |
| Borough of Franklin Park | Franklin Park Borough Hall, 2344 West Ingomar Road, Pittsburgh, PA 15237. |
| Borough of Glassport | Borough Secretary's Office, 440 Monongahela Avenue, Glassport, PA 15045. |
| Borough of Glen Osborne | Borough of Glen Osborne<br>Sewickley Borough Building, 601 Thorn Street, Sewickley, PA 15143. |
| Borough of Glenfield | Glenfield Borough Secretary's Office, 299 Dawson Avenue, Sewickley, PA 15143. |
| Borough of Green Tree | Green Tree Borough Building, 10 West Manilla Avenue, Pittsburgh, PA 15220. |
| Borough of Haysville | Haysville Borough Secretary's Office<br>18 River Road, Sewickley, PA 15143. |
| Borough of Heidelberg | Borough Building, 1631 East Railroad Street, Heidelberg, PA 15106. |
| Borough of Homestead | Borough Office, 221 East 7th Avenue, Homestead, PA 15120. |
| Borough of Jefferson Hills | Borough Municipal Center, 925 Old Clairton Road, Jefferson Hills, PA 15025. |
| Borough of Leetsdale | Borough Building, 373 Beaver Street, Suite A, Leetsdale, PA 15056. |
| Borough of Liberty | Liberty Borough Municipal Building, 2921 Liberty Way, McKeesport, PA 15133. |
| Borough of Lincoln | Lincoln Borough Municipal Building, 45 Abe's Way, Elizabeth, PA 15037. |
| Borough of McDonald | Borough Building, 151 School Street, McDonald, PA 15057. |
| Borough of McKees Rocks | Borough Building, 340 Bell Avenue, McKees Rocks, PA 15136. |

| Community | Community map repository address |
|---|---|
| Borough of Millvale | Borough Hall, 501 Lincoln Avenue, Millvale, PA 15209. |
| Borough of Munhall | Borough Hall, 1900 West Street, Munhall, PA 15120. |
| Borough of North Braddock | Borough Hall, 600 Anderson Street, North Braddock, PA 15104. |
| Borough of Oakdale | Borough Building, 6115 Noblestown Road, Oakdale, PA 15071. |
| Borough of Oakmont | Borough Municipal Building, 767 5th Street, Oakmont, PA 15139. |
| Borough of Pitcairn | Borough Building, 582 6th Street, Pitcairn, PA 15140. |
| Borough of Pleasant Hills | Pleasant Hills Borough Office, 410 East Bruceton Road, Pittsburgh, PA 15236. |
| Borough of Plum | Plum Borough Planning and Zoning Office, 4575 New Texas Road, Pittsburgh, PA 15239. |
| Borough of Port Vue | Borough Hall, 1191 Romine Avenue, Port Vue, PA 15133. |
| Borough of Rankin | Borough Hall, 320 Hawkins Avenue, Rankin, PA 15104. |
| Borough of Rosslyn Farms | Borough of Rosslyn Farms<br>Gateway Engineers, 400 Holiday Drive, Suite 300, Pittsburgh, PA 15220. |
| Borough of Sewickley | Borough Building, 601 Thorn Street, Sewickley, PA 15143. |
| Borough of Sewickley Heights | Sewickley Heights Borough Hall, 238 Country Club Road, Sewickley, PA 15143. |
| Borough of Sewickley Hills | Sewickley Hills Borough Municipal Building, 349 Magee Road, Sewickley, PA 15143. |
| Borough of Sharpsburg | Sharpsburg Borough Office, 1611 Main Street, Pittsburgh, PA 15215. |
| Borough of Springdale | Borough Municipal Building, 325 School Street, Springdale, PA 15144. |
| Borough of Swissvale | Borough Hall, 7560 Roslyn Street, Swissvale, PA 15218. |
| Borough of Tarentum | Borough Municipal Building, 318 2nd Avenue, Tarentum, PA 15084. |
| Borough of Thornburg | Thornburg Borough Secretary's Office, 545 Hamilton Road, Pittsburgh, PA 15205. |
| Borough of Trafford | Borough Hall, 414 Brinton Avenue, Trafford, PA 15085. |
| Borough of Turtle Creek | Borough Building, 125 Monroeville Avenue, Turtle Creek, PA 15145. |
| Borough of Verona | Borough Municipal Building, 736 East Railroad Avenue, Verona, PA 15147. |
| Borough of Versailles | Versailles Borough Building, 5100 Walnut Street, McKeesport, PA 15132. |
| Borough of Wall | Borough Engineer's Office, 413 Wall Avenue, Wall, PA 15148. |
| Borough of West Elizabeth | Borough Building, 800 4th Street, West Elizabeth, PA 15088. |
| Borough of West Homestead | Borough Building, 456 West 8th Avenue, West Homestead, PA 15120. |
| Borough of West Mifflin | Borough Building, 3000 Lebanon Church Road, West Mifflin, PA 15122. |
| Borough of West View | West View Borough Building, 441 Perry Highway, Pittsburgh, PA 15229. |
| Borough of Whitaker | Whitaker Borough Secretary's Office, 1001 Ardmore Boulevard, Suite 100, Pittsburgh, PA 15221. |
| Borough of White Oak | Borough Municipal Building, 2280 Lincoln Way, White Oak, PA 15131. |
| Borough of Whitehall | Whitehall Borough Complex, 100 Borough Park Drive, Pittsburgh, PA 15236. |
| Borough of Wilmerding | Borough Building, 301 Station Street, Wilmerding, PA 15148. |
| City of Clairton | City Engineer's Office, 551 Ravensburg Boulevard, Clairton, PA 15025. |
| City of Duquesne | City Building Inspector's Office, 12 South 2nd Street, Duquesne, PA 15110. |
| City of McKeesport | City Hall, 500 5th Avenue, McKeesport, PA 15132. |
| City of Pittsburgh | Department of City Planning, 200 Ross Street, 4th Floor, Pittsburgh, PA 15219. |
| Municipality of Bethel Park | Municipal Building, 5100 West Library Avenue, Bethel Park, PA 15102. |
| Municipality of Monroeville | Municipal Engineering Office, 2700 Monroeville Boulevard, Monroeville, PA 15146. |
| Municipality of Mt. Lebanon | Mt. Lebanon Municipal Building, 710 Washington Road, Pittsburgh, PA 15228. |
| Municipality of Penn Hills | Municipal Planning Department, 12245 Frankstown Road, Penn Hills, PA 15235. |
| Township of Aleppo | Aleppo Township Building, 100 North Drive, Sewickley, PA 15143. |
| Township of Baldwin | Baldwin Township Municipal Building, 10 Community Park Drive, Pittsburgh, PA 15234. |
| Township of Collier | Collier Township Zoning Office, 2418 Hilltop Road, Suite 100, Presto, PA 15142. |
| Township of Crescent | Township Municipal Building, 225 Spring Run Road, Crescent, PA 15046. |
| Township of East Deer | East Deer Township Municipal Building, 927 Freeport Road, Creighton, PA 15030. |
| Township of Elizabeth | Township Municipal Building, 522 Rock Run Road, Elizabeth, PA 15037. |
| Township of Fawn | Fawn Township Office, 3054 Howes Run Road, Tarentum, PA 15084. |
| Township of Findlay | Findlay Township Building, 1271 Route 30, Clinton, PA 15026. |
| Township of Forward | Forward Township Municipal Building, 1000 Golden Circle, Elizabeth, PA 15037. |

| Community | Community map repository address |
|---|---|
| Township of Frazer | Frazer Township Hall, 592 Pittsburgh Mills Circle, Tarentum, PA 15084. |
| Township of Hampton | Hampton Township Municipal Building, 3101 McCully Road, Allison Park, PA 15101. |
| Township of Harmar | Harmar Township Municipal Building, 701 Freeport Road, Cheswick, PA 15024. |
| Township of Harrison | Harrison Township Municipal Building, 1 Municipal Drive, Natrona Heights, PA 15065. |
| Township of Indiana | Indiana Township Hall, 3710 Saxonburg Boulevard, Pittsburgh, PA 15238. |
| Township of Kennedy | Kennedy Township Municipal Building, 340 Forest Grove Road, Coraopolis, PA 15108. |
| Township of Kilbuck | Kilbuck Township Office, 640 California Avenue, Pittsburgh, PA 15202. |
| Township of Leet | Leet Township Building, 198 Ambridge Avenue, Fair Oaks, PA 15003. |
| Township of Marshall | Marshall Township Municipal Building, 525 Pleasant Hill Road, Suite 100, Wexford, PA 15090. |
| Township of McCandless | McCandless Township Hall, 9955 Grubbs Road, Wexford, PA 15090. |
| Township of Moon | Township Office, 1000 Beaver Grade Road, Moon Township, PA 15108. |
| Township of Neville | Neville Township Municipal Building, 5050 Grand Avenue, Pittsburgh, PA 15225. |
| Township of North Fayette | North Fayette Township Building, 400 North Branch Road, Oakdale, PA 15071. |
| Township of North Versailles | Township Administrative Office, 1401 Greensburg Avenue, North Versailles, PA 15137. |
| Township of O'Hara | O'Hara Township Office, 325 Fox Chapel Road, Pittsburgh, PA 15238. |
| Township of Ohio | Ohio Township Building, 1719 Roosevelt Road, Pittsburgh, PA 15237. |
| Township of Pine | Pine Township Municipal Building, 230 Pearce Mill Road, Wexford, PA 15090. |
| Township of Reserve | Reserve Township Hall, 33 Lonsdale Street, Pittsburgh, PA 15212. |
| Township of Richland | Richland Township Building, 4019 Dickey Road, Gibsonia, PA 15044. |
| Township of Robinson | Robinson Township Building, 1000 Church Hill Road, Pittsburgh, PA 15205. |
| Township of Ross | Ross Township Hall, 1000 Ross Municipal Drive, Pittsburgh, PA 15237. |
| Township of Scott | Scott Township Office, 301 Lindsay Road, Carnegie, PA 15106. |
| Township of Shaler | Shaler Township Hall, 300 Wetzel Road, Glenshaw, PA 15116. |
| Township of South Fayette | South Fayette Township Municipal Building, 515 Millers Run Road, Morgan, PA 15064. |
| Township of South Park | Township Code Enforcement Office, 2675 Brownsville Road, South Park, PA 15129. |
| Township of South Versailles | Township of South Versailles<br>Coulter Volunteer Fire Company, 414 Railroad Street, Coulter, PA 15028. |
| Township of Springdale | Springdale Township Hall, 100 Plate Drive, Harwick, PA 15049. |
| Township of Stowe | Stowe Township Building, 555 Broadway Avenue, McKees Rocks, PA 15136. |
| Township of Upper St. Clair | Township Municipal Building, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241. |
| Township of West Deer | West Deer Township Building, 109 East Union Road, Cheswick, PA 15024. |
| Township of Wilkins | Wilkins Township Building, 110 Peffer Road, Turtle Creek, PA 15145. |

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: July 26, 2013.

**Roy E. Wright,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2013–19324 Filed 8–8–13; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

**[CBP Dec. No. 13–14]**

### Expansion of Global Entry Eligibility to Certain Citizens of the Republic Of Korea, the Federal Republic of Germany, the State of Qatar, and the United Kingdom

**AGENCY:** U.S. Customs and Border Protection; Department of Homeland Security.

**ACTION:** General notice.

**SUMMARY:** U.S. Customs and Border Protection (CBP) has established the Global Entry international trusted traveler program at most major U.S. airports. Global Entry allows pre-approved, low-risk participants expedited entry into the United States using Global Entry kiosks located at designated airports. Currently, eligibility for participation in Global Entry is limited to U.S. citizens, U.S. nationals, U.S. lawful permanent residents, Mexican nationals, and certain eligible citizens of the Netherlands. This document announces that CBP is expanding eligibility for Global Entry to include citizens of the Republic of Korea who are participants

in the Smart Entry System (SES), a trusted traveler program in the Republic of Korea; a limited number of citizens of the Federal Republic of Germany who are participants in the Automated and Biometrics-Supported Border Controls (ABG) Plus, a trusted traveler program in the Federal Republic of Germany; a limited number of citizens of the State of Qatar; and a limited number of citizens of the United Kingdom who frequently travel to the United States. All of these individuals must otherwise satisfy the requirements for participation in the Global Entry program. CBP expects at some later point to expand eligibility to include all citizens of the Federal Republic of Germany, all citizens of the State of Qatar and all citizens of the United Kingdom who otherwise satisfy the requirements for participation in the Global Entry program. Additionally, this document announces that U.S. citizens who participate in Global Entry will have the option to apply for membership in the Republic of Korea's SES program and that a limited number of U.S. citizens who participate in Global Entry will have the option to apply for membership in Germany's ABG Plus.

**DATES:** The expansion of eligibility to qualified citizens of the Republic of Korea, a limited number of citizens of the Federal Republic of Germany, a limited number of citizens of the State of Qatar, and a limited number of citizens of the United Kingdom will occur on August 9, 2013. Applications will be accepted from qualified citizens of the Republic of Korea, a limited number of citizens of the Federal Republic of Germany, a limited number of citizens of the State of Qatar, and a limited number of citizens of the United Kingdom beginning August 9, 2013.

**FOR FURTHER INFORMATION CONTACT:** Larry Panetta, Office of Field Operations, (202) 344–1253, Larry.Panetta@dhs.gov.

**SUPPLEMENTARY INFORMATION:**

## Background

### *Global Entry Program*

Global Entry is a voluntary program that allows for the expedited clearance of pre-approved, low-risk travelers arriving in the United States at Global Entry kiosks located at designated airports. CBP issued the final rule that promulgated the regulation to establish Global Entry as an ongoing voluntary regulatory program in the **Federal Register** (77 FR 5681) on February 6, 2012. The final rule contains a detailed description of the program, the eligibility criteria, the application and selection process, and the initial airport locations. *See* 8 CFR 235.12. Travelers who wish to participate in Global Entry must apply via the Global On-Line Enrollment System (GOES) Web site, *https://goes-app.cbp.dhs.gov,* with the exception of the citizens of the Republic of Korea. The Global Entry application process for citizens of the Republic of Korea is described in the section entitled ''The Republic of Korea.'' Applications for Global Entry must be completed and submitted electronically.

Eligibility for participation in Global Entry is limited to U.S. citizens, U.S. nationals, U.S. lawful permanent residents, and certain nonimmigrant aliens from countries that have entered into arrangements with CBP regarding international trusted traveler programs. Specifically, the regulation provides that certain nonimmigrant aliens from countries that have entered into arrangements with CBP concerning international trusted traveler programs may be eligible to apply for participation in Global Entry after CBP announces the arrangement by publication of a notice in the **Federal Register**. The notice will include the country, the scope of eligibility of nonimmigrant aliens from that country (e.g., whether only citizens of the foreign country or citizens and non-citizens are eligible) and other conditions that may apply based on the terms of the arrangement. *See* 8 CFR 235.12(b)(1)(ii). In the preamble of the Global Entry final rule, CBP recognized the existence of previous arrangements it had with Mexico and the Netherlands regarding the international trusted traveler programs and announced that Mexican nationals and certain citizens of the Netherlands were eligible to apply for the Global Entry program. It further specified that Mexican nationals and citizens of the Netherlands who were existing participants in the Global Entry pilot would be automatically enrolled in the ongoing Global Entry program.

This document announces further expansion of the Global Entry trusted traveler program.

### *The Republic Of Korea*

On April 21, 2011, the U.S. Department of Homeland Security, CBP and the Republic of Korea-Ministry of Justice, Korea Immigration Service (KIS) signed a Joint Statement regarding the development of an initiative involving their respective international trusted traveler programs. Based on this Joint Statement, CBP is announcing that citizens of the Republic of Korea with Korean passports who participate in the Smart Entry System (SES), a trusted traveler program in the Republic of Korea maintained by KIS, are eligible to apply for participation in Global Entry. The application procedure for eligible Korean citizens is different from the usual Global Entry application procedure. These applicants will apply through an online application maintained by KIS and then set up a GOES account to pay the requisite, non-refundable Global Entry fee, and to schedule an interview with CBP.

Eligible Korean citizens will be permitted to participate in Global Entry only upon successful completion of a thorough risk assessment by both CBP and KIS and completion of an interview with CBP. The vetting criteria were mutually agreed upon and are consistent with each agency's applicable domestic laws and policies.

CBP will notify the applicants regarding whether or not they have been accepted into Global Entry. More information about how to apply is available at *www.globalentry.gov.*

### *U.S. Citizens' Participation in the Smart Entry System (SES)*

Pursuant to the Joint Statement, U.S. citizens who are Global Entry participants or U.S. citizens who can utilize Global Entry kiosks as NEXUS or SENTRI participants have the option to apply for SES membership. SES is a trusted traveler program in the Republic of Korea that provides expedited entry into the country via the use of eGates, a system that uses fingerprints and facial recognition for biometric verification of the individual's identity. All U.S. citizen applicants must apply for SES through the GOES Web site, be thoroughly vetted by both CBP and KIS, and be interviewed by KIS to complete the enrollment process. U.S. citizen applicants are required to pay the SES fee at the time of the interview with KIS and may need to provide KIS with additional information and biometrics (in addition to the information already required by Global Entry) at the time of the interview. KIS will notify CBP whether the U.S. citizen applicant is approved, and CBP will notify the applicant. U.S. citizens may enter the Republic of Korea using SES at the Incheon International Airport or the Kimpo International Airport. More information about how to apply for SES membership is available at *http://www.globalentry.gov.*

### *The Federal Republic of Germany*

On April 14, 2010, the U.S. Department of Homeland Security, CBP and the Federal Ministry of the Interior of the Federal Republic of Germany

signed a Joint Declaration regarding the development of an initiative involving their respective international trusted traveler programs, the Global Entry/Automated and Biometrics-Supported Border Controls (ABG) Plus program. Based on this Joint Declaration, CBP is announcing that certain citizens of the Federal Republic of Germany who participate in ABG Plus, a trusted traveler program in the Federal Republic of Germany, are eligible to apply for participation in this Global Entry limited pilot program. Citizens of the Federal Republic of Germany who have been identified as potentially eligible for initial participation will receive a promotional code and information about the program from the German government. These individuals will be required to complete the online application located on the GOES Web site, enter the code during the application process, pay the non-refundable Global Entry fee, and satisfy all the requirements of Global Entry.

These applicants will be permitted to participate in Global Entry only upon successful completion of a thorough risk assessment by both CBP and the German Federal Police and completion of an interview with CBP. The vetting criteria were mutually agreed upon and are consistent with each agency's applicable domestic laws and policies. CBP will notify the applicants regarding whether or not they have been accepted into Global Entry.

Limiting the number of citizens of the Federal Republic of Germany who can apply for Global Entry at this time allows for the development of the program's infrastructure. CBP expects to be able to expand eligibility to apply for Global Entry to include all citizens of the Federal Republic of Germany in the near future. CBP will announce such expansion by notice in the **Federal Register** and on *http://www.globalentry.gov.*

*U.S. Citizens' Participation in ABG Plus*

Consistent with the Joint Declaration, a limited number of U.S. citizens who are Global Entry participants or U.S. citizens who can utilize Global Entry kiosks as NEXUS or SENTRI participants have the option to apply for participation in ABG Plus. Potentially eligible persons will receive a notice from CBP indicating that they are eligible to apply for participation in ABG Plus and describing the means by which they should apply. Although ABG Plus is only open to a limited number of U.S. citizens at this time to allow for the development of the program's infrastructure, the Federal Republic of Germany expects to be able to expand eligibility to include all U.S. citizens who are Global Entry participants in the near future. More information about such an expansion will be posted at *http://www.globalentry.gov* once ABG Plus is more broadly available.

*The State of Qatar*

On December 4, 2011, the U.S. Department of Homeland Security, CBP and the Ministry of Interior of the State of Qatar signed the Plan for the Application of the Immigration Advisory Program and the Global Entry Program (''Plan'') regarding the development of an initiative involving their respective international trusted traveler programs and the development of a Qatari trusted traveler program. Based on this Plan, CBP is announcing that certain citizens of the State of Qatar are eligible to apply for participation in Global Entry. Persons who have been identified as potentially eligible for initial participation in this limited pilot program will receive information about the program from the Qatari government. In order to participate, citizens of the State of Qatar who are invited to apply for Global Entry will be required to complete the online application located on the GOES Web site, pay the non-refundable Global Entry fee, and satisfy all the requirements of Global Entry.

These applicants will be permitted to participate in Global Entry only upon successful completion of a thorough risk assessment by both CBP and the Qatari Ministry of Interior and completion of an interview with CBP. The vetting criteria have been mutually agreed upon by both agencies and are consistent with each agency's applicable domestic laws and policies. CBP will notify the applicants regarding whether or not they have been accepted into Global Entry.

Although CBP is expanding Global Entry to permit a limited number of citizens of the State of Qatar to apply for Global Entry at this time to allow for the development of the program's infrastructure, CBP expects to be able to expand eligibility to apply for Global Entry to include all citizens of the State of Qatar in the near future. CBP will announce such expansion by notice in the **Federal Register** and on *http://www.globalentry.gov.*

*U.S. Citizens' Participation in the State of Qatar's Trusted Traveler Program*

Consistent with the Plan, U.S. citizens and lawful permanent residents who participate in Global Entry or can utilize Global Entry kiosks as NEXUS or SENTRI participants will have the option to apply for participation in Qatar's trusted traveler program, once such a program is established. Once the program is established, CBP plans to announce it on CBP's Web site at *http://www.globalentry.gov.*

**The United Kingdom**

On June 24, 2008, the U.S. Department of Homeland Security, CBP and the United Kingdom Home Office, United Kingdom Border Agency of Great Britain and Northern Ireland (United Kingdom Border Agency) signed a Joint Statement regarding the development of an international trusted traveler program, referred to as the International Expedited Travellers (IET) Initiative. The IET Initiative is intended to offer expedited travel for low-risk citizens of the United Kingdom into the United States and low-risk U.S. citizens into the United Kingdom, who meet the program requirements, including the successful completion of a thorough risk assessment by both CBP and the United Kingdom Border Agency.

In furtherance of the IET Initiative, CBP is expanding eligibility to apply for participation in Global Entry to include certain citizens of the United Kingdom. The term ''citizens of the United Kingdom'' as used in the Joint Statement and this notice refers to citizens of England, Northern Ireland, Scotland and Wales. In order to allow for the development of the program's infrastructure, the application process will initially be open to only a limited number of citizens of the United Kingdom who frequently travel to the United States. Persons who have been identified as potentially eligible for initial participation receive a CBP promotional code and information about the program from a British airline carrier, the U.S. Embassy, or CBP. In order to participate, those individuals will be required to complete the online application located on the GOES Web site, pay the non-refundable Global Entry fee, and satisfy all the requirements of Global Entry, including an in-person interview with CBP. These applicants will be required to enter the code during the application process. The code must be used within the specified time period and can only be used once. Citizens of the United Kingdom also must obtain a police certificate to be presented to a CBP officer at the time of the interview to demonstrate that they have no criminal history.

Applicants will be permitted to participate in Global Entry only upon successful completion of a thorough risk assessment by both CBP and the United Kingdom Border Agency and

completion of an interview with CBP. The vetting criteria have been mutually agreed upon by both agencies and are consistent with applicable domestic laws and policies. CBP will notify the applicants regarding whether or not they have been accepted into Global Entry.

Although CBP is expanding Global Entry to permit a limited number of citizens of the United Kingdom to apply for Global Entry at this time to allow for the development of the program's infrastructure, CBP expects to be able to expand eligibility to apply for Global Entry to include all British citizens in the near future. CBP will announce such expansion by notice in the **Federal Register** and on *http://www.globalentry.gov.*

*U.S. Citizens' Participation in the United Kingdom's Trusted Traveler Program*

Consistent with the Joint Statement, U.S. citizens who participate in Global Entry or U.S. citizens who can utilize Global Entry kiosks as NEXUS or SENTRI participants will have the option to apply for participation in the United Kingdom's trusted traveler program, once such a program is established. Once the program is established, CBP plans to announce it on CBP's Web site at *http://www.globalentry.gov.*

*General Eligibility To Participate In Global Entry*

For all Global Entry applicants, including applicants from the Republic of Korea, the Federal Republic of Germany, the State of Qatar, and the United Kingdom, the following general eligibility standards apply. An individual who is inadmissible to the United States under U.S. immigration law is ineligible to participate in Global Entry. Applications from such individuals will automatically be rejected. Applications for Global Entry may also be rejected if the applicant has ever been convicted of a criminal offense, or if the individual has ever been found in violation of customs or immigration laws, or of any criminal law. Additionally, an applicant will not be accepted for participation in Global Entry if CBP determines that the applicant presents a potential risk of terrorism, or criminality (including smuggling), or if CBP cannot sufficiently determine that the applicant meets all the program eligibility criteria. The eligibility criteria are set forth in more detail in the Global Entry final rule and 8 CFR 235.12. *See also http://www.globalentry.gov.*

Dated: July 31, 2013.

**David J. Murphy,**

*Acting Assistant Commissioner, Office of Field Operations.*

[FR Doc. 2013–18775 Filed 8–8–13; 8:45 am]

BILLING CODE 9111–14–P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5687–N–35]**

## 60-Day Notice of Proposed Information Collection: FHA PowerSaver Pilot Program—Title I Property Improvement and Title II—203(k) Rehabilitation Mortgage Insurance

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date: October 8, 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

**FOR FURTHER INFORMATION CONTACT:** Arlene Nunes, Director, Home Mortgage Insurance Division, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Arlene Nunes at *Arlene.M.Nunes@hud.gov* or telephone 202–402–2121. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Nunes.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

### A. Overview of Information Collection

*Title of Information Collection:* FHA PowerSaver Pilot Program Title I Property Improvement and Title II—203(k) Rehabilitation Mortgage Insurance.

*OMB Approval Number:* 2502-New.

*Type of Request:* New.

*Form Number:* N/A.

*Description of the need for the information and proposed use:* Like all FHA-insured loans, loans originated under FHA PowerSaver Pilot program are made by private sector lenders and insured by HUD against loss from defaults. FHA PowerSaver is a pilot mortgage insurance product from the FHA that will enable homeowners to make energy saving improvements to their homes. The information collection requirements will (a) facilitate HUD's monitoring of use of incentive payments funds to ensure funds are used accordingly, and be provide information about the performance of loans that finance energy efficient improvements.

*Respondents* (i.e. affected public): Individuals and households.

*Estimated Number of Respondents:* 7,620.

*Estimated Number of Responses:* 38,218.

*Frequency of Response:* Periodic.

*Average Hours per Response:* .011.

*Total Estimated Burdens:* 53,313.

### 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.

**C. Authority**

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 5, 2013.

**William Glavin,**

*Special Assistant.*

[FR Doc. 2013–19330 Filed 8–8–13; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5681–N–32]**

## Federal Property Suitable as Facilities To Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

**FOR FURTHER INFORMATION CONTACT:** Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

**SUPPLEMENTARY INFORMATION:** In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Office of Enterprise Support Programs, Program Support Center, HHS, Room 12–07, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202)–720–8873; *Air Force:* Mr. Robert Moore, Air Force Real Property Agency, 2261 Hughes Avenue, Suite 156, Lackland AFB, TX, 78236–9852, (210)–395–9512; *Energy:* Mr. Mark Price, Department of Energy, Office of Engineering & Construction Management, MA–50, 1000 Independence Ave. SW., Washington, DC 20585: (202) 586–5422; *GSA:* Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; *Interior:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 1801 Pennsylvania Ave. NW., 4th Floor, Washington, DC 20006: (202) 254–5522; *Navy:* Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202)685–9426; (These are not toll-free numbers).

Dated: August 1, 2013.

**Mark Johnston,**

*Deputy Assistant Secretary for Special Needs.*

**TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 08/09/2013**

**Suitable/Available Properties**

*Building*

California

Building 1811
Marine Corps Air Ground
Task Force Trng.
Twentynine Palms CA 92278
Landholding Agency: Navy
Property Number: 77201330008
Status: Excess
Comments: Off-site removal only; 5,050 sf.; storage; 59 yrs.-old; very poor conditions; secured area; contact Navy for accessibility and removal requirements

Building 5175
Marine Corps Air Ground
Combat Ctr.
Twentynine Palms CA 92278
Landholding Agency: Navy
Property Number: 77201330009
Status: Excess
Comments: Off-site removal only; 1,200 sf.; storage; 14 yrs.-old; very poor conditions;

secured area; contact Navy for accessibility and removal requirements

Building 1303
Marine Corps Air Ground
Combat Ctr.
Twentynine Palms CA 92278
Landholding Agency: Navy
Property Number: 77201330010
Status: Excess
Comments: Off-site removal only; 4,040 sf.; storage; 49 yrs.-old; very poor conditions; secured area; contact Navy for accessibility and removal requirements

Building 1301
Marine Corps Air Ground
Combat Ctr.
Twentynine Palms CA 92278
Landholding Agency: Navy
Property Number: 77201330011
Status: Excess
Comments: Off-site moral only; 4,040 sf.; storage; 49 yrs.-old; very poor conditions; secured area; contact Navy for accessibility and removal requirements

Building 1305
Marine Corps Air Ground
Combat Ctr.
Twentynine Palms CA 92278
Landholding Agency: Navy
Property Number: 77201330012
Status: Excess
Comments: Off-site removal only; 4,040 sf.; storage; 49 yrs.-old; very poor conditions; secured area; contact Navy for accessibility and removal requirements

Georgia

Mobile Lab Trailer; 660400B005
RPUID 03.55443 Lab
20406; Site 00: Nat'l Peanut Research
Shellman GA 39886
Landholding Agency: Agriculture
Property Number: 15201330015
Status: Excess
Directions: 1632 Burny Rd.
Comments: off-site removal only; 480 sf.; storage; good/moderate conditions; contact Agriculture for more info.

5 Buildings
Moody Air Force Base
Moody GA 31699
Landholding Agency: Air Force
Property Number: 18201330006
Status: Underutilized
Directions: 1703 (853 sf.); 907 & 908 (9,186 sf. each); 662 & 754 (10,240 sf. each)
Comments: Very poor conditions; 50- 70 yrs.-old; contamination; secured area; transferee will need escort each time to access property; contact Air Force for more info.

Idaho

Black Canyon Office, Warehouse & Classroom
3999 E. Black Canyon Hwy
Emmett ID 83617
Landholding Agency: Interior
Property Number: 61201330038
Status: Underutilized
Comments: Off-site removal only; no future agency need; 4,880 sf.; 48 yrs.-old; office's roof needs replacing; good/moderate conditions; secured area; contact Interior for more info.

**Suitable/Unavailable Properties**

*Land*

California

Delano Transmitting Station
1105 Melcher Rd.
Delano CA 93215
Landholding Agency: GSA
Property Number: 54201330005
Status: Excess
GSA Number: 9–X–CA–1671
Directions: Landholding Agency: Broadcasting Board of Governors Disposal Agency: GSA
Comments: 800 acres; mostly land and a few bldgs.; unavailable due to Federal interest; transmitting station; vacant since 2007; access can be gain by appt. only; contact GSA for more info.

**Unsuitable Properties**

*Building*

New Mexico

8 Buildings
Los Alamos Nat'l Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41201330001
Status: Excess
Directions: 03–0035, 36–0019, 46–0041, 46–0074, 46–0076, 48–0002, 52–0001, 53–0673
Comments: Highly secured area; public access denied and no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

[FR Doc. 2013–18921 Filed 8–8–13; 8:45 am]

BILLING CODE 4210–67–P

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

**[FWS–HQ–IA–2013–N181; [FXIA16710900000P5–123–FF09A30000]**

## Endangered Species; Marine Mammals; Receipt of Applications for Permit

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals, or both. With some exceptions, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) prohibit activities with listed species unless Federal authorization is acquired that allows such activities.

**DATES:** We must receive comments or requests for documents on or before September 9, 2013. We must receive requests for marine mammal permit public hearings, in writing, at the address shown in the **ADDRESSES** section by September 9, 2013.

**ADDRESSES:** Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov.*

**FOR FURTHER INFORMATION CONTACT:** Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

**SUPPLEMENTARY INFORMATION:**

### I. Public Comment Procedures

*A. How do I request copies of applications or comment on submitted applications?*

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES.** If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

*B. May I review comments submitted by others?*

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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.

**II. Background**

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

**III. Permit Applications**

*A. Endangered Species*

Applicant: LeAnn Shank, Aiken, SC; PRT–11848B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the golden parakeet (*Guarouba guarouba*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Anthony Furino, Dunellen, NJ; PRT–771963

The applicant requests renewal of their captive-bred wildlife registration under 50 CFR 17.21(g) for the red siskin (*Carduelis cucullata*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Indianapolis Zoo, Indianapolis, IN; PRT–679556

The applicant requests amendment of their captive-bred wildlife registration under 50 CFR 17.21(g) to include Cabot's tragopan (*Tragopan caboti*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: The Peregrine Fund; PRT–065258

The applicant requests renewal of their import permit of biological samples derived from wild and captive-bred hawks, falcons, vultures, eagles, and owls (*Falconiformes* and *Strigiformes*) for the purposes of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

*B. Endangered Marine Mammals and Marine Mammals*

Applicant: Renegade Pictures, London, England; PRT–05202B

The applicant requests a permit to photograph polar bears (*Ursus maritimus*) in the vicinity of Kaktovik, Alaska, from land-based vehicles and boats for commercial and educational purposes. This notification covers activities to be conducted by the applicant for less than a 1-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

**Brenda Tapia,**

*Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.*

[FR Doc. 2013–19268 Filed 8–8–13; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–HQ–IA–2013–N180; FXIA16710900000P5–123–FF09A30000]**

### Endangered Species; Marine Mammals; Issuance of Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permits.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species, marine mammals, or both. We issue these permits under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA).

**ADDRESSES:** Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov.*

**FOR FURTHER INFORMATION CONTACT:** Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

**SUPPLEMENTARY INFORMATION:** On the dates below, as authorized by the provisions of the ESA (16 U.S.C. 1531 *et seq.*), as amended, and/or the MMPA, as amended (16 U.S.C. 1361 *et seq.*), we issued requested permits subject to certain conditions set forth therein. For each permit for an endangered species, we found that (1) The application was filed in good faith, (2) The granted permit would not operate to the disadvantage of the endangered species, and (3) The granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

ENDANGERED SPECIES

| Permit No. | Applicant | Receipt of application **Federal Register** notice | Permit issuance date |
|---|---|---|---|
| 84465A | The Board of Trustees of the University of Illinois | 78 FR 9725; February 11, 2013 | June 14, 2013. |
| 675484 | Birmingham Zoo, Inc. | 78 FR 16292; March 14, 2013 | May 1, 2013. |
| 036218 | Brevard Zoo | 78 FR 1771; March 22, 2013 | May 1, 2013. |
| 682781 | Chicago Zoological Society | 78 FR 1771; March 22, 2013 | May 1, 2013. |
| 808265 | Gary Johnson | 78 FR 1771; March 22, 2013 | May 1, 2013. |
| 678968 | Mesker Park Zoo | 78 FR 1771; March 22, 2013 | May 1, 2013. |

ENDANGERED SPECIES—Continued

| Permit No. | Applicant | Receipt of application **Federal Register** notice | Permit issuance date |
|---|---|---|---|
| 677662 | Oregon Zoo | 78 FR 1771; March 22, 2013 | May 1, 2013. |
| 99438A | Richard Ray | 78 FR 1771; March 22, 2013 | May 1, 2013. |
| 56309A | Charles Salisbury | 78 FR 1771; March 22, 2013 | May 1, 2013. |
| 679328 | Zoological Society of Philadelphia | 78 FR 1771; March 22, 2013 | May 1, 2013. |
| 99836A | 3–S Texas Outdoors, LLC | 78 FR 19731; April 2, 2013 | May 6, 2013. |
| 99837A | 3–S Texas Outdoors, LLC | 78 FR 19731; April 2, 2013 | May 6, 2013. |
| 99809A | M.J.V. Inc. | 78 FR 19731; April 2, 2013 | May 6, 2013. |
| 99811A | M.J.V. Inc. | 78 FR 19731; April 2, 2013 | May 6, 2013. |
| 776134 | Larry Johnson | 78 FR 21627; April 11, 2013 | May 16, 2013. |
| 00452B | Dark Horse Ent. | 78 FR 21627; April 11, 2013 | May 17, 2013. |
| 00453B | Dark Horse Ent. | 78 FR 21627; April 11, 2013 | May 17, 2013. |
| 94907A | Jonathon Pauli, University of Wisconsin | 78 FR 21627; April 11, 2013 | July 25, 2013. |
| 680602 | Audubon Zoo | 78 FR 23286; April 18, 2013 | May 21, 2013. |
| 10982A | Austin Savanna | 78 FR 23286; April 18, 2013 | May 21, 2013. |
| 99898A | Collins Red Stag Ranch Ltd | 78 FR 23286; April 18, 2013 | May 21, 2013. |
| 99899A | Collins Red Stag Ranch Ltd | 78 FR 23286; April 18, 2013 | May 21, 2013. |
| 692213 | Columbian Park Zoo | 78 FR 23286; April 18, 2013 | May 21, 2013. |
| 01612B | Suzanne Crow | 78 FR 23286; April 18, 2013 | May 21, 2013. |
| 01540B | Griffith Bros. Whitetail Ridge Inc | 78 FR 23286; April 18, 2013 | May 21, 2013. |
| 03672A | Lake Superior Zoo | 78 FR 23286; April 18, 2013 | May 21, 2013. |
| 00639B | Man Lui | 78 FR 23286; April 18, 2013 | May 21, 2013. |
| 030672 | Lars Petersen | 78 FR 23286; April 18, 2013 | May 21, 2013. |
| 668691 | Tulsa Zoo | 78 FR 23286; April 18, 2013 | May 21, 2013. |
| 681592 | Zoo Miami | 78 FR 23286; April 18, 2013 | May 21, 2013. |

MARINE MAMMALS

| Permit number | Applicant | Receipt of application **Federal Register** notice | Permit issuance date |
|---|---|---|---|
| 773494 | Florida Fish and Wildlife Conservation Commission | 78 FR 23286; April 18, 2013 | July 26, 2013. |
| 03132B | Sea World Parks & Entertainment, Inc | 78 FR 27253; May 9, 2013 | July 24, 2013. |
| 041309 | USFWS, Marine Mammals Management | 78 FR 34118; June 6, 2013 | July 26, 2013. |

## Availability of Documents

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280.

**Brenda Tapia,**

*Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.*

[FR Doc. 2013–19269 Filed 8–8–13; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLNMP02000 L51100000.GE0000.LVEMG11CG200]**

### Notice of Availability of the Draft Environmental Impact Statement for the Ochoa Mine Project in Lea County, New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (EIS) for the Ochoa Mine Project (Project) and by this notice is announcing the opening of the public comment period.

**DATES:** To ensure comments will be considered, the BLM must receive written comments on the Project Draft EIS within 45 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 Project Draft EIS by any of the following methods:

- *Web site: www.nm.blm.gov/cfo/ochoaMine/.*
- *Email: blm_nm_cfo_comments@blm.gov.*
- *Fax:* 575–885–9264.
- *Mail:* BLM Carlsbad Field Office, Attention: Ochoa Mine EIS Project Manager, 620 E. Greene St., Carlsbad, NM 88220.

Copies of the Project Draft EIS are available in the Carlsbad Field Office at the above address.

**FOR FURTHER INFORMATION CONTACT:** Shiva Achet, Planning and Environmental Coordinator, Project Co-Lead, telephone 575–234–5924; address BLM Carlsbad Field Office, 620 East Greene Street, Carlsbad, NM 88220; email *blm_nm_cfo_comments@blm.gov.* Please contact Mr. Achet if you want to add your name to our mailing list.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** Intercontinental Potash Corporation (ICP) is proposing to develop a new underground mine in southern Lea County, New Mexico, to extract polyhalite ore for the production of the sulfate of potash, a component of agricultural fertilizer. ICP holds BLM prospecting permits and has applied for preference right leases. These prospecting permits are located about 40 miles southeast of Carlsbad and 20 miles west of Jal, in Lea County, New Mexico. ICP has proposed a Mine Plan of Operations that includes an underground mine accessed by a shaft and a ramp, and processing facilities, including the ore process plant, dry stack tailings pile, evaporation ponds, water wells, pipelines, power lines, and a railroad load out facility. The polyhalite will be continuously mined using the conventional room and pillar retreat method. In order to mine in proximity to active oil and gas wells, ICP has elected to follow the rules and regulations of a Category IV gassy mine.

The Project area includes Federal, State, and private lands totaling 31,137 acres, of which 2,400 acres would be disturbed. The surface landownership consists of about 22 percent public lands managed by the BLM, 53 percent owned by the State of New Mexico, and 25 percent privately owned. About 55 percent of the minerals within the proposed mine area is owned by the Federal Government.

Processing would require pumping a maximum of 4,000 gallons per minute of groundwater from the Capitan Reef Aquifer.

The BLM initiated the NEPA process for the Project Draft EIS by publication of a Notice of Intent to prepare an EIS on January 3, 2012 (77 FR 130). The EIS will inform the BLM's decision whether to approve ICP's Ochoa Mine Plan of Operations and Closure Plan, requested rights-of-way, and preference right leases, and if so, under what terms and conditions. Public scoping meetings were conducted on January 23–24, 2012. Major issues identified for this project include oil and gas, water resources, land use, socioeconomic impacts, air quality, wildlife, livestock grazing, and health and safety.

Alternatives developed include the proposed action (Alternative A), which would include approval of ICP's Mine Plan of Operations, granting new rights-of-way, and approval of preference right leases to allow the mining and processing of polyhalite ore. In addition, three action alternatives were analyzed in the Draft EIS. Alternative B is identical to Alternative A except that the visual impacts of the tailing stockpile would be reduced. Alternative C is identical to Alternative A except that standards and guidance would be established for managing concurrent development of fluid minerals. Alternative D is similar to Alternative A, except that the location of the evaporation ponds and tailings stockpile would be at a different location. A no action alternative was also analyzed, in which the proposed mine plan of operations, rights-of-way, and preference right leases would be denied.

The Draft EIS addresses the issues and concerns raised during internal and external (public) scoping last year and analyzes the environmental effects of the Proposed Action, three action alternatives, and the No Action Alternative. Alternate tailings management, processing facilities siting, and co-development options are included in the analysis. The BLM has not yet chosen a preferred alternative for this Project and is seeking public comment. The final preferred alternative may combine aspects of the existing alternatives.

Please note that public comments and information submitted including names, street addresses, and email addresses of persons who submit comments will be available for public review and disclosure at the above address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2, 43 CFR 1610.5.

**Aden L. Seidlitz,**

*Associate State Director.*

[FR Doc. 2013–19172 Filed 8–8–13; 8:45 am]

BILLING CODE 4310–FB–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLNMP02000 L14300000 ET0000 NMNM–127501/NMNM–83404]**

### Notice of Proposed Withdrawal and Opportunity for Public Meeting; New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Assistant Secretary of the Interior for Policy, Management and Budget proposes to withdraw on behalf of the Bureau of Land Management (BLM), 2,924.65 acres of public lands and 440 acres of federally reserved mineral interests underlying non-Federal lands in Eddy County, New Mexico, to protect highly significant caves and their associated resources. This notice segregates the public lands and reserved mineral interests for up to 2 years from location and entry under the United States mining laws and gives the public an opportunity to comment on the application and to request a public meeting.

**DATES:** Comments and public meeting requests must be received on or before November 7, 2013.

**ADDRESSES:** Comments and meeting requests should be sent to the BLM Carlsbad Field Office, 620 E. Greene Street, Carlsbad, New Mexico 88220.

**FOR FURTHER INFORMATION CONTACT:** Jim Goodbar, Cave/Karst Resource Specialist, at the address above, by telephone at (575) 234–5972 or by email at *jgoodbar@blm.gov.* Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Rely Service (FIRS) at 1–800–877–8339 to contact the above individual. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The BLM filed an application requesting the Assistant Secretary for Policy, Management and Budget to withdraw, subject to valid existing rights, the following described public lands and federally reserved minerals underlying non-Federal lands from location and entry under the United States mining laws, for a period of 20 years, to protect highly significant caves and their associated resources:

**New Mexico Principal Meridian**

*McKittrick Hill Caves*

T. 22 S., R. 24 E.,

Sec.14, S½SW¼, SW¼SE¼, and W½SE¼SE¼;
Sec. 22, S½SW¼NE¼, SE¼NE¼, SE¼SE¼NW¼, E½E½SW¼, and SE¼;
Sec. 23, W½E½E½, W½E½, and W½;
Sec. 26, W½NE¼NE¼, NW¼NE¼, and N½NW¼;
Sec. 27, N½NE¼, and E½NE¼NW¼.

*Mudgetts/Little Mudgetts Caves*

T. 24 S., R. 24 E.,
Sec. 21, SE¼SW¼NW¼, SW¼SE¼NW¼, N½NE¼SW¼, and NE¼NW¼SW¼.

*Big Manhole/Little Manhole Caves*

T. 24 S., R. 24 E.,
Sec. 22, W½NE¼SW¼, E½SW¼SW¼, SE¼SW¼, and W½SW¼SE¼.

*Honest Injun Cave*

T. 22 S., R. 25 E.,
Sec. 28, lot 6.

*Yellow Jacket and Lair Caves*

T. 23 S., R. 25 E.,
Sec. 14, S½SE¼SW¼ and S½S½SE¼;
Sec. 23, NE¼ and NE¼NW¼.

*KFF (Elliott's) Cave*

T. 24 S., R. 25 E.,
Sec. 23, SE¼NE¼SE¼ and E½SE¼SE¼;
Sec. 24, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, and NW¼SE¼SW¼.

*Chosa Draw Caves*

T. 25 S., R. 25 E.,
Sec. 20, E½SE¼;
Sec. 21, S½SE¼NE¼ and S½;
Sec. 22, SW¼SW¼NW¼ and W½W½SW¼;
Sec. 27, W½NW¼NW¼;
Sec. 28, E½NE¼;
Sec. 29, E½NE¼, E½W½NE¼, NE¼SE¼, and E½NW¼SE¼.

*Lost Cave*

T. 22 S., R.26 E.,
Sec. 22, NE¼NE¼NE¼ and N½SE¼NE¼NE¼;
Sec. 23, W½NW¼NW¼NW¼ and NW¼SW¼NW¼NW¼.

*Fence Canyon Cave Area*

T. 24 S., R. 26 E.,
Sec. 17, NW¼NW¼;
Sec. 18, lot 3, E½NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼SW¼, and N½SE¼.

The following describe non-Federal surface and Federal minerals:

**New Mexico Principal Meridian**

*Chosa Draw Caves*

T. 25 S., R. 25 E.,
Sec. 28, NW¼NE¼, W½, and W½SE¼.

The total areas described aggregate 2,924.64 acres of public lands and 440 acres of Federal minerals underlying non-Federal lands in Eddy County.

The Assistant Secretary for Policy, Management and Budget approved the BLM's petition/application; therefore, the petition constitutes a withdrawal proposal of the Secretary of the Interior (43 CFR 2310.1–3(e)).

The purpose of the proposed withdrawal is to protect highly significant caves and their associated resources.

The use of a right-of-way, interagency agreement, or cooperative agreement would not adequately constrain non-discretionary uses that could irrevocably destroy the area's cave resources.

There are no suitable alternative sites as the described lands contain the significant caves and their associated natural resource values.

No water rights would be needed to fulfill the purpose of the requested withdrawal.

Records relating to the application including maps may be examined by contacting Jim Goodbar of the BLM Carlsbad Field Office at the above address and phone number. Cave locations are confidential information, therefore not subject to the Freedom of Information Act in accordance with the Federal Cave Resources Protection Act of 1988.

For the period until November 7, 2013, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal application may present their views in writing to the BLM Carlsbad Field Office at the address noted above. Comments, including names and street addresses of respondents, will be available for public review at the BLM Carlsbad Field Office, at the address above, during regular business hours, 8:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

Before including address, phone number, email address, or any other personal identifying information in your comments, you should be aware that your entire comment—including 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.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the BLM Carlsbad Field Office no later than November 7, 2013. If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** and through local media, newspapers, and the BLM Web site at: *http://www.blm.gov/nm/st/en/fo/Carlsbad_Field_Office.html,* at least 30 days before the scheduled date of the meeting.

For a period until August 10, 2015 the public lands and federally reserved minerals described in this notice will be segregated from location and entry under the United States mining laws unless the application is denied or cancelled or the withdrawal is approved prior to that date. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature which will not significantly impact the values to be protected by the withdrawal may be allowed with the approval of the authorized officer of the BLM during the segregative period.

This application will be processed in accordance with the regulations set forth in 43 CFR 2310.3.

**William Merhege,**

*Deputy State Director, Division of Lands and Resources.*

[FR Doc. 2013–19345 Filed 8–8–13; 8:45 am]

BILLING CODE 4310–FB–P

## DEPARTMENT OF THE INTERIOR

## National Park Service

**[NPS–WASO–NRSS–EQD–13710; PPWONRADN1, PPMRSNR1N.NS0000]**

## Proposed Information Collection; Comment Request: NPS Study of Value of Natural Sounds: A Pilot Study

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice; request for comments.

**SUMMARY:** We (National Park Service) will ask the Office of Management and Budget (OMB) to approve the information collection request (ICR) described below. This collection will consist of a pretest of a survey of the general public concerning the value of natural quiet in national parks. To comply with the Paperwork Reduction Act of 1995 and as a part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other federal agencies to comment on this ICR. A Federal 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:** To ensure that your comments on this ICR are considered, OMB must receive them on or before September 9, 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 to *OIRA_Submission@omb.eop.gov* or fax at 202–395–5806; and identify your submission as ''1024–SOUND''. Please also send a copy of your comments to Phadrea Ponds, Information Collection Coordinator, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525 (mail); or *phadrea_ponds@nps.gov* (email). Please reference Information Collection ''1024–SOUND'' in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** Catherine Taylor, Volpe National Transportation Systems Center, Economics and Industry Analysis Division (RVT–21), 55 Broadway, Cambridge, MA 02142 (mail); via email at *Catherine.Taylor@dot.gov* (email); or at 617–494–2380 (phone). You may also access this ICR at *www.reginfo.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

Currently, the NPS has no information about the value that visitors hold for preserving natural sound conditions in national parks. Nor does NPS have any information of how human-caused sound conditions affect the likelihood of visitation to national parks. The National Park Service is requesting permission to conduct focus groups that will be used to pilot test the central questions that will be used in a subsequent survey to estimate the general public's value for natural sounds in national parks. Once the pilot sessions are completed, a final survey will be developed and submitted to OMB for review and consideration for approval.

## II. Data

*OMB Control Number:* None. This is a new collection.

*Title:* NPS Study of Value of Natural Sounds: A Pilot Study.

*Type of Request:* New.

*Affected Public:* General public.

*Respondent's Obligation:* Voluntary.

*Frequency of Collection:* One-time.

*Estimated Annual Number of Respondents:* 514.

*Estimated Total Annual Burden Hours:* 183 hours.

*Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden:* None.

## III. Request for Comments

On February 4, 2011, we published a **Federal Register** notice (76 FR 6495) announcing that we would submit this ICR to OMB for approval. Public comments were solicited for 60 days ending April 5, 2011. We did not receive any comments that addressed the information collection requirements.

We again invite comments concerning this ICR on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Please note that the comments submitted 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 OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: August 5, 2013.

**Madonna L. Baucum,**

*Information Collection Clearance Officer, National Park Service.*

[FR Doc. 2013–19280 Filed 8–8–13; 8:45 am]

**BILLING CODE 4310–EH–P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

**[A10–C382–1000–002–00–0–0, 6270000]**

### Notice of Availability of the Final Environmental Impact Statement for the Arkansas Valley Conduit and Long-Term Excess Capacity Master Contract, Fryingpan-Arkansas Project; Bent, Chaffee, Crowley, Custer, El Paso, Pueblo, Fremont, Lake, Kiowa, Otero, and Prowers Counties, Colorado

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** The final environmental impact statement (EIS) for the Arkansas Valley Conduit (AVC) and Long-Term Excess Capacity Contract, Fryingpan-Arkansas Project, Colorado, is available for public review. The Bureau of Reclamation has evaluated comments and is recommending a preferred alternative for approval. The proposed Arkansas Valley Conduit, conveyance contract for the Pueblo Dam north-south outlet works interconnect, and long-term excess capacity master contract to store water in available space in Pueblo Reservoir would deliver high-quality water that would meet Environmental Protection Agency and State water quality requirements, and help water providers throughout the Arkansas River Basin in Colorado reliably meet existing and future water demands.

**DATES:** The Bureau of Reclamation will not make a decision on the proposed action until at least 30 days after release of the Final EIS.

**ADDRESSES:** The final EIS is available for review at *http://www.usbr.gov/avceis.* Send requests for an executive summary and compact disc to Ms. J. Signe Snortland, Bureau of Reclamation, P.O. Box 1017, Bismarck, North Dakota 58502; or by email to *jsnortland@usbr.gov.*

See Supplementary Information section for locations where copies of the Final EIS are available for public review.

**FOR FURTHER INFORMATION CONTACT:** J. Signe Snortland, Environmental Specialist, at (701) 221–1278; or *jsnortland@usbr.gov.*

**SUPPLEMENTARY INFORMATION:** Three proposed Federal actions by the Bureau of Reclamation are analyzed in the Final EIS: (1) Construct and operate the AVC and enter into a repayment contract with Southeastern Colorado Water Conservancy District; (2) enter into a conveyance contract with various water providers for use of a pipeline interconnection between Pueblo Dam's north and south outlet works; and (3) enter into an excess capacity master contract with Southeastern Colorado Water Conservancy District to store water in Pueblo Reservoir. While serving similar water supply and delivery purposes, the proposed actions are independent of each other.

The AVC was authorized by Congress in the original Fryingpan-Arkansas legislation in 1962 (Pub. L. 87–590). However, it was not constructed with the original project, primarily because of the beneficiaries' inability to repay the construction costs. In 2009, Congress amended the original legislation in Public Law 111–11, which authorized annual Federal funding as necessary for

constructing the AVC, and included a cost sharing plan with 65 percent Federal and 35 percent local funding. The Bureau of Reclamation would enter into a 50-year repayment contract with Southeastern Colorado Water Conservancy District, which would be responsible for paying the local share.

The AVC would be a water supply pipeline to help meet existing and future municipal and industrial water demands of southeastern Colorado water providers. Forty towns and rural domestic water providers in Pueblo, Crowley, Otero, Bent, Prowers, and Kiowa counties would participate in AVC. Water providers are requesting annual water deliveries of 10,256 acre-feet to help meet water demands in 2070. Fourteen of these water providers are currently under orders by the Colorado Department of Public Health and Environment to remove naturally-occurring radioactive contaminants from their surface or groundwater source using expensive treatment, or to find another better water quality source.

The interconnection would move water between the existing north and south outlet works at Pueblo Dam during emergencies or periodic maintenance activities. Interconnect operations would require a long-term (40-year) contract between AVC, Pueblo Fish Hatchery, Board of Water Works of Pueblo, Pueblo West, Southern Delivery System, and Fountain Valley Authority.

The purpose of the excess capacity master contract would be to allow use of extra storage space in Pueblo Reservoir to store up to 29,938 acre-feet of water. A long-term storage contract, rather than short-term contracts, is needed by 37 water providers to help meet projected demand through 2060 (the term of the contract).

Some of the resources potentially affected by the proposed actions that are evaluated in the Final EIS include: surface water quantity and quality in the Arkansas River Basin, groundwater, climate change, recreation biological resources, human environment, socioeconomics, environmental justice, and historic properties.

A Notice of Availability of the Draft EIS was published in the **Federal Register** on August 29, 2012 (77 FR 52365). The written comment period on the Draft EIS ended on October 30, 2012. The Final EIS contains responses to all comments received, and reflects comments and any additional information received during the review period.

Copies of the Final EIS are available at the following locations:

- Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18E, Loveland, Colorado 80537
- Bureau of Reclamation, Great Plains Regional Office, 2021 4th Avenue North, Billings, Montana 59101
- Carnegie Library—Cañon City, 516 Macon Avenue, Cañon City, Colorado 81212
- Crowley County Combined Community Library, 1007 Main Street, Ordway, Colorado 81063
- Pueblo City-County Library District, 100 East Abriendo Avenue, Pueblo, Colorado 81004
- Pikes Peak Library District, 5550 North Union Boulevard, Colorado Springs, Colorado 80918
- Pueblo West Public Library, 298 South Joe Martinez Boulevard, Pueblo, Colorado 81007
- Frank & Marie Barkman Library, 1300 Jerry Murphy Road, Pueblo, Colorado 81001
- Pueblo City-County Library District—Lamb Branch, 2525 South Pueblo Boulevard, Pueblo, Colorado 81005
- Salida Regional Library, 405 East Street, Salida, Colorado 81201
- John C. Fremont Library District, 130 Church Avenue, Florence, Colorado 81226
- Fountain Branch Library, 230 South Main Street, Fountain, Colorado 80817
- Fowler Public Library, 400 6th Avenue, Fowler, Colorado 81039
- Kiowa County Public Library District, 1305 Goff Street, Eads, Colorado 81036
- La Junta-Woodruff Memorial Library, 522 Colorado Avenue, La Junta, Colorado 81050
- Lamar Public Library, 102 East Parmenter Street, Lamar, Colorado 81052
- Las Animas-Bent County Library District, 306 5th Street, Las Animas, Colorado 81054
- Manzanola School-Public Library, 301 Catalpa, Manzanola, Colorado 81058
- Rocky Ford Public Library, 400 South 10th Street, Rocky Ford, Colorado 81067
- Security Public Library, 715 Aspen Drive, Colorado Springs, Colorado 80911
- Swink School-Public Library, 610 Columbia Avenue, Swink, Colorado 81077
- Trimble Library, 1111 Academy Park Loop, Colorado Springs, Colorado 80910

Dated: August 1, 2013.

**Michael J. Ryan,**

*Regional Director, Great Plains Region.*

[FR Doc. 2013–19282 Filed 8–8–13; 8:45 am]

BILLING CODE 4310–MN–P

## INTERNATIONAL TRADE COMMISSION

### Request for Comments Concerning the Institution of a Review Concerning the Commission's Affirmative Determination in Investigation No. 731–TA–1092 (Final); Diamond Sawblades and Parts Thereof From China

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission invites comments from the public on whether changed circumstances exist sufficient to warrant the institution of a review pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)) (the Act) to review the Commission's affirmative determination in investigation No. 731–TA–1092 (Final). The purpose of the proposed review is to determine whether revocation of the existing antidumping duty order on imports of diamond sawblades and parts thereof from China is likely to lead to continuation or recurrence of material injury (19 U.S.C. 1675(b)(2)(A)). The Commission further requests comments concerning the degree to which such a proceeding can be conducted in conjunction with the anticipated five-year review of the antidumping duty order on the same subject merchandise. This product is provided for in subheading 8202.39.00 of the Harmonized Tariff Schedule of the United States; such goods may be included in combinations of tools provided for in heading 8206.00.00.

**DATES:** *Effective Date:* August 2, 2013.

**FOR FURTHER INFORMATION CONTACT:** Douglas Corkran (202–205–3057), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this matter may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background.*—On May 22, 2006, the Department of Commerce (Commerce) determined that imports of diamond sawblades and parts thereof from China

and Korea are being sold in the United States at less than fair value within the meaning of section 731 of the Act (19 U.S.C. 1673) (71 FR 29303 and 71 FR 29310, respectively). The Commission initially determined that a U.S. industry was not materially injured or threatened with material injury by reason of imports of diamond sawblades and parts thereof from China and Korea (71 FR 39128, July 11, 2006).

Following an appeal of the negative determinations and on remand from the U.S. Court of International Trade (CIT), the Commission determined that a U.S. industry was threatened with material injury by reason of imports of subject imports of diamond sawblades and parts thereof from China and Korea. On January 13, 2009, the CIT affirmed the Commission's affirmative determinations on remand. *Diamond Sawblades Mfrs. Coalition* v. *United States,* Slip Op. 09–05 (Ct. Int'l Trade 2009). On January 22, 2009, the Commission notified Commerce of the Court's decision, stating that it was a decision ''not in harmony with'' with the Commission's original negative determinations.

On February 10, 2009, Commerce published notice of the CIT's decision and suspended liquidation for entries of the subject merchandise after the effective date of the notice until the end of all appellate proceedings (74 FR 6570). On November 4, 2009, Commerce published orders that antidumping duties be imposed on imports of diamond sawblades and parts thereof from China and Korea, effective January 23, 2009 (74 FR 57145).

Following affirmance of the CIT's judgment by the U.S. Court of Appeals for the Federal Circuit and upon conclusion of all appellate proceedings in the action, the Commission published notice of its final determinations in the antidumping investigations of diamond sawblades and parts thereof from China and Korea (75 FR 68618, November 8, 2010).

On July 11, 2013, the Commission received a request to review its affirmative determination in investigation No. 731–TA–1092 (Final) pursuant to section 751(b) of the Act (19 U.S.C. 1675(b)). The request, filed by Husqvarna Construction Products North America, Inc. (Husqvarna), Olathe, Kansas, alleges several changes since the issuance of the Commission's remand determination. Specifically, Husqvarna notes Commerce's revocation of the antidumping duty order on imports of diamond sawblades and parts thereof from Korea; additional Commerce determinations with respect to Chinese exporter Advanced Technology & Materials Co., Ltd.; the acquisition of certain petitioners by non-U.S. producers of diamond sawblades, as well as changes in those petitioners' patterns of sourcing diamond sawblades; a reduction in the overlap of competition between subject imports and the domestic like product as a result of the preceding changes; and opposition to the continuation of the order on diamond sawblades and parts thereof from China by a ''significant part of U.S. production.''

*Written comments requested.*—Pursuant to section 207.45(b) of the Commission's Rules of Practice and Procedure, the Commission requests comments concerning whether the alleged changed circumstances, brought about by the aforementioned changes in the imports of diamond sawblades and parts thereof subject to an antidumping duty order and in the U.S. producers' operations, production, and sales of the domestic like product, are sufficient to warrant institution of a review.

The Commission further requests comments concerning the degree to which any changed circumstances proceeding concerning diamond sawblades and parts thereof from China can be conducted in conjunction with the five-year review of the antidumping duty order on the same subject merchandise that Commerce is scheduled to initiate and the Commission is scheduled to institute in December 2013. If the Commission initiates a changed circumstances review, the review is likely to be conducted on an overlapping basis with the five-year review concerning diamond sawblades and parts thereof from China. Therefore, commenters are encouraged to address the nature of the respective inquiries, the data and other information necessary for the Commission's evaluation, and procedural considerations for the effective conduct of the reviews.

*Written submissions.*—Comments must be filed with the Secretary to the Commission by no later than October 15, 2013. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain business proprietary information must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to electronic filing have been amended. The amendments took effect on November 7, 2011. See 76 FR 61937 (October 6, 2011) and the newly revised Commission's Handbook on E-Filing, available on the Commission's Web site at *http://edis.usitc.gov.*

**Authority:** This notice is published pursuant to section 207.45 of the Commission's rules.

By order of the Commission.

Issued: August 6, 2013.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2013–19295 Filed 8–8–13; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

**[OMB Number 1140–0080]**

### Agency Information Collection Activities; Proposed Collection; Comments Requested: Notification of Change of Mailing or Premise Address

*Correction*

In notice document 2013–18010 beginning on page 45275 of the issue of Friday, July 26, 2013 make the following correction:

In the second column, beginning on the eleventh line, ''[insert the date 60 days from the date this notice is published in the **Federal Register**]'' should read ''September 24, 2013''.

[FR Doc. C1–2013–18010 Filed 8–8–13; 8:45 am]

**BILLING CODE 1505–01–D**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[OMB Number 1117–0013]**

### Agency Information Collection Activities; Proposed Collection; Comments Requested: Application for Permit To Import Controlled Substances for Domestic and/or Scientific Purposes (DEA Form 357)

**ACTION:** 60-Day notice.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until October 8, 2013. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed

information collection instrument with instructions or additional information, please contact Ruth A. Carter, Chief, Policy Evaluation and Analysis Section, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- 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 agencies 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.

*Overview of information collection 1117–0013:*

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Permit to Import Controlled Substances for Domestic and/or Scientific Purposes pursuant to 21 U.S.C. 952 (DEA Form 357).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: DEA Form 357, Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: Title 21 of the CFR, § 1312.11 requires any registrant who desires to import certain controlled substances into the United States to have an import permit. In order to obtain the permit, an application must be made to the Drug Enforcement Administration on DEA Form 357.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 136 persons complete an estimated 1,265 DEA Form 357s at 15 minutes per form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* It is estimated that there are 316 annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: August 6, 2013.

**Jerri Murray,**

*Department Clearance Officer for PRA, United States Department of Justice.*

[FR Doc. 2013–19317 Filed 8–8–13; 8:45 am]

BILLING CODE 4410–09–P

## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation

**[OMB Number 1110–0008]**

### Agency Information Collection Activities; Proposed Collection; Comments Requested; Extension of a Currently Approved Collection: Monthly Return of Arson Offenses Known to Law Enforcement

**ACTION:** 60-Day notice.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until October 8, 2013.

This process is conducted in accordance with 5 CFR 1320.10.

All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile to (304) 625–3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

*Overview of this information collection:*

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Monthly Return of Arson Offenses Known to Law Enforcement

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form 1–725; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, tribal, and federal law enforcement agencies. Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, 1930, and the Anti-Arson Act of 1982 this collection requests the number of arson from city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of arson data and to publish these statistics in the Preliminary Reports and Crime in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are a potential of 18,233 law enforcement agency respondents; calculated estimates indicate 9 minutes per copy response.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately

20,866 hours, annual burden, associated with this information collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: August 6, 2013.

**Jerri Murray,**

*Department Clearance Officer for PRA, United States Department of Justice.*

[FR Doc. 2013–19319 Filed 8–8–13; 8:45 am]

**BILLING CODE 4410–02–P**

## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation

**[OMB Number 1110–0004]**

### Agency Information Collection Activities; Proposed Collection; Comments Requested; Extension of a Currently Approved Collection: Number of Full-time Law Enforcement Employees as of October 31

**ACTION:** 60-Day notice.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until October 8, 2013.

This process is conducted in accordance with 5 CFR 1320.10.

All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile to (304) 625–3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

*Overview of this information collection:*

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Number of Full-time Law Enforcement Employees as of October 31.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form 1–711; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, tribal, and federal law enforcement agencies. Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, 1930, this collection requests the number of full-time law enforcement employees both officers and civilians from city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of police employee data and to publish these statistics in Crime in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are a potential of 18,233 law enforcement agency respondents that submit once a year for a total of 18,233 responses with an estimated response time of 8 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 2,431 hours, annual burden, associated with this information collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: August 6, 2013.

**Jerri Murray,**

*Department Clearance Officer for PRA, United States Department of Justice.*

[FR Doc. 2013–19318 Filed 8–8–13; 8:45 am]

**BILLING CODE 4410–02–P**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

**[OMB Number 1121–NEW]**

### Agency Information Collection Activities; Proposed Collection; Comment Request: Methodological Research To Support the National Crime Victimization Survey: Self-Report Data on Rape and Sexual Assault—Pilot Test

**ACTION:** 60-Day notice.

The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for September 9, 2013. This process is in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Shannan Catalano, Statistician (202) 616–3502, Bureau of Justice Statistics, 810 Seventh St. NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

- 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.

*Overview of this information collection:*

(1) *Type of information collection:* New collection under activities related to the National Crime Victimization Survey Redesign Research (NCVS–RR) program: Methodological Research to Support the National Crime Victimization Survey: Self-Report Data on Rape and Sexual Assault—Pilot Test.

(2) *Title of the Form/Collection:* National Survey on Health and Safety (NSHS).

(3) *Agency form number, if any, and the applicable component of the department sponsoring the collection:* NSHS1, NSHS2, NSHS3, and NSHS4, Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract. Primary:* Females ages 18 or older in 5 Core Based Statistical Areas (CBSAs) in the United States. These CBSAs include—

• New York-Northern New Jersey-Long Island, NY–NJ–PA;

• Los Angeles-Long Beach-Santa Ana, CA;

• Miami-Fort Lauderdale-Pompano Beach, FL;

• Dallas-Fort Worth-Arlington-TX; and

• Phoenix-Mesa-Glendale, AZ.

The NSHS will test alternative survey methods for measuring rape and sexual assault and develop improved collection procedures for these crimes.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:*

• Approximately 50 victim service agencies, and 100 universities and colleges will be contacted to serve as liaisons between potential respondents about the survey. The average length of contact with these agencies is approximately 120 minutes per agency for a total of 300 burden hours.

• Approximately, 76,740 households will be contacted to screen for eligible participants. The expected burden placed on these households is 4 minutes per household for a total of 5,116 burden hours.

• Approximately 19,320 females ages 18 or older will be interviewed for eligibility in the NSHS. The screening portion of the NSHS is designed to filter out those females who have not experienced rape or sexual assault. The expected burden placed on these 19,320 respondents is 18 minutes per respondent for a total of 5,796 burden hours.

• An estimated 1,352 respondent (7%) are expected to be identified as victims of rape or sexual assault. These respondents will be administered a detailed incident questionnaire. The expected burden placed on these respondents is 15 minutes for a total of 338 burden hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total respondent burden is approximately 11,550 hours.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: August 6, 2013.

**Jerri Murray,**

*Department Clearance Officer for PRA, United States Department of Justice.*

[FR Doc. 2013–19316 Filed 8–8–13; 8:45 am]

BILLING CODE 4410–18–P

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## DEPARTMENT OF JUSTICE

### National Institute of Corrections

### Advisory Board; Notice of Meeting

This notice announces a forthcoming meeting of the National Institute of Corrections (NIC) Advisory Board. At least one portion of the meeting will be closed to the public.

*Name of the Committee:* NIC Advisory Board.

*General Function of the Committee:* To aid the National Institute of Corrections in developing long-range plans, advise on program development, and recommend guidance to assist NIC's efforts in the areas of training, technical assistance, information services, and policy/program development assistance to Federal, state, and local corrections agencies.

*Date and Time:* 8:00 a.m.–4:30 p.m. on Friday, September 6, 2013.

*Location:* National Institute of Corrections, 500 First Street NW., 2nd Floor, Washington, DC 20534, (202) 514–4222.

*Contact Person:* Shaina Vanek, Executive Assistant, National Institute of Corrections, 320 First Street NW., Room 5002, Washington, DC 20534. To contact Ms. Vanek, please call (202) 514–4222.

*Agenda:* On September 6, 2013, the Advisory Board will hear updates on the following topics: (1) Subcommittee Report related to the identification of potential NIC Director candidates, (2) Agency Report from the NIC Acting Director, (3) Summary of the August 2012 NIC Advisory Board Hearing on Shifting the Focus to Reshape Our Thinking toward Performance-Based Outcomes, and (4) select project reports from NIC Division Chiefs.

*Procedure:* On September 6, 2013, from 9:00 a.m. until 4:30 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 23, 2013. Oral presentations from the public will be scheduled between approximately 11:15 a.m. to 11:45 a.m. and 3:45 p.m. and 4:15 p.m. on September 6, 2013. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 23, 2013.

*Closed Committee Deliberations:* On September 6, 2013, between 8:00 a.m. and 9:00 a.m., the meeting will be closed to permit discussion of information that (1) relates solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c) (2)), and (2) is of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c) (6)). The Advisory Committee will discuss the outcomes of the subcommittee's review of potential candidates for the position of Director of the National Institute of Corrections and make determinations as to the Advisory Board's recommendations to the U.S. Attorney General.

*General Information:* NIC 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 Shaina Vanek at least 7 days in advance of the meeting. Notice of this meeting is given under the

Federal Advisory Committee Act (5 U.S.C. app. 2).

**Robert M. Brown, Jr.,**

*Acting Director, National Institute of Corrections.*

[FR Doc. 2013–19232 Filed 8–8–13; 8:45 am]

**BILLING CODE M**

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Focus Groups and Survey Regarding Pension Benefit Statements

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Focus Groups and Survey Regarding Pension Benefit Statements,'' 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 September 9, 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=* 201305–1210–006 (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, 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*. Commenters are encouraged, but not required, to send a courtesy copy of any comments to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Information Management Program, 200 Constitution Avenue NW., Washington, DC 20210, email: *DOL_PRA_PUBLIC@dol.gov*.

**FOR FURTHER INFORMATION 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:** Employee Retirement Income Security Act of 1974 (ERISA) section 105(a) requires an ERISA-covered individual account plan administrator to furnish periodic benefit statements to participants and beneficiaries. This new ICR seeks OMB approval to conduct a survey and an experiment on participants in an existing household American Life Panel (ALP) via the Internet and to conduct four focus groups of non-panel members. The survey and focus groups would explore whether information contained in sample benefit statements can be presented in a way that improves recipients' understanding of the statements and helps them better plan for retirement. Specifically, the EBSA would collect data through four focus groups that will pretest the model benefits statements, each containing slightly different information, and a survey of 2,900 ALP respondents. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 22, 2013 (78 FR 4458).

This proposed 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.

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 ICR Reference Number 201305–1210–006. 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–EBSA.

*Title of Collection:* Focus Groups and Survey Regarding Pension Benefit Statements.

*OMB ICR Reference Number:* 201305–1210–006.

*Affected Public:* Individuals or Households.

*Total Estimated Number of Respondents:* 2,950.

*Total Estimated Number of Responses:* 2,950.

*Total Estimated Annual Burden Hours:* 945.

*Total Estimated Annual Other Costs Burden:* $0.

Dated: August 1, 2013.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2013–19286 Filed 8–8–13; 8:45 am]

**BILLING CODE 4510–29–P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

**[NARA–2013–036]**

### Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in

which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

**DATES:** Requests for copies must be received in writing on or before September 9, 2013. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

**ADDRESSES:** You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

*Mail:* NARA (ACNR), 8601 Adelphi Road, College Park, MD 20740–6001.

*Email: request.schedule@nara.gov.*

*Fax:* 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

**FOR FURTHER INFORMATION CONTACT:** Margaret Hawkins, Director, Records Management Services (ACNR), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1799. Email: *request.schedule@nara.gov.*

**SUPPLEMENTARY INFORMATION:** Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless specified otherwise. An item in a schedule is media neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is limited to a specific medium. (See 36 CFR 1225.12(e).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

## Schedules Pending

1. Department of Commerce, Bureau of the Census (DAA–0029–2013–0006, 30 items, 25 temporary items). Records of the Company Statistics Division such as economic census and sample survey questionnaires, economic census suggestion files, congressional and respondent correspondence, rejected survey and project files, operations files, data tabulations, and other system processing records such as employment data summaries. Proposed for permanent retention are economic census planning and management files, approved survey and project files, survey procedures memorandums, and monthly reports prepared and retained at the Division level.

2. Department of Defense, Defense Logistics Agency (DAA–0361–2013–0006, 1 item, 1 temporary item). Records relating to the application, implementation, and certification of social media platforms.

3. Department of Defense, Defense Logistics Agency (DAA–0361–2013–0009, 1 item, 1 temporary item). Records related to the disposition of computers.

4. Department of Defense, National Security Agency (N1–457–13–2, 3 items, 3 temporary items). Records related to agency-wide succession management planning programs, including personnel-related records, general correspondence, and other documentation used to support this planning.

5. Department of Health and Human Services, Office of the Secretary (DAA–0468–2013–0005, 3 items, 2 temporary items). Plans, internal correspondence, summaries, guidance, site visit reports, drafts, and background materials that document the public health and medical recovery coordination cycle for small-scale disasters. Proposed for permanent retention are case files of historically significant natural and man-made disaster public health and medical recovery coordination plans, correspondence, activation summaries, and reports.

6. Department of Health and Human Services, Office of the Secretary (DAA–0468–2013–0006, 3 items, 2 temporary items). Veterinary health records, logs, certificates, inspection reports, and summary reports that document veterinary disaster response for small-scale disasters. Proposed for permanent retention are historically significant natural and man-made veterinary disaster response situational reports.

7. Department of Health and Human Services, Office of the Secretary (DAA–0468–2013–0007, 2 items, 1 temporary item). Background materials, working files, ad hoc reports, and internal briefing materials documenting the Department's implementation of the American Recovery and Reinvestment Act. Proposed for permanent retention are preliminary and final implementation plans and reports.

8. Department of the Interior, Bureau of Safety and Environmental Enforcement (N1–473–12–3, 6 items, 6 temporary items). Records documenting the analysis and evaluation of Outer Continental Shelf resources including conservation management records, geophysical and geological data management, and information management support records.

9. Department of the Interior, Bureau of Safety and Environmental Enforcement (N1–473–12–4, 7 items, 7 temporary items). Records documenting energy and mineral leasing activities

including lease adjudication, royalty relief, lease bonds, suspensions of operation, technical studies, and information management and publication support records.

10. Department of Justice, Executive Office for United States Attorneys (N1–118–10–6, 3 items, 1 temporary item). Non-case file records created by or for each United States Attorney within the 94 judicial districts, including discretionary local operating procedures for routine administrative functions. Proposed for permanent retention are all United States Attorneys' subject, project, and correspondence files, official calendars, briefing books, local operating policies, organizational charts, and district-specific office directives.

11. Department of Justice, Executive Office for United States Attorneys (N1–118–10–7, 6 items, 5 temporary items). All case files, matters, and records created within the 94 judicial districts which do not meet the criteria for permanent retention, including outstanding fugitive warrants, uncollected civil claims, certain criminal and civil categories, and certain magistrate and district court cases. Proposed for permanent retention are all cases that went to trial, involve life or death sentences, or match certain other categories.

12. Environmental Protection Agency, Agency-wide (DAA–0412–2013–0008, 2 items, 2 temporary items). Records of activities relating to management and oversight of grants and other program support agreements.

13. Environmental Protection Agency, Agency-wide (DAA–0412–2013–0014, 5 items, 5 temporary items). Records of activities related to management and oversight of the acquisition of goods and services.

Dated: August 1, 2013.

**Paul M. Wester, Jr.,**

*Chief Records Officer for the U.S. Government.*

[FR Doc. 2013–19287 Filed 8–8–13; 8:45 am]

**BILLING CODE 7515–01–P**

## NATIONAL SCIENCE FOUNDATION

### President's Committee on the National Medal of Science; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* President's Committee on the National Medal of Science (1182).

*Date and Time:* Tuesday, September 3, 2013, 8:30 a.m.–2 p.m.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Arlington, VA, 22230.

*Type of Meeting:* Closed.

*Contact Person:* Ms. Mayra Montrose, Program Manager, Room 1282, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703–292–4757.

*Purpose of Meeting:* To provide advice and recommendations to the President in the selection of the 2013 National Medal of Science recipients.

*Agenda:* To review and evaluate nominations as part of the selection process for awards.

*Reason for Closing:* The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: August 6, 2013.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 2013–19274 Filed 8–8–13; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 52–027 and 52–028; NRC–2008–0441]**

### Virgil C. Summer Nuclear Station, Units 2 and 3; South Carolina Electric and Gas; Change to the Bracing Design in the Turbine Building and Corresponding Change to Structural Design Code

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption and combined license amendment; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and issuing License Amendment No. 7 to Combined Licenses (COL), NPF–93 and NPF–94. The COLs were issued to South Carolina Electric and Gas (SCE&G) and South Carolina Public Service Authority (Santee Cooper) (the licensee), for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3 located in Fairfield County, South Carolina. The amendment changes requested revise the design of the bracing used to support the Turbine Building structure. This request requires changing Tier 1 information found in the Design Description portion of Updated Final Safety Analysis Report (UFSAR) section 3.3, ''Buildings.'' The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

**ADDRESSES:** Please refer to Docket ID NRC–2008–0441 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0441. 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. The request for the amendment and exemption were submitted by letter dated February 7, 2013 (ADAMS Accession No. ML13042A003). The licensee supplemented this request on February 14, 2013 (ADAMS Accession No. ML13050A603).
- *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:** Denise McGovern, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0681; email: *Denise.McGovern@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

The NRC is granting an exemption from Paragraph B of Section III, ''Scope and Contents,'' of Appendix D, ''Design Certification Rule for the AP1000,'' to Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment No. 7 to COLs, NPF–93 and NPF–94, to the licensee. The exemption is required by Paragraph A.4 of Section VIII, ''Processes for Changes and Departures,'' Appendix D to 10 CFR Part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought to revise UFSAR information related to the design of the bracing used to support the non-seismic portion of the Turbine Building. As part of this request, the licensee needed to change Tier 1 information located in the ''Design Description'' portion of section 3.3, ''Buildings'' of the UFSAR. These changes sought to allow the licensee to use a mixed bracing system of both eccentrically and concentrically braced framing versus only eccentrically braced framing in the Turbine Building.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4. of Appendix D to 10 CFR Part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML13151A472.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF–93 and NPF–94). These documents can be found in ADAMS under Accession Nos. ML13151A466 and ML13151A468. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–93 and NPF–94 are available in ADAMS under Accession Nos. ML13151A461 and ML13151A463. A summary of the amendment documents is provided in Section III of this document.

## II. Exemption

Reproduced below is the exemption document issued to VCSNS Units 2 and 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated February 7, 2013, and supplemented by a letter dated February 14, 2013, the licensee requested from the Commission an exemption from the provisions of 10 CFR Part 52, Appendix D, Section III.B, ''Design Certification Rule for the AP1000 Design, Scope, and Contents,'' as part of license amendment request 13–03, ''Turbine Building Eccentric and Concentric Bracing.''

For the reasons set forth in Section 3.1, ''Evaluation of Exemption,'' of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML13151A472, the Commission finds that:

A. the exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption to the provisions of 10 CFR Part 52, Appendix D, Section III.B, to allow deviations from the Tier 1 certification information in the ''Design Description'' portion of section 3.3 ''Buildings'' of the Certified Design Control Document regarding the design of the supports used in the non-seismic portion of the Turbine Building, as described in the licensee's request dated February 7, 2013 and supplemented on February 14, 2013. This exemption is related to, and necessary for the granting of License Amendment No. 7, which is being issued concurrently with this exemption.

3. As explained in Section 5.0, ''Environmental Consideration,'' of the NRC staff Safety Evaluation (ADAMS Accession No. ML13151A472), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of July 1, 2013.

## III. License Amendment Request

By letter dated February 7, 2012, the licensee requested that the NRC amend the COLs for VCSNS Units 2 and 3, COLs NPF–93 and NPF–94. The licensee supplemented this application on February 14, 2013. The licensee sought to change Tier 2 information previously incorporated into the UFSAR. Additionally, these Tier 2 changes involved changes to Tier 1 material in the UFSAR, and would revise the associated material that has been included in Appendix C of each of the VCS, Units 2 and 3, COLs. The Tier 2 changes modified sections of the UFSAR related to the design information and code requirements regarding the supports used in the Turbine Building. These Tier 2 changes require modifications to particular Tier 1 information located in the ''Design Description'' portion of Section 3.3. ''Buildings'' of the UFSAR. In this section the licensee sought to revise the original design of only using eccentrically braced framing in the non-seismic portion of the Turbine Building. Instead the licensee plans to use a mixed bracing system consisting of both eccentrically and concentrically braced framing. The staff determined that these changes did not alter any relevant conclusions made for the AP1000 standard design.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on March 4, 2013 (78 FR 14126). The supplements had no effect on the no significant hazards consideration determination and no comments were received during the 60-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance

with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

## IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on February 7, 2013, and supplemented by letter dated February 14, 2013. The exemption and amendment were issued on July 1, 2013 as part of a combined package to the licensee. (ADAMS Accession No. ML13151A457).

Dated at Rockville, Maryland, this 5th day of August 2013.

For the Nuclear Regulatory Commission.

**Lawrence Burkhart,**

*Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. 2013–19309 Filed 8–8–13; 8:45 am]

**BILLING CODE 7590–01–P**

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## NUCLEAR REGULATORY COMMISSION

**[NRC–2013–0181]**

## Placement of the Georgia Agreement State Program on Probation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Georgia Agreement State Program being placed on probation.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is announcing the placement of the Georgia Agreement State Program (Georgia Program) for the regulation of certain Atomic Energy Act materials on probation and a further increase in the NRC oversight of the Georgia Program, including overseeing implementation of a ''Program Improvement Plan'' developed by the staff of the Georgia Program. Once the Georgia Program has met the commitments made in the ''Program Improvement Plan,'' and has demonstrated significant and sustainable improvements, the probationary status could be lifted. There will be further announcements of such action.

**ADDRESSES:** Please refer to Docket ID NRC–2013–0181] when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0181]. 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.
- *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:** Lisa Dimmick, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301–415–0694, email: *Lisa.Dimmick@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

Under Section 274 of the Atomic Energy Act, as amended, the Commission retains the authority and the responsibility to ensure that Agreement State programs continue to provide adequate protection of public health and safety, and to be compatible with the NRC's program with respect to the regulation of the materials and uses authorized under the agreement. Agreement States are States that have assumed regulatory authority from the NRC over the possession and use of certain radioactive materials.

Section 274j. of the Atomic Energy Act of 1954, as amended, requires that the NRC periodically review each Agreement State to ensure each State's regulatory programs are adequate and compatible. The NRC evaluates Agreement State radiation control programs, using performance indicators, to ensure that public health and safety is being adequately protected. The periodic review process for Agreement State programs is called the Integrated Materials Performance Evaluation Program (IMPEP).

The Management Review Board (MRB), in a public meeting, makes the overall assessment of the Agreement State program. Information considered by the MRB includes the proposed final IMPEP report, which presents suggested performance indicator ratings and recommendations prepared by the IMPEP review team, and information provided by the State at the MRB meeting. For most IMPEP reviews, no action other than issuance of the final IMPEP report is needed. For those infrequent reviews where additional action is needed, the MRB may consider Monitoring, Heightened Oversight, and recommendations for Probation, Suspension, or Termination. The most significant actions, Probation, Suspension, or Termination, require Commission approval. In 2008, the MRB placed the Georgia Program under a condition of Monitoring due to the results of the 2008 Georgia Program IMPEP.

After the most recent review, the MRB found the overall Georgia Program compatible with the NRC's program and adequate to protect public health and safety, but it needs improvement. The MRB found the Georgia Program performance unsatisfactory for two performance indicators: Technical Quality of Inspections, and Technical Quality of Incident and Allegation Activities. The Georgia Program was found satisfactory, but it needs improvement, for three performance indicators: Technical Staffing and Training, Status of Materials Inspection Program, and Technical Quality of Licensing Actions. The indicators, Compatibility Requirements and Sealed Source and Device Evaluation were found satisfactory. The MRB recommended that the Georgia Program be placed on Probation due to the significant performance issues identified. The Commission agreed that the Georgia Program should be placed on Probation.

The Georgia Agreement State Program's progress in addressing the program weaknesses will be evaluated in January 2014 by an IMPEP review team. Once the MRB determines that the Agreement State has met the commitments in the ''Program Improvement Plan'' and has demonstrated significant and sustainable improvements in program performance, a recommendation will be made to the Commission that the probationary status be lifted.

Notification of discontinuance of Probation would be made to the Governor of Georgia, the Georgia Congressional delegation, and all other Agreement and Non-Agreement States.

The NRC would also publish a *Federal* Register notice and a press release announcing the discontinuance of Probation for the Georgia Program, if approved by the Commission.

Dated at Rockville, Maryland, this 2nd day of August, 2013.

For the Nuclear Regulatory Commission.

**Mark A. Satorius,**

*Director, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2013–19306 Filed 8–8–13; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2013–0160]**

## Proposed Revisions to Design of Structures, Components, Equipment and Systems

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Standard review plan-draft section revision; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on the following sections in Chapter 3, ''Design of Structures, Components, Equipment, and Systems'' and soliciting public comment on NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 3.9.3 ''ASME Code Class 1, 2, and 3 Components, and Component Supports, and Core Support Structures.''

**DATES:** Comments must be filed no later than September 9, 2013. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may access information and comment submissions related to this document, which the NRC possesses and is publicly available, by searching on *http://www.regulations.gov* under Docket ID NRC–2013–0160. You may submit comments by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0160. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.*
- *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**.

**FOR FURTHER INFORMATION CONTACT:** Jonathan DeGange, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6992 or email: *Jonathan.DeGange@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Accessing Information and Submitting Comments

*A. Accessing Information*

Please refer to Docket ID NRC–2013–0160 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 any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0160.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *''ADAMS Public Documents''* and then select *''Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS Accession numbers for the redline document comparing the current revision and the proposed revision are available in ADAMS under Accession Nos.: Section 3.9.3, Proposed Revision 1 (ML12334A360), Current Revision 0 (ML070430397), Redline (ML12341A203).
- *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–2013–0160 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 in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at *http://www.regulations.gov* as well as enters 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 in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

### II. Further Information

The NRC seeks public comment on the proposed revisions to this section. In respect of this revision, details of specific changes are included at the end of the revised section, and are shown in the description of changes.

The changes to this Standard Review Plan (SRP) Chapter reflect the current staff review methods and practices based on lessons learned from NRC reviews of design certification and combined license applications completed since the last revision of this chapter.

These sections have been updated to reflect the guidance provided in SRP 3.12 for Generic Issue 89 on stiff pipe clamps (ADAMS Accession No. ML101720320), as well as in SRP Section 3.9.6 for the operational readiness of snubbers (ADAMS Accession No. ML070720041), and review interfaces have been updated accordingly. Terms have been revised from ''Operability'' and ''Operability Assurance'' to ''Operational Readiness'' for consistency with other SRP sections, including the title of Appendix A, Section 5. Subsection 3.9.3.III.1 and Table 1 in Appendix A were revised to correct discussion of the operating-basis earthquake for new reactors. Additional references were also added to the references section. Accession numbers for the redline document comparing the current revision with the proposed revision are included in the Supplementary Information section.

The NRC staff is issuing this notice to solicit public comments on the revised SRP Sections in Chapter 3. After the NRC staff considers any public comments, it will make a determination regarding the revised SRP Sections in Chapter 3.

*Backfitting and Issue Finality*

Issuance of this draft SRP, if finalized, would not constitute Backfitting as defined in 10 CFR 50.109, or otherwise be inconsistent with the issue finality

provisions in 10 CFR Part 52. The staff's position is based upon the following considerations.

1. *The draft SRP positions, if finalized, do not constitute Backfitting, in as much as the SRP is internal guidance to NRC staff.*

The SRP provides interim guidance to the staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which applicants or licensees are protected under 10 CFR 50.109 or issue finality provisions in 10 CFR Part 52.

2. *Backfitting and issue finality—with certain exceptions discussed below—do not protect current or future applicants.*

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR Part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR Part 52—with certain exclusions discussed below—were intended to every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR Part 52 license (e.g., an early site permit) and/or NRC regulatory approval (e.g., a design certification rule) with specified issue finality provisions. The staff does not, at this time, intend to impose the positions represented in the draft SRP section (if finalized) in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the draft SRP section (if finalized) in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must make address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. *The staff has no intention to impose the draft SRP positions on existing nuclear power plant licenses or regulatory approvals either now or in the future (absent a voluntary request for change from the licensee, holder of a regulatory approval, or a design certification applicant).* The staff does not intend to impose or apply the positions described in the draft SRP section to existing (already issued) licenses (*e.g.,* operating licenses and combined licenses) and regulatory approvals—in this case, design certifications. Hence, the draft SRP—even if considered guidance which is within the purview of the issue finality provisions in 10 CFR Part 52— need not be evaluated as if it were a Backfit or as being inconsistent with issue finality provisions. If, in the future, the staff seeks to impose a position in the draft SRP (if finalized) on holders of already issued licenses in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule, or address the criteria for avoiding issue finality as described in the applicable issue finality provision, as applicable.

Dated at Rockville, Maryland, this 27th day of June 2013.

For the Nuclear Regulatory Commission.

**Joseph Colaccino,**

*Chief Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.*

[FR Doc. 2013–19308 Filed 8–8–13; 8:45 am]

**BILLING CODE 7590–01–P**

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## POSTAL REGULATORY COMMISSION

**[Docket No. CP2013–39; Order No. 1798]**

## International Mail Contract

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning a modification to a Global Plus 1C agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* August 12, 2013.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202–789–6820.

**SUPPLEMENTARY INFORMATION:**

### Table of Contents

I. Introduction
II. Contents of Filing
III. Commission Action
IV. Ordering Paragraphs

### I. Introduction

On August 2, 2013, the Postal Service filed notice, pursuant to 39 CFR 3015.5, that it has entered into a modification of the Global Plus 1C agreement approved in Docket No. CP2013–39 (Modification One).[1] Modification One consists of rate changes to Annex 3 Prices for Commercial ePacket service and a new paragraph, in Article 6, addressing the Postal Service's obligation to provide its contracting partner, on a periodic basis, with a list of countries to which Commercial ePacket service is available. Notice at 1. This Order provides the public with notice of Modification One, invites comments, and takes other administrative steps.

### II. Contents of Filing

In addition to the Notice, the Postal Service's filing includes the following supporting documents addressing compliance with 39 U.S.C. 3633 and 39 CFR 3015.5: Modification One; a certified statement addressing certain pricing requirements; and Governors' Decision No. 11–6. The supporting documents were filed in unredacted (public) versions as Attachments 1, 2, and 3 to the Notice, respectively, and in redacted (non-public) versions. The filing also includes redacted and unredacted versions of supporting financial documents.

### III. Commission Action

The Commission reopens Docket No. CP2013–39 to consider issues raised by the Notice. The Commission invites comments from interested persons on whether Modification One is consistent with 39 U.S.C. 3633 and the requirements of 39 CFR 3015.5. Comments are due no later than August 12, 2013. The public portions of the Postal Service's filing can be accessed via the Commission's Web site (*http://www.prc.gov*). Information on the Commission's treatment of non-public materials, including how to request access to them, appears in 39 CFR part 3007.

Curtis E. Kidd, previously designated to serve as Public Representative in this proceeding, will continue in that capacity.[2]

### IV. Ordering Paragraphs

*It is ordered:*

1. The Commission reopens Docket No. CP2013–39 for consideration of matters raised by the Postal Service's Notice.

2. Curtis E. Kidd, previously designated to serve as an officer of the

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[1] Notice of the United States Postal Service of Filing Modification to Global Plus 1C Negotiated Service Agreement, August 2, 2013 (Notice). The Commission approved the underlying agreement in Order No. 1638, Order Approving Additional Global Plus 1C Negotiated Service Agreement, January 25, 2013.

[2] *See* Order No. 1620, Notice and Order Concerning an Additional Global Plus 1C Contract, January 11, 2013.

Commission (Public Representative) to represent the interests of the general public in this proceeding, will continue in that capacity.

3. Comments from interested persons are due no later than August 12, 2013.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Ruth Ann Abrams,**

*Acting Secretary.*

[FR Doc. 2013–19245 Filed 8–8–13; 8:45 am]

BILLING CODE 7710–FW–P

## POSTAL REGULATORY COMMISSION

**[Docket No. CP2013–37; Order No. 1797]**

### Negotiated Service Agreement

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning an amendment to a Global Plus 1C agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* August 9, 2013.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202–789–6820.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

I. Introduction
II. Contents of Filing
III. Commission Action

### I. Introduction

On August 1, 2013, the Postal Service filed notice, pursuant to 39 CFR 3015.5, that it has entered into a modification of the Global Plus 1C agreement approved in Docket No. CP2013–37 (Modification One).[1] Modification One consists of rate changes to Annex 3 Prices for Commercial ePacket service and a new paragraph addressing the Postal Service's obligation to provide its contracting partner, on a periodic basis, with a list of countries to which Commercial ePacket service is available.[2] Notice at 1. This order provides the public with notice of Modification One, invites comments, and takes other administrative steps.

### II. Contents of Filing

In addition to the Notice, the Postal Service's filing includes the following supporting documents addressing compliance with 39 U.S.C. 3633 and 39 CFR 3015.5: Modification One; a certified statement addressing certain pricing requirements; and Governors' Decision No. 11–6. The supporting documents were filed in unredacted (public) versions as Attachments A, B, and C to the Notice, respectively, and in redacted (non-public) versions.

### III. Commission Action

The Commission reopens Docket No. CP2013–37 to consider issues raised by the Notice. The Commission invites comments from interested persons on whether Modification One is consistent with 39 U.S.C. 3633 and the requirements of 39 CFR 3015.5. Comments are due no later than August 9, 2013. The public portions of the Postal Service's filing can be accessed via the Commission's Web site (*http://www.prc.gov*). Information on the Commission's treatment of non-public materials, including how to request access to them, appears in 39 CFR part 3007.

Curtis E. Kidd, previously designated to serve as Public Representative in this proceeding, will continue in that capacity.[3]

*It is ordered:*

1. The Commission reopens Docket No. CP2013–37 for consideration of matters raised by the Postal Service's Notice.

2. Curtis E. Kidd, previously designated to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding, will continue in that capacity.

3. Comments from interested persons are due no later than August 9, 2013.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

**Ruth Ann Abrams,**

*Acting Secretary.*

[FR Doc. 2013–19223 Filed 8–8–13; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of the United States Postal Service of Filing Modification to Global Plus 1C Negotiated Service Agreement, August 1, 2013 (Notice). The Commission approved the underlying agreement in PRC Order No. 1630, Order Approving Additional Global Plus 1C Negotiated Service Agreement, January 23, 2013.

[2] Modification One identifies the change to the text of the underlying agreement as the addition of Paragraph 7 to Article 6, captioned ''Obligations of the USPS.'' *Id.,* Attachment 1 at 2.

[3] *See* Notice and Order Concerning an Additional Global Plus 1C Contract, Order No. 1617, January 10, 2013.

## SECURITIES AND EXCHANGE COMMISSION

**[Investment Company Act Release No. 30640; File No. 812–14155]**

### Aspiriant Global Equity Trust and Aspiriant, LLC; Notice of Application

August 5, 2013.

**AGENCY:** Securities and Exchange Commission (''Commission'').

**ACTION:** Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements.

**SUMMARY OF APPLICATION:** Applicants request an order that would permit them to enter into and materially amend sub-advisory agreements without shareholder approval and would grant relief from certain disclosure requirements.

**APPLICANTS:** Aspiriant Global Equity Trust (the ''Trust'') and Aspiriant, LLC (the ''Adviser'').

**DATES:** *Filing Dates:* The application was filed on May 14, 2013, and amended on August 2, 2013.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application 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 30, 2013, and should be accompanied by proof of service on the 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 20549–1090. Applicants: Aspiriant, LLC, 11100 Santa Monica Blvd., Suite 600, Los Angeles, CA, 90025.

**FOR FURTHER INFORMATION CONTACT:** Janet M. Grossnickle, Assistant Director,

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 organized as a Delaware statutory trust and is registered under the Act as an open-end management investment company. The Trust is currently composed of one series (a ''Fund'').[1]

2. The Adviser, a Delaware limited liability company, is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''). The Adviser serves as the investment adviser to the Fund pursuant to an investment advisory agreement with the Trust (the ''Advisory Agreement''). The Advisory Agreement was approved by the Trust's board of trustees (the ''Board''),[2] including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (the ''Independent Trustees''), and by the initial shareholder of the Fund in the manner required by sections 15(a) and 15(c) of the Act and rule 18f–2 thereunder. Applicants are not seeking any exemptions from the provisions of the Act with respect to the Advisory Agreement.

3. Under the terms of the Advisory Agreement, the Adviser, subject to the oversight of the Board, manages the investment operations and determines the composition of the portfolio of the Fund, including the purchase, retention, and disposition of the securities and other instruments held by the Fund, and the portion, if any, of the assets of the Fund to be held uninvested, in accordance with the Fund's current investment objectives, policies, and restrictions. For the services that it provides to the Fund, the Adviser receives a fee from the Fund as specified in the Advisory Agreement computed as a percentage of the Fund's average daily net assets. The Advisory Agreement also authorizes the Adviser to retain one or more Sub-Advisers, subject to the approval of the Board, including a majority of the Independent Trustees, and the shareholders of the Fund (if required by applicable law), for the performance of any of the services for which the Adviser is responsible under the Advisory Agreement. The Adviser has entered into sub-advisory agreements (''Sub-Advisory Agreements'') with various Sub-Advisers to provide investment advisory services to the Fund.[3] Each Sub-Adviser is, and each future Sub-Adviser will be, an ''investment adviser,'' as defined in section 2(a)(20)(B) of the Act, and is registered, or will register, as an investment adviser under the Advisers Act, or not subject to such registration. The Adviser will evaluate, select and recommend Sub-Advisers to the Board, monitor and evaluate each Sub-Adviser's investment program and results, and review each Fund's compliance with its investment objective, policies and restrictions. The Adviser also will recommend to the Board whether Sub-Advisory Agreements should be renewed, modified or terminated. The Adviser compensates each Sub-Adviser out of the fee paid by a Fund to the Adviser under the Advisory Agreement.

4. Applicants request an order to permit the Adviser, subject to Board approval, to engage Sub-Advisers to manage all or a portion of the assets of a Fund pursuant to a Sub-Advisory Agreement and materially amend Sub-Advisory Agreements without obtaining shareholder approval. The requested relief will not extend to any sub-adviser that is an ''affiliated person,'' as defined in section 2(a)(3) of the Act, of a Fund or the Adviser, other than by reason of serving as sub-adviser to a Fund (''Affiliated Sub-Adviser'').

5. Applicants also request an order exempting each Fund from certain disclosure provisions described below that may require the Funds to disclose fees paid by the Adviser to each Sub-Adviser. Applicants seek an order to permit each Fund to disclose (as a dollar amount and a percentage of a Fund's net assets) only: (a) The aggregate fees paid to the Adviser and any Affiliated Sub-Adviser; and (b) the aggregate fees paid to Sub-Advisers other than Affiliated Sub-Advisers (collectively, the ''Aggregate Fee Disclosure''). A Fund that employs an Affiliated Sub-Adviser will provide separate disclosure of any fees paid to the Affiliated Sub-Adviser.

6. The Funds will inform shareholders of the hiring of a new Sub-Adviser pursuant to the following procedures (''Modified Notice and Access Procedures''): (a) Within 90 days after a new Sub-Adviser is hired for any Fund, that Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement;[4] and (b) the Fund will make the Multi-manager Information Statement available on the Web site identified in the Multi-manager Notice no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that Web site for at least 90 days.

**Applicants' Legal Analysis**

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series investment company affected by a matter must approve that matter if the Act requires shareholder approval.

[1] Applicants also request relief with respect to all existing or future series of the Trust and any other existing or future registered open-end management investment company or series thereof that (a) is advised by the Adviser or an entity controlling, controlled by, or under common control with the Adviser or its successors (each such entity included in the term ''Adviser''); (b) uses the multi-manager structure described in the application; and (c) complies with the terms and conditions of the application (included in the term ''Funds''). Every existing entity that currently intends to rely on the requested order is named as an applicant. For purposes of the requested order, ''successor'' is limited to an entity or entities that result from a reorganization into another jurisdiction or a change in the type of business organization. If the name of any Fund contains the name of a Sub-Adviser (as defined below), the name of the Adviser, or a trademark or trade name that is owned by the Adviser, will precede the name of the Sub-Adviser.

[2] The term ''Board'' also includes the board of trustees or directors of a future Trust and future Fund, if different.

[3] All existing Sub-Advisory Agreements comply with sections 15(a) and (c) of the Act and rule 18f–2 thereunder. Currently, the Adviser has entered into Sub-Advisory Agreements with the following Sub-Advisers: AQR Capital Management, LLC, Dimensional Fund Advisors LP, and Parametric Risk Advisors LLC.

[4] A ''Multi-manager Notice'' will be modeled on a Notice of Internet Availability as defined in rule 14a–16 under the Securities Exchange Act of 1934 (''Exchange Act''), and specifically will, among other things: (a) Summarize the relevant information regarding the new Sub-Adviser; (b) inform shareholders that the Multi-manager Information Statement is available on a Web site; (c) provide the Web site address; (d) state the time period during which the Multi-manager Information Statement will remain available on that Web site; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi manager Information Statement may be obtained, without charge, by contacting the Funds. A ''Multi-manager Information Statement'' will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Exchange Act for an information statement, except as modified by the requested order to permit Aggregate Fee Disclosure. Multi-manager Information Statements will be filed electronically with the Commission via the EDGAR system.

2. Form N–1A is the registration statement used by open-end investment companies. Item 19(a)(3) of Form N–1A requires disclosure of the method and amount of the investment adviser's compensation.

3. Rule 20a–1 under the Act requires proxies solicited with respect to a registered investment company to comply with Schedule 14A under the Exchange Act. Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the ''rate of compensation of the investment adviser,'' the ''aggregate amount of the investment adviser's fees,'' a description of the ''terms of the contract to be acted upon,'' and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

4. Regulation S–X sets forth the requirements for financial statements required to be included as part of a registered investment company's registration statement and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b) and (c) of Regulation S–X require a registered investment company to include in its financial statement information about the investment advisory fees.

5. Section 6(c) 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 the Act, or from any rule thereunder, if 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. Applicants state that the requested relief meets this standard for the reasons discussed below.

6. Applicants assert that the shareholders expect the Adviser, subject to the review and approval of the Board, to select the Sub-Advisers who are best suited to achieve the Fund's investment objective. Applicants assert that, from the perspective of the shareholder, the role of the Sub-Adviser is substantially equivalent to the role of the individual portfolio managers employed by traditional investment company advisory firms. Applicants state that requiring shareholder approval of each Sub-Advisory Agreement would impose unnecessary delays and expenses on the Funds, and may preclude the Fund from acting promptly when the Board and the Adviser believe that a change would benefit a Fund and its shareholders. Applicants note that the Advisory Agreement and any sub-advisory agreement with an Affiliated Sub-Adviser (if any) will continue to be subject to the shareholder approval requirements of section 15(a) of the Act and rule 18f–2 under the Act.

7. Applicants assert that the requested disclosure relief would benefit shareholders of the Funds because it would improve the Adviser's ability to negotiate the fees paid to Sub-Advisers. Applicants state that the Adviser may be able to negotiate rates that are below a Sub-Adviser's ''posted'' amounts, if the Adviser is not required to disclose the Sub-Advisers' fees to the public. Applicants submit that the requested relief will encourage Sub-Advisers to negotiate lower Sub-Advisory fees with the Adviser if the lower fees are not required to be made public.

**Applicants' Conditions**

Applicants agree that any order granting the requested relief will be subject to the following conditions: [5]

1. Before a Fund may rely on the order, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's outstanding voting securities, as defined in the Act, or, in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder(s) before offering the Fund's shares to the public.

2. Each Fund relying on the order will disclose in its prospectus the existence, substance, and effect of the order granted pursuant to this application. Each Fund relying on the order will hold itself out to the public as utilizing the manager of managers structure described in the application. The prospectus will prominently disclose that the Adviser has ultimate responsibility (subject to oversight by the Board) to oversee the Sub-Advisers and recommend their hiring, termination, and replacement.

3. Each Fund will inform shareholders of the hiring of a new Sub-Adviser within 90 days after the hiring of the new Sub-Adviser pursuant to the Modified Notice and Access Procedures.

4. The Adviser will not enter into a sub-advisory agreement with any Affiliated Sub-Adviser without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, at least a majority of the Board will be Independent Trustees, and the nomination of new or additional Independent Trustees will be at the discretion of the then-existing Independent Trustees.

6. Whenever a sub-adviser change is proposed for a Fund with an Affiliated Sub-Adviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the applicable Board minutes, that such change is in the best interests of the Fund and its shareholders, and does not involve a conflict of interest from which the Adviser or an Affiliated Sub-Adviser derives an inappropriate advantage.

7. The Adviser will provide general management services to each Fund relying on the order, including overall supervisory responsibility for the general management and investment of the Fund's assets and, subject to review and approval by the Board, will: (a) Set each Fund's overall investment strategies; (b) evaluate, select and recommend Sub-Advisers to manage all or a portion of a Fund's assets; (c) allocate and, when appropriate, reallocate the Fund's assets among multiple Sub-Advisers; (d) monitor and evaluate the Sub-Advisers' performance; and (e) implement procedures reasonably designed to ensure that Sub-Adviser(s) comply with the relevant Fund's investment objectives, policies and restrictions.

8. No trustee or officer of a Fund relying on the order, or director, manager, or officer of the Adviser will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person) any interest in a Sub-Adviser except for (a) ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser; or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly traded company that is either a Sub-Adviser or an entity that controls, is controlled by or is under common control with a Sub-Adviser.

9. Each Fund relying on the order will disclose in its registration statement the Aggregate Fee Disclosure.

10. Independent legal counsel, as defined in rule 0–1(a)(6) under the Act, will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the then-existing Independent Trustees.

11. The Adviser will provide the Board, no less frequently than quarterly, with information about the profitability of the Adviser on a per-Fund basis for

[5] Applicants will only comply with conditions 9, 10, 11, and 12 if they rely on the fee disclosure relief that would allow them to provide Aggregate Fee Disclosure.

each Fund relying on the order. The information will reflect the impact on profitability of the hiring or termination of any Sub-Adviser during the applicable quarter.

12. Whenever a Sub-Adviser is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the profitability of the Adviser.

13. In the event the Commission adopts a rule under the Act providing substantially similar relief to that requested in the application, the requested order will expire on the effective date of that rule.

For the Commission, by the Division of Investment Management, under delegated authority.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–19267 Filed 8–8–13; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70115; File No. SR-Phlx-2013–80]**

## Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing of Proposed Rule Changes to Its Excess Order Fee

August 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 26, 2013, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 the Substance of the Proposed Rule Change

The Exchange proposes changes to its Excess Order Fee under Section VIII of the Phlx Fee Schedule. Phlx proposes to implement the proposed rule change on August 1, 2013. The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/nasdaqomxphlx/phlx,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change 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

In 2012, Phlx introduced an Excess Order Fee, imposed on NASDAQ OMX PSX (''PSX'') market participant identifiers (''MPIDs'') that have characteristics indicative of inefficient order entry practices.[3] As Phlx explained at the time, inefficient order entry practices may place excessive burdens on the systems of Phlx and its member organizations and may negatively impact the usefulness and life cycle cost of market data.[4] Market participants that flood the market with orders that are rapidly cancelled or that are priced away from the inside market do little to support meaningful price discovery.

In general, the determination of whether to impose the fee on a particular MPID has been made by calculating the ratio between (i) entered orders, weighted by the distance of the order from the national best bid or offer (''NBBO''), and (ii) orders that execute in whole or in part. The fee has been imposed on MPIDs with an ''Order Entry Ratio'' of more than 100. The Order Entry Ratio is calculated, and the Excess Order Fee imposed, on a monthly basis. Phlx is now proposing to modify the fee, such that it will be calculated and assessed on the basis of all of a member organization's trading activity on PSX, rather than on an MPID basis. The purpose of this change is to ensure that member organizations do not act in a manner inconsistent with the intent of the fee by spreading inefficient order activity across multiple MPIDs in a manner that allows the MPIDs to avoid a charge that would not be avoided if all of the member organization's activity were aggregated. Thus, the change replaces the term ''MPID'' with the term ''member organization'' throughout the text of Rule 7018(d). The rule, as amended, will operate as follows:

For each member organization, the Order Entry Ratio will be the ratio of (i) the member organization's ''Weighted Order Total'' to (ii) the greater of one (1) or the number of displayed, non-marketable orders[5] sent to PSX by the member organization during the month that execute in full or in part.[6] The Weighted Order Total is the number of displayed, non-marketable orders sent to PSX by the member organization, as adjusted by a ''Weighting Factor.'' The applicable Weighting Factor is applied to each order based on its price in comparison to the NBBO at the time of order entry:

| Order's price versus NBBO at entry | Weighting factor |
|---|---|
| Less than 0.20% away | 0x |
| 0.20% to 0.99% away | 1x |
| 1.00% to 1.99% away | 2x |
| 2.00% or more away | 3x |

Thus, in calculating the Weighted Order Total, an order that was more than 2.0% away from the NBBO would be equivalent to three orders that were 0.50% away. Due to the applicable Weighting Factor of 0x, orders entered less than 0.20% away from the NBBO would not be included in the Weighted Order Total, but would be included in the ''executed'' orders component of the Order Entry Ratio if they execute in full or part.[7] In addition, member

[3] Securities Exchange Act Release Nos. 67004 (May 17, 2012), 77 FR 30581 (May 23, 2012) (SR–Phlx–2012–64) (establishing fee); 67271 (June 27, 2012), 77 FR 39537 (July 3, 2012) (SR–Phlx–2012–85) (modifying terms and conditions of fee).

[4] *See generally* Recommendations Regarding Regulatory Reponses to the Market Events of May 6, 2010, Joint CFTC–SEC Advisory Committee on Emerging Regulatory Issues, at 11 (February 18, 2011) (''The SEC and CFTC should also consider addressing the disproportionate impact that [high frequency trading] has on Exchange message traffic and market surveillance costs. . . . The Committee recognizes that there are valid reasons for algorithmic strategies to drive high cancellation rates, but we believe that this is an area that deserves further study. At a minimum, we believe that the participants of those strategies should properly absorb the externalized costs of their activity.'').

[5] The fee focuses on displayed orders since they have the most significant impact on investor confusion and the quality of market data.

[6] Thus, in an extreme case where no orders entered by the member organization executed, this component of the ratio would be assumed to be 1, so as to avoid the impossibility of dividing by zero.

[7] An analogous fee of The NASDAQ Stock Market LLC (''NASDAQ'') includes an exclusion from both components of the ratio for orders sent by market makers in securities in which they are registered, through the MPID applicable to the registration. Although Phlx recently adopted rules to allow market maker registration on PSX, the extent of market making to date has been limited.

organizations with a daily average Weighted Order Total of less than 100,000 during the month will not be subject to the Excess Order Fee. Finally, the fee is based on orders received by Phlx during regular market hours (generally, 9:30 a.m. to 4:00 p.m.),[8] and will exclude orders received at other times, even if they execute during regular market hours.

The following example illustrates the calculation of the Order Entry Ratio:

- A member organization enters 15,000,000 displayed, liquidity-providing orders:
- 10,000,000 orders are entered at the NBBO. The Weighting Factor for these orders is 0x.
- 5,000,000 orders are entered at a price that is 1.50% away from the NBBO. The Weighting Factor for these orders is 2x.
- Of the 15,000,000 orders included in the calculation, 90,000 are executed.
- The Weighted Order Total is $(10{,}000{,}000 \times 0) + (5{,}000{,}000 \times 2) = 10{,}000{,}000$. The Order Entry Ratio is 10,000,000/90,000 = 111.

If a member organization has an Order Entry Ratio of more than 100, the amount of the Order Entry Fee will be calculated by determining the member organization's ''Excess Weighted Orders.'' Excess Weighted Orders are calculated by subtracting (i) the Weighted Order Total that would result in the member organization having an Order Entry Ratio of 100 from (ii) the member organization's actual Weighted Order Total. In the example above, the Weighted Order Total that would result in an Order Entry Ratio of 100 is 9,000,000, since 9,000,000/90,000 = 100. Accordingly, the Excess Weighted Orders would be $10{,}000{,}000 - 9{,}000{,}000 = 1{,}000{,}000$.

The Excess Order Fee charged to the member organization will then be determined by multiplying the ''Applicable Rate'' by the number of Excess Weighted Orders. The Applicable Rate is determined based on the member organization's Order Entry Ratio:

| Order entry ratio | Applicable rate |
|---|---|
| 101–1,000 | $0.005 |
| More than 1,000 | 0.01 |

In the example above, the Applicable Rate would be $0.005, based on the member organization's Order Entry Ratio of 111. Accordingly, the monthly Excess Order Fee would be $1{,}000{,}000 \times \$0.005 = \$5{,}000$.

Phlx continues to expect that the impact of the fee, as modified, will be narrow because the change will encourage potentially affected market participants to modify their order entry practices in order to avoid the fee, thereby improving the market for all participants. Accordingly, Phlx does not expect to earn significant revenues from the modified fee.

2. Statutory Basis

Phlx believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[9] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Phlx operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

With respect to the Excess Order Fee, Phlx stated in its original filing to institute the fee that it is reasonable because it is designed to achieve improvements in the quality of displayed liquidity and market data that will benefit all market participants. In addition, although the level of the fee may theoretically be very high, the fee is reasonable because market participants may readily avoid the fee by making improvements in their order entry practices that reduce the number of orders they enter, bring the prices of their orders closer to the NBBO, and/or increase the percentage of their orders that execute. Similarly, the change proposed herein is reasonable because it will provide further incentive to member organizations to improve order entry practices by insuring that they cannot evade the fee by spreading activity across multiple MPIDs.

For similar reasons, the fee is consistent with an equitable allocation of fees, because although the fee may apply to only a small number of market participants, the fee would be applied to them in order to encourage better order entry practices that will benefit all market participants. The change is also equitable because it will further encourage better order entry practices across a wider group of market participants. Finally, Phlx believes that the fee is not unfairly discriminatory. Although the fee may apply to only a small number of market participants, it will be imposed because of the negative externalities that such market participants impose on others through inefficient order entry practices. Accordingly, Phlx believes that it is fair to impose the fee on these market participants in order to incentivize them to modify their behavior and thereby benefit the market. The change is likewise not unfairly discriminatory because it will negatively affect member organizations only if they have been evading the incentives to improve order entry practices provided by the fee.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

Phlx does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[11] Phlx notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, Phlx must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges, while also seeking to earn a reasonable profit from its trading and routing services. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, Phlx believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. With respect to the change to the Excess Order Fee, Phlx believes that the change, like the original fee, will constrain market participants from pursuing certain inefficient and potentially abusive trading strategies. To the extent that this change may be construed as a burden on competition, Phlx believes that it is appropriate in order to allow Phlx to better achieve this purpose.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

Accordingly, Phlx has not deemed it necessary to adopt a comparable exclusion. In the event that market maker participation in PSX increases, Phlx will evaluate the advisability of adopting an exclusion.

[8] Regular market hours may be different in some circumstances, such as on the day after Thanksgiving, when regular market hours on all exchanges traditionally end at 1:00 p.m.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] 15 U.S.C. 78f(b)(8).

### 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 [12] and paragraph (f) of Rule 19b–4 thereunder.[13] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### 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–Phlx–2013–80 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–Phlx–2013–80. 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 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2013-80, and should be submitted on or before August 30, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–19262 Filed 8–8–13; 8:45 am]

**BILLING CODE 8011–01–P**

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

[14] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70107; File No. SR–BX–2013–045]**

## Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Amending Chapter IV, Section 6 To Permit the Exchange To List Additional Strike Prices Until the Close of Trading on the Second Business Day Prior to Monthly Expiration

August 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on July 26, 2013, NASDAQ OMX BX, Inc. (''Exchange'' or ''BX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

BX is filing with the Commission a proposal to amend Chapter IV, Section 6 (Series of Options Contracts Open for Trading) to permit the Exchange to list additional strike prices until the close of trading on the second business day prior to the expiration of a monthly, or standard, option in the event of unusual market conditions.

The text of the proposed rule change is attached as *Exhibit 5.*[3]

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this proposed rule change is to amend Chapter IV, Section 6 to permit the Exchange to add additional strikes until the close of trading on the second business day prior to a monthly expiration in the event of unusual market conditions.

This is a competitive filing that is based on two recently approved and two immediately effective filings.[4] The approved NYSE MKT and NYSE Arca filings made changes to their respective rules governing the last day on which strikes may be added for individual stock and exchange traded fund (''ETF'') options. Similar to current Chapter IV, Section (c), the exchanges had rules that permitted the opening of additional series of individual stock and ETF options until the beginning of the month in which the option contract will expire or until the fifth business day prior to expiration if unusual market conditions exist. The exchanges amended their rules to permit the opening of additional series of individual stocks and ETF options until the close of trading on the second business day prior to the expiration of a monthly, or standard, option in the event of unusual market

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that Exhibit 5 is attached to the filing, not to this Notice.

[4] *See* Securities Exchange Act Release Nos. 68460 (December 18, 2012), 77 FR 76145 (December 26, 2012) (SR–NYSEMKT–2012–41) (approval order) (''NYSE MKT filing''); 68461 (December 18, 2012), 77 FR 76155 (December 26, 2012) (SR–NYSEArca-2012–94) (approval order) (''NYSE Arca filing''); 68606 (January 9, 2013), 78 FR 3065 (January 15, 2013) (SR–CBOE–2012–131) (notice of filing and immediate effectiveness) (''CBOE filing''); and 69920 (July 2, 2013), 78 FR 41176 (July 9, 2013) (SR-Phlx-2013–73) (notice of filing and immediate effectiveness) (''Phlx filing'') (together ''the exchanges'' and ''the filings'').

conditions. The Exchange is now proposing to amend its rules in respect of equity and ETF options to permit the opening of additional strike prices until the close of trading on the second business day prior to the expiration of a standard (monthly) option.

Options market participants generally prefer to focus their trading in strike prices that immediately surround the price of the underlying security. However, if the price of the underlying stock or ETF moves significantly, there may be a market need for additional strike prices to adequately account for market participants' risk management needs in a stock or ETF. In these situations, the Exchange has the ability to add additional series at strike prices that are better tailored to the risk management needs of market participants. The Exchange may make the determination to open additional series for trading when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when the market price of the underlying stock or ETF moves more than five strike prices from the initial exercise price or prices.[5]

If the market need occurs prior to five business days prior to expiration, then the market participants may have access to an option contract that is more tailored to the movement in the underlying stock or ETF. Under current Section 6 of Chapter IV, however, the Exchange is unable to open additional series in response to unusual market conditions that occur between five and two days prior to expiration and market participants may be left without a contract that is tailored to manage their risk. Because of the current five days before expiration restriction, investors may be unable to tailor their hedging activities in options and effectively manage their risk going into expiration.

The Exchange proposes to permit the listing of additional strikes until the close of trading on the second business day prior to expiration in unusual market conditions. Since expiration of standard options on individual stocks and ETFs is on a Saturday, the close of trading on the second business day prior to expiration will typically fall on a Thursday. However, in cases where Friday is a holiday during which the Exchange is closed, the close of trading on the second business day will occur on a Wednesday. The Exchange will continue to make the determination to open additional series for trading when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when certain price movements take place in the underlying market. The proposed change will provide an additional four days to the Exchange to gauge market impact of the underlying stock or ETF and to react to any market conditions that would render additional series prior to expiration beneficial to market participants. The Exchange believes that the impact on the market from the proposed change will be very minimal to market participants; however, it will be extremely beneficial when unusual market conditions occur during the five to two days leading up to expiration. As a result, the proposal would allow participants to adjust their risk exposure when an unusual market event occurred on trading days 2, 3, 4, or 5 prior to expiration.

This proposal does not raise any capacity concerns on the Exchange, because the changes have no material difference in impact from the current rules. The Exchange notes the proposed change allows for new strikes that would otherwise be permitted to add under existing rules either on the fifth day prior or immediately after expiration.[6] A strike which opens two days prior to expiration will have minimal impact on quoting, as it adds two series out of hundreds of thousands, and only for a small number of days.[7] Thus, any additional strikes that may be added under the proposed change would have no measurable effect on systems capacity. The Exchange understands that The Options Clearing Corporation (''OCC'') is able to accommodate the proposal and would have no operational concerns with adding new series on any day except the last day of trading an expiring series.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder, including the requirements of Section 6(b) of the Act.[8] In particular, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that providing an additional four days to the Exchange to gauge market impact and to react to any market conditions prior to expiration is beneficial and will result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment and hedging decisions prior to expiration. The Exchange also believes that the additional four days will provide the investing public and other market participants with additional opportunities to hedge their investments thus allowing these investors to better manage their risk exposure with additional in the money series. While the four additional days may generate additional quote traffic, the Exchange does not believe that this increased traffic will become unmanageable since the proposal remains limited to the narrow situations when an unusual market event occurred on trading days 2, 3, 4, or 5 prior to expiration. The Exchange also believes that the proposed rule change will ensure competition because the Exchange will be able to list additional equity and ETF series up to the second day before expiration in the same manner that NYSE MKT, NYSE Arca, Phlx, and CBOE are currently able to do.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a competitive response to recently approved NYSE MKT and NYSE Arca filings, and immediately effective Phlx and CBOE filings. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

[5] *See* Chapter IV, Section 6(c).

[6] Any new strikes added under this proposal for options on equities or ETFs would be added in a manner consistent with the range limitations described in Supplementary Material .06 to Section 6 of Chapter IV.

[7] In the case of a multi-stock event where multiple stocks may be subject to unusual market conditions, a strike which opens two days prior to expiration will also have minimal impact on quoting, as it adds two series per stock out of hundreds of thousands, and only for a small number of days.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11]

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest in that it will allow the Exchange to open additional series of individual stocks and ETF options until the close of trading on the second business day prior to a monthly expiration in unusual market conditions in the same manner as NYSE MKT, NYSE Arca, CBOE, and Phlx. In sum, the proposed rule change presents no novel issues, and waiver will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission designates the proposal operative upon filing.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [13] 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–BX–2013–045 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2013–045. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2013–045 and should be submitted on or before August 30, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–19254 Filed 8–8–13; 8:45 am]

**BILLING CODE 8011–01–P**

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b-4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78s(b)(2)(B).

[14] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70110; File No. SR–Phlx–2013–77]**

## Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the Rule Governing Modification of Orders on NASDAQ OMX PSX in the Event of an Issuer Corporate Action Related to a Dividend, Payment or Distribution

August 5, 2013.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 22, 2013, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. 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 modify the rule governing modification of orders on NASDAQ OMX PSX (''PSX'') in the event of an issuer corporate action related to a dividend, payment or distribution.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/nasdaqomxphlx/phlx/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Phlx Rule 3311 addresses the treatment of quotes/orders in securities that are the subject of issuer corporate actions related to a dividend, payment or distribution. The rule applies to any trading interest that is carried on the PSX book overnight.[4] Phlx adopted the rule through a recent proposed rule change.[5] The rule provides that in the event of any corporate action related to a dividend, payment or distribution, Phlx will cancel open quotes/orders on the ex-date of the action. The cancellation occurs immediately prior to the opening of trading at 8 a.m. on the ex-date of the corporate action, and the member receives a cancellation notice, so that it can, if it desired, reenter the order at the commencement of trading on the ex-date.

Phlx is now proposing to implement limited, optional functionality to allow open orders to be adjusted, rather than cancelled. The change is responsive to member input indicating that such functionality may assist with order management with respect to cash dividends and forward splits, the most common type of corporate action.[6] Under the proposal, a member may designate that all orders with a time-in-force of good-till-cancelled that are entered through one or more order entry ports specified by the member will be processed in the manner specified below.[7]

(1) Cash Dividend. If an issuer is paying a cash dividend, the price of an order to buy will be reduced by the amount of the sum of all dividends payable, rounded up to the nearest whole cent; provided, however, that there will be no adjustment if the sum of all dividends is less than $0.01. For example, if the sum of all dividends is $0.381, the price of the order will be reduced by $0.39. An order to sell will be retained but will receive no price adjustment.

(2) Forward Stock Split. If an issuer is implementing a forward stock split (i.e., a stock split in which shares outstanding are exchanged for a larger number of shares), the order will be cancelled if its size is less than one round lot. If the order's size is greater than one round lot, (i) the size of the order will be multiplied by the ratio of post-split shares to pre-split shares, with the result rounded downward to the nearest whole share, and (ii) the price of the order will be multiplied by the ratio of pre-split shares to post-split shares, with the result rounded down to the nearest whole penny in the case of orders to buy and rounded up to the nearest whole penny in the case of orders to sell. For example, if a member has entered a good-till-cancelled order to buy 375 shares at $10.95 and the issuer implemented a split under which each share would be exchanged for 2.25 shares, the size of the order would be adjusted to 843 shares ($375 \times 2.25/1 = 843.75$, rounded down to 843) and the price of the order would be adjusted to $4.86 ($10.95 × 1/2.25 = $4.8667, rounded down to $4.86). An order to sell at the same price and size would be adjusted to 843 shares with a price of $4.87.

(3) Combination of Cash Dividend and Forward Stock Split. If an issuer is implementing a cash dividend and a forward stock split on the same date, the adjustments described above will both be applied, in the order described in the notice of the corporate actions received by Phlx.[8]

All of the foregoing changes will be affected immediately prior to the opening of the System at 8:00 a.m. on the ex-date of the applicable corporate action. Open orders that are retained will be re-entered by the System (as adjusted above) immediately prior to the opening of the System, such that they will retain time priority over new orders entered at or after 8:00 a.m.[9]

Phlx is also amending the language that describes corporate actions to which Rule 3311 applies to clarify and expand the scope of the rule. Currently, the rule refers to ''issuer corporate actions related to a dividend, payment or distribution.'' This rule change proposes to add text to the rule language that would make it clear that the term ''dividend'' encompasses dividends payable in stock, securities, or both, and that the term distribution has been interpreted to include forward or reverse stock splits.[10] In addition, Phlx is adding language to the rule to include symbol changes and changes in the primary listing venue of a stock, which have not previously been covered by Rule 3311, within the scope of corporate actions resulting in the cancellation of good-till-cancelled orders. Phlx believes that this change will assist market participants in managing their orders, because the receipt of a cancellation message will alert the member to the need to evaluate whether to reenter the cancelled order with a new symbol or in a different trading venue.[11]

2. Statutory Basis

Phlx believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[12] in general, and with Section 6(b)(5) of the Act[13] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, Phlx believes that the change, which is responsive to member input, will facilitate transactions in securities and perfect the mechanism of a free and open market by providing members with additional optional functionality that may assist them with order management with respect to cash dividends and forward splits, the most common type of corporate actions. The change will also facilitate transactions in securities and perfect the mechanism of a free and open market by assisting

[4] Phlx notes that the use of such good-till-cancelled trading interest is not prevalent and that the majority of quotes/orders expire by their terms at the end of regular market hours.

[5] Securities Exchange Act Release No. 69632 (May 23, 2013), 78 FR 32501 (May 30, 2013) (SR–Phlx–2013–56).

[6] For other corporate actions, open orders will be cancelled, regardless of the port through which they were entered.

[7] The member may opt for this processing on a port-by-port basis, but not an order-by-order basis. Thus, the new provisions providing for order adjustment will apply to all good-till-cancelled orders entered through a port that has been specified by the member for such processing.

[8] Phlx receives notice of corporate actions from the listing exchange for the security.

[9] To the extent that multiple good-till-cancelled orders in a particular security are adjusted and re-entered, such orders may not retain the same time priority vis-à-vis one another that they had on the preceding day. Rather, because such orders will be entered simultaneously through multiple order entry ports, their relative priority will be a function of the duration of system processing associated with each individual order.

[10] *Cf.* Securities Exchange Act Release No. 54613 (October 17, 2006), 71 FR 62325 (October 24, 2006) (SR–NASDAQ–2006–043) (similar NASDAQ rule adopting the phrase ''dividend, payment or distribution'' and including stock splits as an example of corporate actions covered by the rule).

[11] Notably, in some instances, such as a corporate spinoff, the old symbol may be immediately reused for a different security. Therefore, maintaining an order with that symbol on the book could result in the market participant maintaining an order in a stock in which it did not wish to maintain a trading interest. Also, to the extent that a market participant wishes to trade a security in its listing venue, the cancellation of its open order in the event of a change in listing venue will provide it with the opportunity to do so.

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(5).

market participants in managing their orders in the event of symbol changes and changes in listing venue, by cancelling open orders and thereby alerting members to the need to evaluate whether to reenter the cancelled order.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

Phlx does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, by offering market participants additional options with regard to management of open orders, the change has the potential to enhance Phlx's competitiveness with respect to other trading venues, thereby promoting greater competition. Moreover, the change does not burden competition in that it does not restrict the ability of members to enter and update trading interest in PSX.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2013–77 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–Phlx–2013–77. 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–Phlx–2013–77 and should be submitted on or before August 30, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

**Kevin M. O'Neill,**

*Deputy Secretary.*

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[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70112; File No. SR–C2–2013–029]**

## Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Technical Disconnect Functionality

August 5, 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 29, 2013, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') 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 available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 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.

*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 C2 Rules to codify a Technical Disconnect functionality which is designed to assist C2 Permit Holders (''Permit Holders'') in the event that they lose communication with a CBOE Application Server (''CAS'') due to a loss of connectivity between their designated C2 Client Application and a CAS.

By way of background, C2 Permit Holders 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 Permit Holder's custom trading application, through which a Permit Holder communicates its quotes and/or orders to a CAS,[3] which sits between the Client Application and CBOE Command. 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 Permit Holder enters on the Exchange may be sent by the Permit Holders 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 Permit Holder'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 C2 Book). This serves to assist a Permit Holder 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 an 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 Permit Holder is using.[4] Currently, the Exchange offers two APIs: CBOE Market Interface (''CMi'') API and Financial Information eXchange (''FIX'') Protocol. CMi currently has only one version available: CMi 2. A Permit Holder may determine which of the available APIs, and if applicable, which version, it would like to use.

First, 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 Permit Holder 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 Permit Holder 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 Permit Holder 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 Permit Holder'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 Permit Holder 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 Permit Holder using FIX sets the value of ''n'' to 6 seconds, then the Permit Holder'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 2 when a Permit Holder chooses to have the CAS generate a Heartbeat Request every ''n'' period of time. For purposes of this example only, the Permit Holder will be a non-Market-Maker and ''n'' will be set by the Permit Holder 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 System

The following examples illustrate the manner in which the Technical Disconnect Mechanism functions on CMi 2 when a Permit Holder 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 Permit Holder will be a Market-Maker

[3] C2 currently has numerous CASs serving Permit Holders.

[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.

and ''n'' will be set by the Permit Holder 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 a .5 second
—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 Permit Holder will be a Market-Maker and ''n'' will be set by the Permit Holder 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 System, trades are automatically affected against the Market-Maker's then current quote. Therefore, if a Permit Holder'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 Permit Holder 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 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 in accordance with the Exchange rules.[5] The Exchange finally notes that the Technical Disconnect Mechanism is enabled for all Permit Holders and may not be disabled by Permit Holders.

The Exchange believes that while information relating to connectivity and the Technical Disconnect Mechanism are already available to Permit Holders 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In particular, the Exchange believes 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 C2'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 believes that the Technical Disconnect

[5] *See* C2 Rule 8.5, C2 Rule 8.13 and C2 Rule 8.17.
[6] 15 U.S.C. 78f(b).
[7] 15 U.S.C. 78f(b)(5).
[8] *Id.*

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 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 Permit Holders and may not be disabled by any Permit Holder. The Exchange believes that the Technical Disconnect Mechanism benefits the marketplace because it is designed to help alert a Permit Holder to a potential technical or system issue and automatically logoff a Permit Holder'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 C2 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 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 and unintended executions resulting from orders that remain in the 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 C2.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

C2 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 Permit Holders. 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 C2 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 C2 more attractive for trading, market participants trading on other exchanges are welcome to become Permit Holders and trade at C2 if they determine that this proposed rule change has made C2 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 [9] and paragraph (f) of Rule 19b–4 [10] 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–C2–2013–029 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2013–029. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2013–029 and should be submitted on or before August 30, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–19258 Filed 8–8–13; 8:45 am]

**BILLING CODE 8011–01–P**

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

[11] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70109; File No. SR–MIAX–2013–38]**

## Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Options Fee Schedule

August 5, 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 23, 2013, Miami International Securities Exchange LLC (''Exchange'' or ''MIAX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'') to allow certain Lead Market Makers (''LMMs'') to be allocated Marketing Fees for orders directed to that LMM.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its marketing fee.[3] The marketing fee is assessed on certain transactions of all Market Makers.[4] The funds collected via this marketing fee are then put into pools controlled by Primary Lead Market Makers (''PLMMs'') and LMMs. The PLMM or LMM controlling a certain pool of funds can then determine the Electronic Exchange Member(s) (''EEM'') to which the funds should be directed in order to encourage such EEM(s) to send orders to the Exchange. In accordance with Exchange Rule 514, an EEM can designate an order (''Directed Order'') to a specific LMM.

Currently, Section 1(b) of the Fee Schedule, which relates to the marketing fee, states that an LMM will only be given access to marketing fee funds generated from a Directed Order if the LMM has an appointment in the class in which the Directed Order is received and executed. However, other options exchanges allow an LMM (or similar position) to have access to the marketing fee funds generated from a Directed Order (or similar order type) regardless of whether the LMM has an appointment in a class in which the Directed Order is received and executed.[5] The Exchange has determined to offer similar functionality on MIAX in order to be on even competitive footing as these other exchanges.[6]

The Exchange proposes amending the Fee Schedule to allow qualifying LMMs to receive an allocation of marketing fees generated by Directed Orders sent to the qualifying LMM. Specifically, the Exchange proposes that for an LLM to qualify to be allocated Marketing Fees for Directed Orders for an applicable month, the LMM must either: (i) Have an appointment in the relevant option class at the time of being directed the order; or (ii) for the month preceding the applicable month (the ''qualifying month'') have an appointment as an LMM for at least ten (10) trading days in a minimum of fifty percent (50%) of the option classes listed on the Exchange for the entire qualifying month. The first prong is a carry-over from the current requirements and thus no change is proposed to this means of qualification. The Exchange proposes in the second prong a new means of qualifying for allocation of marketing fees, one which would allow qualifying LMMs without an appointment in the relevant class access to marketing fees. The Exchange designed the additional means of qualifying for access to marketing fee funds to be an appropriate counterbalance to the benefit of being allocated marketing fees. The Exchange believes that qualifying LMMs have demonstrated a commitment to providing liquidity on the Exchange through meeting the quoting and other regulatory obligations required of an LMM in either the relevant option class or a significant portion of option classes traded on the Exchange (*i.e.,* 50%) for a significant portion of the previous trading month (*i.e.,* 10 trading days). In contrast, the Exchange proposes that orders directed to non-qualifying LMMs be treated similar to non-directed orders and the marketing fee be allocated to the PLMM's ''pool.''

Permitting qualifying LMMs to be allocated marketing fees generated from a Directed Order would allow LMMs to encourage greater order flow to be sent to the Exchange. This increased order flow would benefit all market participants on the Exchange, such as customer orders with resting orders on the Exchange and LMMs that have an appointment and quote in the relevant option. Allowing qualifying LMMs to be allocated marketing fees generated from a Directed Order would provide LMMs with an incentive to encourage the routing of order flow into classes in which the LMM otherwise would not (such as classes in which the LMM is not appointed and quoting). Further, this will also provide LMMs with more flexibility to change their appointments, as they will not have to be concerned with whether or not they have made arrangements to pay for order flow in a

[3] The proposal is based on a substantially similar filing by the Chicago Board Options Exchange, Incorporated. *See* Securities Exchange Act Release No. 68131 (November 1, 2012), 77 FR 67032 (November 8, 2012) (SR–CBOE–2012–101).

[4] *See* MIAX Options Fee Schedule, Section (1)(b), entitled Marketing Fee for more detail regarding the marketing fee. The Exchange is also proposing [sic] changes to its Directed Order program in order to allow LMMs in unassigned options classes to receive Directed Orders in a related companion filing SR–MIAX–2013–20. *See* Securities Exchange Act Release No. 69507 (May 3, 2013), 78 FR 27269 (May 9, 2013) (SR–MIAX–2013–20).

[5] *See* CBOE Fees Schedule, fn. 6; NASDAQ OMX Phlx, LLC (''Phlx'') Pricing Schedule, section on Payment for Order Flow Fee; NYSE Amex Options Fee Schedule, fn. 10; International Securities Exchange, LLC (''ISE'') Schedule of Fees, Section IV(D). None of which contain requirements that a PLMM or LMM (or similar position) have an appointment in the class in which a Directed Order (or similar order type) is received and executed in order to have access to the marketing fee funds generated from that Preferred order.

[6] *See* Securities Exchange Act Release No. 69507 (May 3, 2013), 78 FR 27269 (May 9, 2013) (SR–MIAX–2013–20).

specific class prior to changing appointments.

The proposed fee changes are to take effect on August 1, 2013.

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act [7] in general, and furthers the objectives of Section 6(b)(5) of the Act [8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that this proposal removes a requirement that other exchanges do not share and perfects the mechanism for a free and open market and a national market system by allowing the Exchange's marketing fee program to operate in a manner similar to competing options exchanges. In addition, the proposal promotes just and equitable principles of trade by encouraging greater order flow to be sent to the Exchange through Directed Orders in a manner that will benefit all market participants on the Exchange.

The Exchange also believes that allowing qualifying LMMs to be allocated marketing fees generated by a Directed Order is consistent with Section 6(b)(4) of the Act [9] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The proposed change is reasonable because it will allow LMMs greater access to marketing fee funds. The proposed change is equitable and not unfairly discriminatory because it is designed to allow LMMs to encourage greater order flow to be sent to the Exchange. A qualifying LMM could be able to amass a greater pool of funds with which to use to incent order flow providers to send order flow to the Exchange. This increased order flow would benefit all market participants on the Exchange. Further, allowing a qualified LMM to access marketing fee funds generated from a Directed Order would provide certain LMMs with an incentive to encourage the routing of order flow into classes in which the LMM otherwise would not (*i.e.,* classes in which the qualifying LMM is not appointed and quoting).

Additionally, the Exchange designed the qualifying criteria for LMMs, either (i) having an appointment in the relevant option class the time of being directed the order or (ii) having an appointment as an LMM for at least ten (10) trading days in a minimum of fifty percent (50%) of the option classes listed on the Exchange for the entire qualifying month, to be an appropriate counterbalance to the benefit of being allocated marketing fees. The Exchange believes that qualifying LMMs have demonstrated a commitment to providing liquidity on the Exchange through meeting the quoting and other regulatory obligations required of an LMM in either the specific option class or a significant portion of option classes traded on the Exchange (*i.e.,* 50%) and for a significant portion of the previous trading month (*i.e.,* 10 trading days).

Lastly, the Exchange believes it to be equitable to treat orders directed to non-qualifying LMMs similar to non-directed order and allocate any applicable marketing fees to the PLMM's ''pool'' because the PLMM faces the highest quoting standard of any Market Maker in the relevant option class.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would place the Exchange on equal footing as other exchanges that allow their LMM equivalents to be allocated marketing fees generated by Directed Orders, regardless of having an appointment in the relevant option class. The Exchange believes that such an even playing field will promote competition among options exchanges.

The Exchange designed the qualifying criteria for LMMs to be an appropriate counterbalance to the benefit of being allocated marketing fees. The Exchange believes that qualifying LMMs have demonstrated a commitment to providing liquidity on the Exchange through meeting the quoting and other regulatory obligations required of an LMM in either the specific option class or a significant portion of option classes traded on the Exchange (*i.e.,* 50%) and for a significant portion of the previous trading month (*i.e.,* 10 trading days). The Exchange believes that the proposal to treat orders directed to non-qualifying LMMs similar to non-directed order and allocate any applicable marketing fees to the PLMM's ''pool'' would not create an undue burden on competition because the PLMM faces the highest quoting standard of any Market Maker in the relevant option class.

The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar fee structures. Many competing venues offer similar fee structures to market participants. To this end, the Exchange is proposing a market enhancement to encourage market participants to trade on the Exchange. The Exchange believes the proposed rule change is procompetitive because it would enable the Exchange to provide member organizations with a fee structure that is similar to that of other exchanges.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[10] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2013–38 on the subject line.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

*Paper Comments*

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2013–38. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–MIAX–2013–38 and should be submitted on or before August 30, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–19259 Filed 8–8–13; 8:45 am]

**BILLING CODE 8011–01–P**

[11] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70108; File No. SR–NASDAQ–2013–101]**

## Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Amending Chapter IV, Section 6 To Permit the Exchange To List Additional Strike Prices Until the Close of Trading on the Second Business Day Prior to Monthly Expiration

August 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on July 26, 2013, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ is filing with the Commission a proposal to amend Chapter IV, Section 6 (Series of Options Contracts Open for Trading) of the rules of the NASDAQ Options Market (''NOM'') to permit the Exchange to list additional strike prices until the close of trading on the second business day prior to the expiration of a monthly, or standard, option in the event of unusual market conditions.

The text of the proposed rule change is attached as *Exhibit 5*.[3]

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASDAQ has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that Exhibit 5 is attached to the filing, not to this Notice.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this proposed rule change is to amend Chapter IV, Section 6 to permit the Exchange to add additional strikes until the close of trading on the second business day prior to a monthly expiration in the event of unusual market conditions.

This is a competitive filing that is based on two recently approved and two immediately effective filings.[4] The approved NYSE MKT and NYSE Arca filings made changes to their respective rules governing the last day on which strikes may be added for individual stock and exchange traded fund (''ETF'') options. Similar to current Chapter IV, Section 6(c), the exchanges had rules that permitted the opening of additional series of individual stock and ETF options until the beginning of the month in which the option contract will expire or until the fifth business day prior to expiration if unusual market conditions exist. The exchanges amended their rules to permit the opening of additional series of individual stocks and ETF options until the close of trading on the second business day prior to the expiration of a monthly, or standard, option in the event of unusual market conditions. The Exchange is now proposing to amend its rules in respect of equity and ETF options to permit the opening of additional strike prices until the close of trading on the second business day prior to the expiration of a standard (monthly) option.

Options market participants generally prefer to focus their trading in strike prices that immediately surround the price of the underlying security. However, if the price of the underlying stock or ETF moves significantly, there may be a market need for additional strike prices to adequately account for market participants' risk management needs in a stock or ETF. In these situations, the Exchange has the ability to add additional series at strike prices that are better tailored to the risk management needs of market

[4] *See* Securities Exchange Act Release Nos. 68460 (December 18, 2012), 77 FR 76145 (December 26, 2012) (SR–NYSEMKT–2012–41) (approval order) (''NYSE MKT filing''); 68461 (December 18, 2012), 77 FR 76155 (December 26, 2012) (SR–NYSEArca–2012–94) (approval order) (''NYSE Arca filing''); 68606 (January 9, 2013), 78 FR 3065 (January 15, 2013) (SR–CBOE–2012–131) (notice of filing and immediate effectiveness) (''CBOE filing''); and 69920 (July 2, 2013), 78 FR 41176 (July 9, 2013) (SR–Phlx–2013–73) (notice of filing and immediate effectiveness) (''Phlx filing'') (together ''the exchanges'' and ''the filings'').

participants. The Exchange may make the determination to open additional series for trading when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when the market price of the underlying stock or ETF moves more than five strike prices from the initial exercise price or prices.[5]

If the market need occurs prior to five business days prior to expiration, then the market participants may have access to an option contract that is more tailored to the movement in the underlying stock or ETF. Under current Section 6 of Chapter IV, however, the Exchange is unable to open additional series in response to unusual market conditions that occur between five and two days prior to expiration and market participants may be left without a contract that is tailored to manage their risk. Because of the current five days before expiration restriction, investors may be unable to tailor their hedging activities in options and effectively manage their risk going into expiration.

The Exchange proposes to permit the listing of additional strikes until the close of trading on the second business day prior to expiration in unusual market conditions. Since expiration of standard options on individual stocks and ETFs is on a Saturday, the close of trading on the second business day prior to expiration will typically fall on a Thursday. However, in cases where Friday is a holiday during which the Exchange is closed, the close of trading on the second business day will occur on a Wednesday. The Exchange will continue to make the determination to open additional series for trading when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when certain price movements take place in the underlying market. The proposed change will provide an additional four days to the Exchange to gauge market impact of the underlying stock or ETF and to react to any market conditions that would render additional series prior to expiration beneficial to market participants. The Exchange believes that the impact on the market from the proposed change will be very minimal to market participants; however, it will be extremely beneficial when unusual market conditions occur during the five to two days leading up to expiration. As a result, the proposal would allow participants to adjust their risk exposure when an unusual market event occurred on trading days 2, 3, 4, or 5 prior to expiration.

This proposal does not raise any capacity concerns on the Exchange, because the changes have no material difference in impact from the current rules. The Exchange notes the proposed change allows for new strikes that would otherwise be permitted to add under existing rules either on the fifth day prior or immediately after expiration.[6] A strike which opens two days prior to expiration will have minimal impact on quoting, as it adds two series out of hundreds of thousands, and only for a small number of days.[7] Thus, any additional strikes that may be added under the proposed change would have no measurable effect on systems capacity. The Exchange understands that The Options Clearing Corporation (''OCC'') is able to accommodate the proposal and would have no operational concerns with adding new series on any day except the last day of trading an expiring series.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder, including the requirements of Section 6(b) of the Act.[8] In particular, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that providing an additional four days to the Exchange to gauge market impact and to react to any market conditions prior to expiration is beneficial and will result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment and hedging decisions prior to expiration. The Exchange also believes that the additional four days will provide the investing public and other market participants with additional opportunities to hedge their investments thus allowing these investors to better manage their risk exposure with additional in the money series. While the four additional days may generate additional quote traffic, the Exchange does not believe that this increased traffic will become unmanageable since the proposal remains limited to the narrow situations when an unusual market event occurred on trading days 2, 3, 4, or 5 prior to expiration. The Exchange also believes that the proposed rule change will ensure competition because the Exchange will be able to list additional equity and ETF series up to the second day before expiration in the same manner that NYSE MKT, NYSE Arca, Phlx, and CBOE are currently able to do.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a competitive response to recently approved NYSE MKT and NYSE Arca filings, and immediately effective Phlx and CBOE filings. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

[5] *See* Chapter IV, Section 6(c).

[6] Any new strikes added under this proposal for options on equities or ETFs would be added in a manner consistent with the range limitations described in Supplementary Material .06 to Section 6 of Chapter IV.

[7] In the case of a multi-stock event where multiple stocks may be subject to unusual market conditions, a strike which opens two days prior to expiration will also have minimal impact on quoting, as it adds two series per stock out of hundreds of thousands, and only for a small number of days.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief

Continued

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest in that it will allow the Exchange to open additional series of individual stocks and ETF options until the close of trading on the second business day prior to a monthly expiration in unusual market conditions in the same manner as NYSE MKT, NYSE Arca, CBOE, and Phlx. In sum, the proposed rule change presents no novel issues, and waiver will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission designates the proposal operative upon filing.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[13] 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–NASDAQ–2013–101 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2013–101. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2013–101 and should be submitted on or before August 30, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–19255 Filed 8–8–13; 8:45 am]

**BILLING CODE 8011–01–P**

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description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78s(b)(2)(B).

[14] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70113; File No. SR–NASDAQ–2013–096]**

## Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify NASDAQ's Rule Governing Modification of Orders in the Event of an Issuer Corporate Action Related to a Dividend, Payment or Distribution

August 5, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 22, 2013, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes to modify NASDAQ's rule governing modification of orders in the event of an issuer corporate action related to a dividend, payment or distribution. NASDAQ proposes to implement the proposed rule change on a date that is on, or shortly after, the expiration of the pre-operative delay provided for in Rule 19b–4(f)(6)(iii).[4] The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

NASDAQ Rule 4761 addresses the treatment of quotes/orders in securities that are the subject of issuer corporate actions related to a dividend, payment or distribution. The rule applies to any trading interest that is carried on the Nasdaq Market Center book overnight.[5]

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 17 CFR 242.19b–4(f)(6)(iii).

[5] NASDAQ notes that the use of such good-till-cancelled trading interest is not prevalent, and that

Prior to a recent proposed rule change,[6] the rule contemplated a range of possible adjustments that, depending on the nature of the corporate action, might result in the cancellation of the order or an adjustment to its price and/or size to reflect the expected impact of the corporate action, effective on the ex-date of the corporate action. NASDAQ amended the rule, however, to provide that in the event of any corporate action related to a dividend, payment or distribution, NASDAQ will cancel open quotes/orders on the ex-date of the action. The cancellation occurs immediately prior to the opening of trading at 4 a.m. on the ex-date of the corporate action, and the member receives a cancellation notice, so that it can, if it desired, reenter the order at the commencement of trading on the ex-date.

NASDAQ is now proposing to implement limited, optional functionality to allow open orders to be adjusted, rather than cancelled. The change is responsive to member input indicating that such functionality may assist with order management with respect to cash dividends and forward splits, the most common type of corporate action.[7] Under the proposal, a member may designate that all orders with a time-in-force of good-till-cancelled that are entered through one or more order entry ports specified by the member will be processed in the manner specified below.[8]

(1) Cash Dividend. If an issuer is paying a cash dividend, the price of an order to buy will be reduced by the amount of the sum of all dividends payable, rounded up to the nearest whole cent; provided, however, that there will be no adjustment if the sum of all dividends is less than $0.01. For example, if the sum of all dividends is $0.381, the price of the order will be reduced by $0.39. An order to sell will be retained but will receive no price adjustment.

(2) Forward Stock Split. If an issuer is implementing a forward stock split (i.e., a stock split in which shares outstanding are exchanged for a larger number of shares), the order will be cancelled if its size is less than one round lot. If the order's size is greater than one round lot, (i) the size of the order will be multiplied by the ratio of post-split shares to pre-split shares, with the result rounded downward to the nearest whole share, and (ii) the price of the order will be multiplied by the ratio of pre-split shares to post-split shares, with the result rounded down to the nearest whole penny in the case of orders to buy and rounded up to the nearest whole penny in the case of orders to sell. For example, if a member has entered a good-till-cancelled order to buy 375 shares at $10.95 and the issuer implemented a split under which each share would be exchanged for 2.25 shares, the size of the order would be adjusted to 843 shares ($375 \times 2.25/1 = 843.75$, rounded down to 843) and the price of the order would be adjusted to $4.86 ($\$10.95 \times 1/2.25 = \$4.8667$, rounded down to $4.86). An order to sell at the same price and size would be adjusted to 843 shares with a price of $4.87.

(3) Combination of Cash Dividend and Forward Stock Split. If an issuer is implementing a cash dividend and a forward stock split on the same date, the adjustments described above will both be applied, in the order described in the notice of the corporate actions received by NASDAQ.[9]

All of the foregoing changes will be affected immediately prior to the opening of the System at 4:00 a.m. on the ex-date of the applicable corporate action. Open orders that are retained will be re-entered by the System (as adjusted above) immediately prior to the opening of the System, such that they will retain time priority over new orders entered at or after 4:00 a.m.[10]

NASDAQ is also amending the language that describes corporate actions to which Rule 4761 applies to clarify and expand the scope of the rule. Currently, the rule refers to ''issuer corporate actions related to a dividend, payment or distribution''. NASDAQ proposes to add to the rule language that would make it clear that the term ''dividend'' encompasses dividends payable in stock, securities, or both, and that the term distribution has been interpreted to include forward or reverse stock splits.[11] In addition, NASDAQ is adding language to the rule to include symbol changes and changes in the primary listing venue of a stock, which have not previously been covered by Rule 4761, within the scope of corporate actions resulting in the cancellation of good-till-cancelled orders. NASDAQ believes that this change will assist market participants in managing their orders, because the receipt of a cancellation message will alert the member to the need to evaluate whether to reenter the cancelled order with a new symbol or in a different trading venue.[12]

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[13] in general, and with Section 6(b)(5) of the Act[14] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, NASDAQ believes that the change, which is responsive to member input, will facilitate transactions in securities and perfect the mechanism of a free and open market by providing members with additional optional functionality that may assist them with order management with respect to cash dividends and forward splits, the most common type of corporate actions. The change will also facilitate transactions in securities and perfect the mechanism of a free and open market by assisting

the majority of quotes/orders expire by their terms at the end of regular market hours.

[6] Securities Exchange Act Release No. 69454 (April 25, 2013), 78 FR 25506 (May 1, 2013) (SR–NASDAQ–2013–068).

[7] For other corporate actions, open orders will be cancelled, regardless of the port through which they were entered.

[8] The member may opt for this processing on a port-by-port basis, but not an order-by-order basis. Thus, the new provisions providing for order adjustment will apply to all good-till-cancelled orders entered through a port that has been specified by the member for such processing.

[9] For securities listed on NASDAQ, NASDAQ receives notice of corporate actions from the issuer and determines the applicable ex-date. *See* Rule 11140. For securities listed on other exchanges, NASDAQ receives notice from the listing exchange.

[10] To the extent that multiple good-till-cancelled orders in a particular security are adjusted and re-entered, such orders may not retain the same time priority vis-à-vis one another that they had on the preceding day. Rather, because such orders will be entered simultaneously through multiple order entry ports, their relative priority will be a function of the duration of system processing associated with each individual order.

[11] *See* Securities Exchange Act Release No. 54613 (October 17, 2006), 71 FR 62325 (October 24, 2006) (SR–NASDAQ–2006–043) (adopting the phrase ''dividend, payment or distribution'' and including stock splits as an example of corporate actions covered by the rule).

[12] Notably, in some instances, such as a corporate spinoff, the old symbol may be immediately reused for a different security. Therefore, maintaining an order with that symbol on the book could result in the market participant maintaining an order in a stock in which it did not wish to maintain a trading interest. Also, to the extent that a market participant wishes to trade a security in its listing venue, the cancellation of its open order in the event of a change in listing venue will provide it with the opportunity to do so.

[13] 15 U.S.C. 78f. of a change in listing venue will provide it with the opportunity to do so. 1 15 U.S.C. 78f

[14] 15 U.S.C. 78f(b)(5).

market participants in managing their orders in the event of symbol changes and changes in listing venue, by cancelling open orders and thereby alerting members to the need to evaluate whether to reenter the cancelled order.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, by offering market participants additional options with regard to management of open orders, the change has the potential to enhance NASDAQ's competitiveness with respect to other trading venues, thereby promoting greater competition. Moreover, the change does not burden competition in that it does not restrict the ability of members to enter and update trading interest in NASDAQ.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2013–096 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2013–096. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2013–096 and should be submitted on or before August 30, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

**Kevin M. O'Neill,**

*Deputy Secretary.*

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**BILLING CODE 8011–01–P**

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70111; File No. SR–BX–2013–043]**

## Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify BX's Rule Governing Modification of Orders in the Event of an Issuer Corporate Action Related to a Dividend, Payment or Distribution

August 5, 2013.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 22, 2013, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. 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 modify BX's rule governing modification of orders in the event of an issuer corporate action related to a dividend, payment or distribution.

The text of the proposed rule change is provided in Exhibit 5.[4] The text of the proposed rule change is also available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Commission notes that Exhibit 5 is attached to the filing, not to this Notice.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

BX Rule 4761 addresses the treatment of quotes/orders in securities that are the subject of issuer corporate actions related to a dividend, payment or distribution. The rule applies to any trading interest that is carried on the BX Equities Market book overnight.[5] BX adopted the rule through a recent proposed rule change.[6] The rule provides that in the event of any corporate action related to a dividend, payment or distribution, BX will cancel open quotes/orders on the ex-date of the action. The cancellation occurs immediately prior to the opening of trading at 4 [sic] a.m. on the ex-date of the corporate action, and the member receives a cancellation notice, so that it can, if it desired, reenter the order at the commencement of trading on the ex-date.

BX is now proposing to implement limited, optional functionality to allow open orders to be adjusted, rather than cancelled. The change is responsive to member input indicating that such functionality may assist with order management with respect to cash dividends and forward splits, the most common type of corporate action.[7] Under the proposal, a member may designate that all orders with a time-in-force of good-till-cancelled that are entered through one or more order entry ports specified by the member will be processed in the manner specified below.[8]

(1) Cash Dividend. If an issuer is paying a cash dividend, the price of an order to buy will be reduced by the amount of the sum of all dividends payable, rounded up to the nearest whole cent; provided, however, that there will be no adjustment if the sum of all dividends is less than $0.01. For example, if the sum of all dividends is $0.381, the price of the order will be reduced by $0.39. An order to sell will be retained but will receive no price adjustment.

(2) Forward Stock Split. If an issuer is implementing a forward stock split (i.e., a stock split in which shares outstanding are exchanged for a larger number of shares), the order will be cancelled if its size is less than one round lot. If the order's size is greater than one round lot, (i) the size of the order will be multiplied by the ratio of post-split shares to pre-split shares, with the result rounded downward to the nearest whole share, and (ii) the price of the order will be multiplied by the ratio of pre-split shares to post-split shares, with the result rounded down to the nearest whole penny in the case of orders to buy and rounded up to the nearest whole penny in the case of orders to sell. For example, if a member has entered a good-till-cancelled order to buy 375 shares at $10.95 and the issuer implemented a split under which each share would be exchanged for 2.25 shares, the size of the order would be adjusted to 843 shares ($375 \times 2.25/1 = 843.75$, rounded down to 843) and the price of the order would be adjusted to $4.86 ($\$10.95 \times 1/2.25 = \$4.8667$, rounded down to $4.86). An order to sell at the same price and size would be adjusted to 843 shares with a price of $4.87.

(3) Combination of Cash Dividend and Forward Stock Split. If an issuer is implementing a cash dividend and a forward stock split on the same date, the adjustments described above will both be applied, in the order described in the notice of the corporate actions received by BX.[9]

All of the foregoing changes will be affected immediately prior to the opening of the System at 7:00 a.m. on the ex-date of the applicable corporate action. Open orders that are retained will be re-entered by the System (as adjusted above) immediately prior to the opening of the System, such that they will retain time priority over new orders entered at or after 7:00 a.m.[10]

BX is also amending the language that describes corporate actions to which Rule 4761 applies to clarify and expand the scope of the rule. Currently, the rule refers to ''issuer corporate actions related to a dividend, payment or distribution''. BX proposes to add to the rule language that would make it clear that the term ''dividend'' encompasses dividends payable in stock, securities, or both, and that the term distribution has been interpreted to include forward or reverse stock splits.[11] In addition, BX is adding language to the rule to include symbol changes and changes in the primary listing venue of a stock, which have not previously been covered by Rule 4761, within the scope of corporate actions resulting in the cancellation of good-till-cancelled orders. BX believes that this change will assist market participants in managing their orders, because the receipt of a cancellation message will alert the member to the need to evaluate whether to reenter the cancelled order with a new symbol or in a different trading venue.[12]

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[13] in general, and with Section 6(b)(5) of the Act[14] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, BX believes that the change, which is responsive to member input, will facilitate transactions in securities and perfect the mechanism of a free and open market by providing members with additional optional functionality that may assist them with order management with respect to cash dividends and forward splits, the most common type of corporate actions. The change will also facilitate transactions in securities and perfect the mechanism of a free and

[5] BX notes that the use of such good-till-cancelled trading interest is not prevalent and that the majority of quotes/orders expire by their terms at the end of regular market hours.

[6] Securities Exchange Act Release No. 69456 (April 25, 2013), 78 FR 25510 (May 1, 2013) (SR–BX–2013–031).

[7] For other corporate actions, open orders will be cancelled, regardless of the port through which they were entered.

[8] The member may opt for this processing on a port-by-port basis, but not an order-by-order basis. Thus, the new provisions providing for order adjustment will apply to all good-till-cancelled orders entered through a port that has been specified by the member for such processing.

[9] BX receives notice of corporate actions from the listing exchange for the security.

[10] To the extent that multiple good-till-cancelled orders in a particular security are adjusted and re-entered, such orders may not retain the same time priority vis-à-vis one another that they had on the preceding day. Rather, because such orders will be entered simultaneously through multiple order entry ports, their relative priority will be a function of the duration of system processing associated with each individual order.

[11] *Cf.* Securities Exchange Act Release No. 54613 (October 17, 2006), 71 FR 62325 (October 24, 2006) (SR–NASDAQ–2006–043) (similar NASDAQ rule adopting the phrase ''dividend, payment or distribution'' and including stock splits as an example of corporate actions covered by the rule).

[12] Notably, in some instances, such as a corporate spinoff, the old symbol may be immediately reused for a different security. Therefore, maintaining an order with that symbol on the book could result in the market participant maintaining an order in a stock in which it did not wish to maintain a trading interest. Also, to the extent that a market participant wishes to trade a security in its listing venue, the cancellation of its open order in the event of a change in listing venue will provide it with the opportunity to do so.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(5).

open market by assisting market participants in managing their orders in the event of symbol changes and changes in listing venue, by cancelling open orders and thereby alerting members to the need to evaluate whether to reenter the cancelled order.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

BX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, by offering market participants additional options with regard to management of open orders, the change has the potential to enhance BX's competitiveness with respect to other trading venues, thereby promoting greater competition. Moreover, the change does not burden competition in that it does not restrict the ability of members to enter and update trading interest in BX.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2013–043 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2013–043. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2013–043 and should be submitted on or before August 30, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

**Kevin M. O'Neill,**

*Deputy Secretary.*

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**BILLING CODE 8011–01–P**

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70119; File No. SR–C2–2013–025]**

## Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Offer a New Data Feed

August 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 24, 2013, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. C2 has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to offer a new data feed. There are no proposed changes to Exchange rule text.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

C2 proposes to offer a new data feed. C2 already offers a C2 BBO Data Feed that is a real-time, low latency data feed that includes C2 ''BBO data'' and last sale data.[4] The BBO and last sale data contained in the C2 BBO Data Feed is identical to the data that C2 sends to the Options Price Reporting Authority (''OPRA'') for redistribution to the public.[5] The C2 BBO Data Feed also includes certain data that is not included in the data sent to OPRA, namely, (i) totals of customer versus non-customer contracts at the BBO, (ii) All-or-None contingency orders priced better than or equal to the BBO, (iii) BBO data and last sale data for complex strategies (e.g., spreads, straddles, buy-writes, etc.) (''Spread Data''), and (iv) expected opening price (''EOP'') and expected opening size (''EOS'') information that is disseminated prior to the opening of the market and during trading rotations (collectively, ''EOP/EOS data'').[6] MDX currently charges Customers a ''data fee'' of $1,000 per month for the internal use and external redistribution of the C2 BBO Data Feed.[7]

The proposed new C2 COB Feed will provide data regarding the Exchange's Complex Order Book (''COB'') and related complex order information. The C2 COB Feed will include BBO quotes and identifying information for all C2-traded complex order strategies, as well as all executed C2 complex order trades (and identify whether the trade was a customer trade, or whether a complex order in the COB is a customer order). All of this data is also currently included in the C2 BBO Data Feed. At this time, the Exchange has determined to offer the C2 COB Feed to all market participants free of charge.[8]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to 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 adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. C2 believes that this proposal is in keeping with those principles by promoting increased transparency through the dissemination of useful data and also by clarifying its availability to market participants.

Additionally, C2 is making a voluntary decision to make this data available. C2 is not required by the Act in the first instance to make the data available, unlike the best bid and offer which must be made available under the Act. C2 chooses to make the data available as proposed in order to improve market quality, to attract order flow, and to increase transparency. Further, all of the data included in the C2 COB Feed is already available in the C2 BBO Data Feed, so no new data is being made available by the introduction of the C2 COB Feed.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

C2 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. C2 does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the C2 COB Feed is available to all market participants. The Exchange does not believe that offering the C2 COB Feed will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the C2 COB Feed involves data that is specific to C2. Further, to the extent creating the C2 COB Feed (and offering it for free) makes C2 a more attractive marketplace for market participants on other exchanges, such market participants may elect to become C2 market participants. Indeed, this may enhance competition by spurring other options exchanges to create more data feeds (and offer such new feeds for free).

*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**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange has stated that it is prepared to offer the C2 COB Feed

[4] The C2 BBO Data Feed includes the ''best bid and offer,'' or ''BBO'', consisting of all outstanding quotes and standing orders at the best available price level on each side of the market, with aggregate size (''BBO data,'' sometimes referred to as ''top-of-book data''). Data with respect to executed trades is referred to as ''last sale'' data. The C2 BBO Data Feed and the fees charged by Market Data Express, LLC (''MDX''), for the C2 BBO Data Feed were established in March 2011. *See* Securities Exchange Act Release No. 63996 (March 1, 2011), 76 FR 12386 (March 7, 2011). Such fees were amended to their current rates in April 2013. *See* Securities Exchange Act Release No. 69400 (April 18, 2013), 78 FR 24285 (April 24, 2013) (SR–C2–2013–016).

[5] The Exchange notes that MDX, an affiliate of C2, makes available to Customers the BBO data and last sale data that is included in the C2 BBO Data Feed no earlier than the time at which the Exchange sends that data to OPRA.

[6] The Exchange identified the inclusion of EOP/EOS data in the C2 BBO Data Feed in a proposed rule change filed in January 2013. *See* Securities Exchange Act Release No. 68697 (January 18, 2013), 78 FR 5523 (January 25, 2013).

[7] A ''Customer'' is any entity that receives the C2 BBO Data Feed directly from MDX's system or through a connection to MDX provided by an approved redistributor (i.e., a market data vendor or an extranet service provider) and then distributes it internally and/or externally.

[8] All Exchange market participants will be afforded equal access to the C2 COB Feed and the Exchange will not discriminate amongst who may be able to access the C2 COB Feed.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. C2 has satisfied this requirement.

immediately and does not intend to assess a fee for such feed at this time, so waiving the 30-day operative delay would allow Exchange market participants to begin to receive the data in the C2 COB Feed immediately instead of having to wait 30 days. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because such waiver will enable market participants to receive the C2 COB data free of charge immediately, which data is otherwise only available to market participants for a fee (as part of the C2 BBO Data Feed) until the proposal becomes effective. For this reason, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2013–025 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2013–025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2013–025 and should be submitted on or before August 30, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–19265 Filed 8–8–13; 8:45 am]

**BILLING CODE 8011–01–P**

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70114; File No. SR–BX–2013–044]**

## Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing of Proposed Rule Change to Its Excess Order Fee Under Rule 7018(d)

August 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 26, 2013, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 the Substance of the Proposed Rule Change

The Exchange proposes changes to its Excess Order Fee under Rule 7018(d). While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on August 1, 2013. The text of the proposed rule change is also available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

In 2012, BX introduced an Excess Order Fee, imposed on MPIDs that have characteristics indicative of inefficient order entry practices.[3] As BX explained at the time, inefficient order entry practices may place excessive burdens on the systems of BX and its members and may negatively impact the usefulness and life cycle cost of market data.[4] Market participants that flood the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release Nos. 67007 (May 17, 2012), 77 FR 30579 (May 23, 2012) (SR–BX–2012–033) (establishing fee); 67272 (June 27, 2012), 77 FR 39530 (July 3, 2012) (SR–BX–2012–042) (modifying terms and conditions of fee).

[4] *See generally* Recommendations Regarding Regulatory Reponses to the Market Events of May 6, 2010, Joint CFTC–SEC Advisory Committee on Emerging Regulatory Issues, at 11 (February 18, 2011) (''The SEC and CFTC should also consider addressing the disproportionate impact that [high frequency trading] has on Exchange message traffic and market surveillance costs. . . . The Committee recognizes that there are valid reasons for algorithmic strategies to drive high cancellation rates, but we believe that this is an area that deserves further study. At a minimum, we believe that the participants of those strategies should

market with orders that are rapidly cancelled or that are priced away from the inside market do little to support meaningful price discovery.

In general, the determination of whether to impose the fee on a particular MPID has been made by calculating the ratio between (i) entered orders, weighted by the distance of the order from the national best bid or offer (''NBBO''), and (ii) orders that execute in whole or in part. The fee has been imposed on MPIDs with an ''Order Entry Ratio'' of more than 100. The Order Entry Ratio is calculated, and the Excess Order Fee imposed, on a monthly basis. BX is now proposing to modify the fee, such that it will be calculated and assessed on the basis of all of a member's trading activity on BX, rather than on an MPID basis. The purpose of this change is to ensure that members do not act in a manner inconsistent with the intent of the fee by spreading inefficient order activity across multiple MPIDs in a manner that allows the MPIDs to avoid a charge that would not be avoided if all of the member's activity were aggregated. Thus, the change replaces the term ''MPID'' with the term ''member'' throughout the text of Rule 7018(d). The rule, as amended, will operate as follows:

For each member, the Order Entry Ratio will be the ratio of (i) the member's ''Weighted Order Total'' to (ii) the greater of one (1) or the number of displayed, non-marketable orders [5] sent to BX by the member during the month that execute in full or in part.[6] The Weighted Order Total is the number of displayed, non-marketable orders sent to BX by the member, as adjusted by a ''Weighting Factor.'' The applicable Weighting Factor is applied to each order based on its price in comparison to the NBBO at the time of order entry:

| Order's price versus NBBO at entry | Weighting factor |
|---|---|
| Less than 0.20% away | 0x |
| 0.20% to 0.99% away | 1x |
| 1.00% to 1.99% away | 2x |
| 2.00% or more away | 3x |

Thus, in calculating the Weighted Order Total, an order that was more than 2.0% away from the NBBO would be equivalent to three orders that were 0.50% away. Due to the applicable Weighting Factor of 0x, orders entered less than 0.20% away from the NBBO would not be included in the Weighted Order Total, but would be included in the ''executed'' orders component of the Order Entry Ratio if they execute in full or part.[7] In addition, members with a daily average Weighted Order Total of less than 100,000 during the month will not be subject to the Excess Order Fee. Finally, the fee is based on orders received by BX during regular market hours (generally, 9:30 a.m. to 4:00 p.m.),[8] and will exclude orders received at other times, even if they execute during regular market hours.

The following example illustrates the calculation of the Order Entry Ratio:

- A member enters 15,000,000 displayed, liquidity-providing orders:
- 10,000,000 orders are entered at the NBBO. The Weighting Factor for these orders is 0x.
- 5,000,000 orders are entered at a price that is 1.50% away from the NBBO. The Weighting Factor for these orders is 2x.
- Of the 15,000,000 orders included in the calculation, 90,000 are executed.
- The Weighted Order Total is $(10{,}000{,}000 \times 0) + (5{,}000{,}000 \times 2) = 10{,}000{,}000$. The Order Entry Ratio is $10{,}000{,}000/90{,}000 = 111$.

If a member has an Order Entry Ratio of more than 100, the amount of the Order Entry Fee will be calculated by determining the member's ''Excess Weighted Orders.'' Excess Weighted Orders are calculated by subtracting (i) the Weighted Order Total that would result in the member having an Order Entry Ratio of 100 from (ii) the member's actual Weighted Order Total. In the example above, the Weighted Order Total that would result in an Order Entry Ratio of 100 is 9,000,000, since $9{,}000{,}000/90{,}000 = 100$. Accordingly, the Excess Weighted Orders would be $10{,}000{,}000 - 9{,}000{,}000 = 1{,}000{,}000$.

The Excess Order Fee charged to the member will then be determined by multiplying the ''Applicable Rate'' by the number of Excess Weighted Orders. The Applicable Rate is determined based on the member's Order Entry Ratio:

| Order entry ratio | Applicable rate |
|---|---|
| 101–1,000 | 0.005 |
| More than 1,000 | 0.01 |

In the example above, the Applicable Rate would be $0.005, based on the member's Order Entry Ratio of 111. Accordingly, the monthly Excess Order Fee would be $1{,}000{,}000 \times \$0.005 = \$5{,}000$.

BX continues to expect that the impact of the fee, as modified, will be narrow because the change will encourage potentially affected market participants to modify their order entry practices in order to avoid the fee, thereby improving the market for all participants. Accordingly, BX does not expect to earn significant revenues from the modified fee.

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[9] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which BX operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

With respect to the Excess Order Fee, BX stated in its original filing to institute the fee that it is reasonable because it is designed to achieve improvements in the quality of displayed liquidity and market data that will benefit all market participants. In addition, although the level of the fee may theoretically be very high, the fee is reasonable because market participants may readily avoid the fee by making improvements in their order entry practices that reduce the number of orders they enter, bring the prices of their orders closer to the NBBO, and/or increase the percentage of their orders that execute. Similarly, the change proposed herein is reasonable because it will provide further incentive to members to improve order entry practices by insuring that they cannot evade the fee by spreading activity across multiple MPIDs.

For similar reasons, the fee is consistent with an equitable allocation of fees, because although the fee may apply to only a small number of market

properly absorb the externalized costs of their activity.'').

[5] The fee focuses on displayed orders since they have the most significant impact on investor confusion and the quality of market data.

[6] Thus, in an extreme case where no orders entered by the member executed, this component of the ratio would be assumed to be 1, so as to avoid the impossibility of dividing by zero.

[7] An analogous fee of The NASDAQ Stock Market LLC (''NASDAQ'') includes an exclusion from both components of the ratio for orders sent by market makers in securities in which they are registered, through the MPID applicable to the registration. Although BX rules currently allow for market maker registration, BX does not currently have any registered market makers. Accordingly, BX has not deemed it necessary to adopt a comparable exclusion. In the event that market maker participation in BX increases, BX will evaluate the advisability of adopting an exclusion.

[8] Regular market hours may be different in some circumstances, such as on the day after Thanksgiving, when regular market hours on all exchanges traditionally end at 1:00 p.m.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4) and (5).

participants, the fee would be applied to them in order to encourage better order entry practices that will benefit all market participants. The change is also equitable because it will further encourage better order entry practices across a wider group of market participants. Finally, BX believes that the fee is not unfairly discriminatory. Although the fee may apply to only a small number of market participants, it will be imposed because of the negative externalities that such market participants impose on others through inefficient order entry practices. Accordingly, BX believes that it is fair to impose the fee on these market participants in order to incentivize them to modify their behavior and thereby benefit the market. The change is likewise not unfairly discriminatory because it will negatively affect members only if they have been evading the incentives to improve order entry practices provided by the fee.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

BX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[11] BX notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, BX must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges, while also seeking to earn a reasonable profit from its trading and routing services. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, BX believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. With respect to the change to the Excess Order Fee, BX believes that the change, like the original fee, will constrain market participants from pursuing certain inefficient and potentially abusive trading strategies. To the extent that this change may be construed as a burden on competition, BX believes that it is appropriate in order to allow BX to better achieve this purpose.

[11] 15 U.S.C. 78f(b)(8).

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f) of Rule 19b–4 thereunder.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2013–044 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2013–044. 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 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2013–044, and should be submitted on or before August 30, 2013.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–19261 Filed 8–8–13; 8:45 am]

**BILLING CODE 8011–01–P**

[14] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70116; File No. SR–Phlx–2013–79]**

## Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Delisting Series in the STOs and Opening up to Five Consecutive Weekly Expirations of STOs

August 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on July 25, 2013, NASDAQ OMX PHLX LLC (the ''Exchange'' or ''Phlx'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange is filing with the Commission a proposal to amend Rule 1012 (Series of Options Open for Trading) and Rule 1101A (Terms of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Option Contracts) to provide for the ability to open up to five consecutive expirations under the Short Term Option Program (''STO Program'' or ''Program'')[3] for trading on the Exchange, to allow for the Exchange to delist any series in the STOs that do not have open interest, and to expand the number of series in STOs under limited circumstances when there are no series at least 10% but not more than 30% away from the current price of the underlying security.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/NASDAQOMXPHLX/Filings/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

#### 1. Purpose

The purpose of this proposed rule change is to amend Commentary .11 to Rule 1012 for non-index options and Rule 1101A(b)(vi) for index options to provide for the ability to open up to five consecutive expirations under the STO Program for trading on the Exchange, to allow for the Exchange to delist any series in the STOs that do not have open interest, and to expand the number of series in STOs under limited circumstances when there are no series at least 10% but not more than 30% away from the current price of the underlying security.[4]

Currently, after an option class has been approved for listing and trading on the Exchange, the Exchange may open for trading options pursuant to its STO Program. The Exchange may also match any option classes that are selected by other securities exchanges that employ a similar STO program under their respective rules. For each option class eligible for participation in the STO Program, the Exchange may open up to 30 Short Term Option Series for each expiration date in that class.[5]

This proposal seeks to allow the Exchange to open STO series for up to five consecutive week expirations. The Exchange proposes to add in Commentary .11 of Rule 1012 and Rule 1101A(b)(vi) a maximum of five consecutive week expirations under the STO Program; however a STO expiration will not be added in the same week that a monthly options series expires or, in the case of Quarterly Option Series (''QOS''),[6] on an expiration that coincides with an expiration of QOS on the same class. In other words, the total number of consecutive expirations will be five, including any existing monthly or quarterly expirations.[7] This change is being proposed notwithstanding the current cap of 30 series per class under the STO Program. The Exchange notes that the STO Program has been well-received by market participants, in particular by retail investors.[8]

The Exchange believes that the current proposed revision to the STO Program will permit the Exchange to meet increased customer demand. The proposed revision will also provide market participants with the ability to trade and hedge in a greater number of option classes and series.

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle the potential additional traffic associated with trading of an expanded number of expirations that participate in the STO Program.

In addition, to provide for circumstances where the underlying security has moved such that there are no series that are at least 10% above or below the current price of the underlying security, the Exchange is proposing to add new language to Commentary .11 of Rule 1012 and Rule 1101A(b)(vi) to provide that the Exchange would delist series with no open interest in both the call and the put series having: (i) A strike higher than the highest price with open interest in the put and/or call series for a given expiration week; and (ii) a strike lower than the lowest strike price with open interest in the put and/or the call series for a given expiration week, so as to list series that are at least 10% but not more than 30% above or below the current price of the underlying security. Further, in the event that all existing series have open interest and there are no series at least 10% above or below the current price of the underlying security, the Exchange may list additional series, in excess of the 30 allowed currently in the STO Program, that are at least 10% and not more than 30% above or below the current price of the underlying security. The Exchange believes that it is important to allow investors to roll existing option positions and ensure that there are always series at least 10% but not more than 30% above or below the current price of the underlying security. The proposal will give investors this needed flexibility.

#### 2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5),[10] in particular, in that it

[3] STOs, also known as ''weekly options'' as well as ''Short Term Options'', are series in an options class that are approved for listing and trading on the Exchange in which the series are opened for trading on any Thursday or Friday that is a business day and that expire on the Friday of the next business week. If a Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Thursday or Friday, respectively. *See* Rules 1000(b)(44), 1000A(b)(16), Commentary .11 to Rule 1012 and Rule 1101A(b)(vi) regarding the STO Program in various options.

[4] *See* Securities Exchange Act Release No. 62296 (June 15, 2010), 75 FR 35115 (June 21, 2010)(SR–Phlx–2010–84) (notice of filing and immediate effectiveness permanently establishing STO Program on the Exchange).

[5] See Commentary .11 of Rule 1012 and Rule 1101A(b)(vi) for a discussion of these and other features of the STO Program.

[6] See Commentary .08 of Rule 1012 and Rule 1101A(b)(iv) for a discussion of QOS.

[7] For example, if QOS expire week 1 and monthly options expire week 3 from now, the proposal would allow the following expirations: Week 1 QOS, week 2 STOs, week 3 monthly, week 4 STOs, and week 5 STOs. If QOS expire week 3 and monthly options expire week 5, the following expirations would be allowed: Week 1 STOs, week 2 STOs, week 3 QOS, week 4 STOs, and week 5 monthly.

[8] Since the STO Program has been adopted, it has seen rapid acceptance among industry participants, as evidenced by the expansion of the number of classes eligible for the STO Program by various exchanges. *See* Securities Exchange Act Release Nos. 65775 (November 17, 2011), 76 FR 72473 (November 23, 2011) (SR–NASDAQ–2011–138); 65776 (November 17, 2011), 76 FR 72482 (November 23, 2011) (SR–PHLX–2011–131); 66563 (March 9, 2012), 77 FR 15426 (March 15, 2012) (SR–CBOE–2012–026); 67194 (June 13, 2012), 77 FR 36597 (June 19, 2012) (SR–NYSEMKT–2012–08); and 67178 (June 11, 2012), 77 FR 36305 (June 18, 2012) (SR–NYSEArca–2012–60). Moreover, since the inception of STOs on the Exchange and other markets, STO volume has significantly grown as the volume of standard options decreased, such that currently STOs represent approximately 31% of the trading volume across all option exchanges.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that expanding the STO Program will result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment decisions and hedging decisions in a greater number of securities. The Exchange also believes that expanding the STO Program will provide the investing public and other market participants with additional opportunities to hedge their investment, thus allowing these investors to better manage their risk exposure. While the expansion of the STO Program will generate additional quote traffic, the Exchange does not believe that this increased traffic will become unmanageable since the proposal remains limited to a fixed number of expirations.

The Exchange believes that the ability to delist series with no open interest in both the call and the put series will benefit investors by devoting the STO cap to those series that are more closely tailored to the investment decisions and hedging decisions of investors.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposal is decidedly pro-competitive. The Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) thereunder.[12]

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest in that it will allow Phlx to offer additional STO products to traders and investors in the same manner as other exchanges.[13] In sum, the proposed rule change presents no novel issues, and waiver will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission designates the proposal operative upon filing.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [15] 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.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] *See* Securities Exchange Act Release Nos. 68190 (November 8, 2012), 77 FR 68193 (November 15, 2012) (SR–NYSEArca–2012–95); and 68191 (November 8, 2012), 77 FR 68194 (SR–NYSEMKT–2012–42). *See also,* Securities Exchange Act Release Nos. 68242 (November 15, 2012), 77 FR 69908 (November 21, 2012) (SR–CBOE–2012–110) (notice of filing and immediate effectiveness); 68318 (November 29, 2012), 77 FR 72426 (December 5, 2012) (SR–ISE–2012–90) (notice of filing and immediate effectiveness); and 68361 (December 5, 2012), 77 FR 73729 (December 11, 2012) (SR–BOX–2012–020) (notice of filing and immediate effectiveness).

[14] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78s(b)(2)(B).

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–Phlx–2013–79 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–Phlx–2013–79. 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–Phlx–2013–79 and should be submitted on or before August 30, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–19263 Filed 8–8–13; 8:45 am]

**BILLING CODE 8011–01–P**

[16] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70118; File No. SR–CBOE–2013–070]**

## Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Offer a New Data Feed

August 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 24, 2013, the Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. CBOE has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to offer a new data feed. There are no proposed changes to Exchange rule text.

### 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

CBOE proposes to offer a new data feed. CBOE already offers a BBO Data Feed, which is a real-time, low latency data feed that includes CBOE ''BBO data'' and last sale data.[4] The BBO and last sale data contained in the BBO Data Feed is identical to the data that CBOE sends to the Options Price Reporting Authority (''OPRA'') for redistribution to the public.[5] The BBO Data Feed also includes certain data that is not included in the data sent to OPRA, namely, (i) totals of customer versus non-customer contracts at the BBO, (ii) All-or-None contingency orders priced better than or equal to the BBO, (iii) BBO data and last sale data for complex strategies (e.g., spreads, straddles, buy-writes, etc.) (''Spread Data''), (iv) BBO data and last sale data for Flexible Exchange (''FLEX'') options traded on the CBOE FLEX Hybrid Trading System, including BBO data and last sale data for FLEX complex strategies (collectively, ''FLEX BBO data''), and (v) expected opening price (''EOP'') and expected opening size (''EOS'') information that is disseminated prior to the opening of the market and during trading rotations (collectively, ''EOP/EOS data'').[6]

The Exchange proposes to offer a new data feed (the ''COB Feed''). This new COB Feed will provide data regarding the Exchange's Complex Order Book (''COB'') and related complex order information. The COB Feed will include BBO quotes and identifying information for all CBOE-traded complex order strategies, as well as all executed CBOE complex order trades (and identify whether the trade was a customer trade, or whether a complex order in the COB is a customer order). All of this data is also currently included in the BBO Data Feed. At this time, the Exchange has determined to offer the COB Feed to all market participants free of charge.[7]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [9] 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 adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. CBOE believes that this proposal is in keeping with those principles by promoting increased transparency through the dissemination of useful data and also by clarifying its availability to market participants.

Additionally, CBOE is making a voluntary decision to make this data available. CBOE is not required by the Act in the first instance to make the data available, unlike the best bid and offer which must be made available under the Act. CBOE chooses to make the data available as proposed in order to improve market quality, to attract order flow, and to increase transparency. Further, all of the data included in the COB Feed is already available in the BBO Data Feed, so no new data is being made available by the introduction of the COB Feed.

*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. CBOE does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] The BBO Data Feed includes the ''best bid and offer,'' or ''BBO'', consisting of all outstanding quotes and standing orders at the best available price level on each side of the market, with aggregate size (''BBO data,'' sometimes referred to as ''top-of-book data''). Data with respect to executed trades is referred to as ''last sale'' data.

[5] The Exchange notes that Market Data Express, LLC (''MDX''), an affiliate of CBOE, makes available to Customers the BBO data and last sale data that is included in the BBO Data Feed no earlier than the time at which the Exchange sends that data to OPRA.

[6] The Exchange identified the inclusion of FLEX BBO data and EOP/EOS data in the BBO Data Feed in a proposed rule change filed in January 2013. *See* Securities Exchange Act Release No. 68696 (January 18, 2013), 78 FR 5527 (January 25, 2013). MDX also makes the FLEX BBO data available as a separate data feed at no charge to any Customer that wishes to subscribe to only that data. EOP/EOS data is not offered separate from the BBO Data Feed.

[7] All Exchange market participants will be afforded equal access to the COB Feed and the Exchange will not discriminate amongst who may be able to access the COB Feed.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

COB Feed is available to all market participants. The Exchange does not believe that offering the COB Feed will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the COB Feed involves data that is specific to CBOE. Further, to the extent creating the COB Feed (and offering it for free) makes CBOE a more attractive marketplace for market participants on other exchanges, such market participants may elect to become CBOE market participants. Indeed, this may enhance competition by spurring other options exchanges to create more data feeds (and offer such new feeds for free).

*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**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange has stated that it is prepared to offer the COB Feed immediately and does not intend to assess a fee for such feed at this time, so waiving the 30-day operative delay would allow Exchange market participants to begin to receive the data in the COB Feed immediately instead of having to wait 30 days. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because such waiver will enable market participants to receive the COB data free of charge immediately, which data is otherwise only available to market participants for a fee (as part of the BBO Data Feed) until the proposal becomes effective. For this reason, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2013–070 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2013–070. 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–2013–070 and should be submitted on or before August 30, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–19266 Filed 8–8–13; 8:45 am]

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[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. CBOE has satisfied this requirement.

[12] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70117; File No. SR–NASDAQ–2013–100]**

## Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Its Fees for Routing of Orders Priced at $1 or More Under Rule 7018(a), as Well as Changes to Its Excess Order Fee Under Rule 7018(m)

August 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1], and Rule 19b–4 [2] thereunder, notice is hereby given that, on July 25, 2013, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

NASDAQ is proposing changes to its fees for routing of orders priced at $1 or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

more under Rule 7018(a), as well as changes to its Excess Order Fee under Rule 7018(m). The changes pursuant to this proposal are effective upon filing, and the Exchange will implement the proposed rule changes on August 1, 2013.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Routing Fees

NASDAQ is proposing to adjust certain of the fees it charges for routing orders in securities priced above $1. Currently, for directed orders [3] in securities listed on exchanges other than the New York Stock Exchange (''NYSE'') that are sent to NASDAQ OMX BX (''BX''), NASDAQ charges no fee and provides no credit, while charging $0.0035 per share executed for directed orders sent to other execution venues. Similarly, for directed orders in securities listed on NYSE that are sent to BX, NASDAQ charges no fee and provides no credit. If directed orders in securities listed on NYSE are sent to NYSE, NASDAQ charges (i) $0.0028 per share executed for a member with an average daily volume through the NASDAQ Market Center in all securities during the month of more than 35 million shares of liquidity provided through one or more of its market participant identifiers (''MPIDs''), and (ii) $0.0029 per share executed for other members.[4]

Effective August 1, 2013, NASDAQ will make its fee for routing directed orders to BX and NYSE $0.0035 per share executed, equal to its fee for routing directed orders to all other venues. Thus, the change will make the applicable fees more uniform by eliminating an aspect of the pricing schedule that may have provided undue encouragement to those members that use NASDAQ's routing services to route directed orders to BX or NYSE rather than using routing strategies that access a variety of venues. Moreover, NASDAQ notes that although BX currently pays a credit with respect to orders that access liquidity, NASDAQ currently charges $0.0035 per share executed for directed orders that are sent to the BATS–Y Exchange and the EDGA Exchange, venues that also pay a credit for orders that access liquidity. Thus, the change will result in a consistent fee for routing directed orders to all such venues. The change is also consistent with NASDAQ's long-standing practice of charging a high fee for use of directed orders, which represent a special service of the NASDAQ routing broker and which, when designated as intermarket sweep orders, require additional after-the-fact surveillance to determine whether the member's designation was compliant with the requirements of Regulation NMS.

For orders using NASDAQ's TFTY, SOLV, CART, or SAVE [5] routing strategies that execute at BX, NASDAQ currently provides a credit of $0.0004 (equivalent to the credit provided by BX). Effective August 1, 2013, NASDAQ will eliminate this credit, such that there will be no fee or credit when such orders execute at BX. Thus, as is the case with other routed orders, the fee for orders that execute at BX using these routing strategies will reflect a markup that NASDAQ believes will be consistent with the value of the service provided and that will assist NASDAQ in covering its costs of operating a routing service and earning a return.

Excess Order Fee

In 2012, NASDAQ introduced an Excess Order Fee, imposed on MPIDs that have characteristics indicative of inefficient order entry practices.[6] As NASDAQ explained at the time, inefficient order entry practices may place excessive burdens on the systems of NASDAQ and its members and may negatively impact the usefulness and life cycle cost of market data.[7] Market participants that flood the market with orders that are rapidly cancelled or that are priced away from the inside market do little to support meaningful price discovery.

In general, the determination of whether to impose the fee on a particular MPID has been made by calculating the ratio between (i) entered orders, weighted by the distance of the order from the national best bid or offer (''NBBO''), and (ii) orders that execute in whole or in part. The fee has been imposed on MPIDs with an ''Order Entry Ratio'' of more than 100. The Order Entry Ratio is calculated, and the Excess Order Fee imposed, on a monthly basis. NASDAQ is now proposing to modify the fee, such that it will be calculated and assessed on the basis of all of a member's trading activity on NASDAQ, rather than on an MPID basis. The purpose of this change is to ensure that members do not act in a manner inconsistent with the intent of the fee by spreading inefficient order activity across multiple MPIDs in a manner that allows the MPIDs to avoid a charge that would not be avoided if all of the member's activity were aggregated. Thus, the change replaces the term ''MPID'' with the term ''member'' throughout the text of Rule 7018(m). The rule, as amended, will operate as follows:

For each member, the Order Entry Ratio will be the ratio of (i) the member's ''Weighted Order Total'' to (ii) the greater of one (1) or the number of

[3] As provided in Rule 4751, directed orders are directed to an exchange other than NASDAQ, as designated by the entering party, without checking the NASDAQ book. If unexecuted, the order (or unexecuted portion thereof) is returned to the entering party. Directed orders may be designated as intermarket sweep orders by the entering party.

[4] It should be noted that Rule 7018(a)(2) currently has text that distinguishes among directed orders that are designated as intermarket sweep orders, directed orders sent to BX, directed orders sent to NASDAQ OMX PSX, and other directed orders, but the applicable fees are as described above: $0.0029 per share executed for all directed orders sent to NYSE (unless the member qualifies for the volume-based tier described above), no fee or credit if sent to BX, and $0.0035 per share executed if sent to any venue other than BX or NYSE. The proposed rule change will also simplify the applicable rule text by eliminating classifications of directed order with identical fees.

[5] These routing strategies are described in NASDAQ Rule 4758.

[6] Securities Exchange Act Release Nos. 66951 (May 9, 2012), 77 FR 28647 (May 15, 2012) (SR–NASDAQ–2012–055) (establishing fee); 67292 (June 28, 2012), 77 FR 39773 (July 5, 2012) (SR–NASDAQ–2012–073) (modifying terms and conditions of fee).

[7] *See generally* Recommendations Regarding Regulatory Reponses to the Market Events of May 6, 2010, Joint CFTC–SEC Advisory Committee on Emerging Regulatory Issues, at 11 (February 18, 2011) (''The SEC and CFTC should also consider addressing the disproportionate impact that [high frequency trading] has on Exchange message traffic and market surveillance costs. . . . The Committee recognizes that there are valid reasons for algorithmic strategies to drive high cancellation rates, but we believe that this is an area that deserves further study. At a minimum, we believe that the participants of those strategies should properly absorb the externalized costs of their activity.'').

displayed, non-marketable orders[8] sent to NASDAQ by the member during the month that execute in full or in part.[9] The Weighted Order Total is the number of displayed, non-marketable orders sent to NASDAQ by the member, as adjusted by a ''Weighting Factor.'' The applicable Weighting Factor is applied to each order based on its price in comparison to the NBBO at the time of order entry:

| Order's Price versus NBBO at Entry | Weighting Factor |
|---|---|
| Less than 0.20% away | 0x |
| 0.20% to 0.99% away | 1x |
| 1.00% to 1.99% away | 2x |
| 2.00% or more away | 3x |

Thus, in calculating the Weighted Order Total, an order that was more than 2.0% away from the NBBO would be equivalent to three orders that were 0.50% away. Due to the applicable Weighting Factor of 0x, orders entered less than 0.20% away from the NBBO would not be included in the Weighted Order Total, but would be included in the ''executed'' orders component of the Order Entry Ratio if they execute in full or part. Orders sent by market makers in securities in which they are registered, through the MPID applicable to the registration, are excluded from both components of the ratio.[10] In addition, members with a daily average Weighted Order Total of less than 100,000 during the month will not be subject to the Excess Order Fee. Finally, the fee is based on orders received by NASDAQ during regular market hours (generally, 9:30 a.m. to 4:00 p.m.),[11] and will exclude orders received at other times, even if they execute during regular market hours.

The following example illustrates the calculation of the Order Entry Ratio:

- A member enters 35,000,000 displayed, liquidity-providing orders:
  - The member is registered as a market maker with respect to 20,000,000 of the orders. These orders are excluded from the calculation.
  - 10,000,000 orders are entered at the NBBO. The Weighting Factor for these orders is 0x.
  - 5,000,000 orders are entered at a price that is 1.50% away from the NBBO. The Weighting Factor for these orders is 2x.
- Of the 15,000,000 orders included in the calculation, 90,000 are executed.
- The Weighted Order Total is $(10{,}000{,}000 \times 0) + (5{,}000{,}000 \times 2) = 10{,}000{,}000$. The Order Entry Ratio is 10,000,000/90,000 = 111.

If a member has an Order Entry Ratio of more than 100, the amount of the Order Entry Fee will be calculated by determining the member's ''Excess Weighted Orders.'' Excess Weighted Orders are calculated by subtracting (i) the Weighted Order Total that would result in the member having an Order Entry Ratio of 100 from (ii) the member's actual Weighted Order Total. In the example above, the Weighted Order Total that would result in an Order Entry Ratio of 100 is 9,000,000, since 9,000,000/90,000 = 100. Accordingly, the Excess Weighted Orders would be $10{,}000{,}000 - 9{,}000{,}000 = 1{,}000{,}000$.

The Excess Order Fee charged to the member will then be determined by multiplying the ''Applicable Rate'' by the number of Excess Weighted Orders. The Applicable Rate is determined based on the member's Order Entry Ratio:

| Order Entry Ratio | Applicable Rate |
|---|---|
| 101–1,000 | $0.005 |
| More than 1,000 | 0.01 |

In the example above, the Applicable Rate would be $0.005, based on the member's Order Entry Ratio of 111. Accordingly, the monthly Excess Order Fee would be $1{,}000{,}000 \times \$0.005 = \$5{,}000$.

NASDAQ continues to expect that the impact of the fee, as modified, will be narrow because the change will encourage potentially affected market participants to modify their order entry practices in order to avoid the fee, thereby improving the market for all participants. Accordingly, NASDAQ does not expect to earn significant revenues from the modified fee.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[12] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[13] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

NASDAQ believes that the adoption of a uniform fee of $0.0035 per share executed for directed orders is reasonable because NASDAQ already charges this fee for directed orders sent to most venues, charging lower fees only with respect to BX and NYSE. The fee level is consistent with NASDAQ's long-standing practice of charging a high fee for use of directed orders, which represent a special service of the NASDAQ routing broker and which, when designated as intermarket sweep orders, require additional after-the-fact surveillance to determine whether the member's designation was compliant with the requirements of Regulation NMS. The change is consistent with an equitable allocation of fees because it is assessed solely upon members that opt to use NASDAQ's directed order functionality. The change is not unfairly discriminatory because it will result in NASDAQ charging the same fee for all directed orders in securities priced above $1, regardless of the activity level of the member, the listing venue of the security, or the venue to which the order is directed.

NASDAQ believes that the change to fees for TFTY, SOLV, CART, and SAVE orders that execute at BX is reasonable because even though market participants will receive no credit with respect to such orders, they will also pay no fee.[14] NASDAQ believes that the change is consistent with an equitable allocation of fees because it is allocated solely to members that use NASDAQ's routing services and opt to use the specified routing strategies. The change is not unfairly discriminatory because it will make the economics applicable to executions on BX of orders using the specified routing strategies less disparate from the fee applicable to such executions using other routing strategies. Moreover, the change is not discriminatory in that it applies equally to all members using the specified routing strategies.

[8] The fee focuses on displayed orders since they have the most significant impact on investor confusion and the quality of market data.

[9] Thus, in an extreme case where no orders entered by the member executed, this component of the ratio would be assumed to be 1, so as to avoid the impossibility of dividing by zero.

[10] This is the case because market makers are already subject to rule-based standards designed to promote the efficiency and quality of their order entry practices. *See* Rule 4613. Although Rule 4613 allows market makers to quote at spreads much wider than 2%, NASDAQ's assessment of market maker performance has led it to conclude that market makers do not generally engage in the inefficient practices at which the new fee is aimed. NASDAQ will continually assess this data and revisit the applicability of the fee to market makers and/or the requirements of Rule 4613 as needed to promote efficient quotation practices by market makers.

[11] Regular market hours may be different in some circumstances, such as on the day after Thanksgiving, when regular market hours on all exchanges traditionally end at 1:00 p.m.

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] By contrast, the fee for routed orders that execute at BX using the STGY, SCAN, SKNY, or SKIP routing strategies is $0.0030 per share executed.

With respect to the Excess Order Fee, NASDAQ stated in its original filing to institute the fee that it is reasonable because it is designed to achieve improvements in the quality of displayed liquidity and market data that will benefit all market participants. In addition, although the level of the fee may theoretically be very high, the fee is reasonable because market participants may readily avoid the fee by making improvements in their order entry practices that reduce the number of orders they enter, bring the prices of their orders closer to the NBBO, and/or increase the percentage of their orders that execute. Similarly, the change proposed herein is reasonable because it will provide further incentive to members to improve order entry practices by insuring that they cannot evade the fee by spreading activity across multiple MPIDs.

For similar reasons, the fee is consistent with an equitable allocation of fees, because although the fee may apply to only a small number of market participants, the fee would be applied to them in order to encourage better order entry practices that will benefit all market participants. The change is also equitable because it will further encourage better order entry practices across a wider group of market participants. Finally, NASDAQ believes that the fee is not unfairly discriminatory. Although the fee may apply to only a small number of market participants, it will be imposed because of the negative externalities that such market participants impose on others through inefficient order entry practices. Accordingly, NASDAQ believes that it is fair to impose the fee on these market participants in order to incentivize them to modify their behavior and thereby benefit the market. The change is likewise not unfairly discriminatory because it will negatively affect members only if they have been evading the incentives to improve order entry practices provided by the fee.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[15] NASDAQ notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, NASDAQ must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges, while also seeking to earn a reasonable profit from its trading and routing services. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, NASDAQ believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In this instance, the changes to routing fees do not impose a burden on competition because NASDAQ's routing services are optional and are the subject of competition from other exchanges and broker-dealers that offer routing services, as well as the ability of members to develop their own routing capabilities. Accordingly, if the changes are unattractive to market participants, it is likely that NASDAQ will lose market share as a result of them.

With respect to the change to the Excess Order Fee, NASDAQ believes that the change, like the original fee, will constrain market participants from pursuing certain inefficient and potentially abusive trading strategies. To the extent that this change may be construed as a burden on competition, NASDAQ believes that it is appropriate in order to allow NASDAQ to better achieve this purpose.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and paragraph (f) of Rule 19b–4 thereunder.[17] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2013–100 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2013–100. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2013–100 and should be submitted on or before August 30, 2013.

[15] 15 U.S.C. 78f(b)(8).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–19264 Filed 8–8–13; 8:45 am]

**BILLING CODE 8011–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #13696 and #13697]**

### Tennessee Disaster #TN–00076

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Tennessee dated 08/02/2013.

*Incident:* Severe Storms and Flooding.

*Incident Period:* 07/18/2013 through 07/21/2013.

*Effective Date:* 08/02/2013.

*Physical Loan Application Deadline Date:* 10/01/2013.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/02/2014.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Sullivan.

*Contiguous Counties:*

Tennessee: Carter; Hawkins; Johnson; Washington.

Virginia: Bristol City; Scott; Washington.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Homeowners with credit available elsewhere | 3.750 |
| Homeowners without credit available elsewhere | 1.875 |
| Businesses with credit available elsewhere | 6.000 |
| Businesses without credit available elsewhere | 4.000 |
| Non-profit organizations with credit available elsewhere | 2.875 |
| Non-profit organizations without credit available elsewhere | 2.875 |
| *For Economic Injury:* | |
| Businesses & small agricultural cooperatives without credit available elsewhere | 4.000 |
| Non-profit organizations without credit available elsewhere | 2.875 |

The number assigned to this disaster for physical damage is 13696 6 and for economic injury is 13697 0.

The States which received an EIDL Declaration # are Tennessee; Virginia.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: August 2, 2013.

**Karen G. Mills,**

*Administrator.*

[FR Doc. 2013–19327 Filed 8–8–13; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #13691 and #13692]**

### Missouri Disaster #MO–00065

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Missouri dated 08/02/2013.

*Incident:* Severe storm system that generated flooding, flash flooding, high winds, hail, and tornadoes.

*Incident Period:* 05/29/2013 through 06/10/2013.

*Effective Date:* 08/02/2013.

*Physical Loan Application Deadline Date:* 10/01/2013.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/02/2014.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Saint Charles, Saint Louis,

*Contiguous Counties:*

Missouri: Franklin, Jefferson, Lincoln, Saint Louis City, Warren.

Illinois: Calhoun, Jersey, Madison, Monroe, Saint Clair.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Homeowners with Credit Available Elsewhere | 3.750 |
| Homeowners without Credit Available Elsewhere | 1.875 |
| Businesses with Credit Available Elsewhere | 6.000 |
| Businesses without Credit Available Elsewhere | 4.000 |
| Non-Profit Organizations With Credit Available Elsewhere | 2.875 |
| Non-Profit Organizations Without Credit Available Elsewhere | 2.875 |
| *For Economic Injury:* | |
| Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere | 4.000 |
| Non-Profit Organizations without Credit Available Elsewhere | 2.875 |

The number assigned to this disaster for physical damage is 13691B and for economic injury is 136920.

The States which received an EIDL Declaration # are Missouri, Illinois.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: August 2, 2013.

**Karen G. Mills,**

*Administrator.*

[FR Doc. 2013–19336 Filed 8–8–13; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #13699 and #13700]**

### Iowa Disaster #IA–00053

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Iowa (FEMA–4135–DR), dated 07/31/2013.

*Incident:* Severe Storms, Tornadoes, and Flooding.

*Incident Period:* 06/21/2013 through 06/28/2013.

*Effective Date:* 07/31/2013.

*Physical Loan Application Deadline Date:* 09/30/2013.

[18] 17 CFR 200.30–3(a)(12).

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/01/2014.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 07/31/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Allamakee; Benton; Buchanan; Butler; Cedar; Clayton; Delaware; Howard; Jones; Winneshiek.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Non-profit organizations with credit available elsewhere ... | 2.875 |
| Non-profit organizations without credit available elsewhere ..... | 2.875 |
| *For Economic Injury:* | |
| Non-profit organizations without credit available elsewhere ..... | 2.875 |

The number assigned to this disaster for physical damage is 13699B and for economic injury is 13700B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2013–19329 Filed 8–8–13; 8:45 am]

BILLING CODE 8025–01–P

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #13709 and #13710]**

### Vermont Disaster #VT–00027

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Vermont (FEMA–4140–DR), dated 08/02/2013.

*Incident:* Severe Storms and Flooding.

*Incident Period:* 06/25/2013 through 07/11/2013.

*Effective Date:* 08/02/2013.

*Physical Loan Application Deadline Date:* 10/01/2013.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/02/2014.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 08/02/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Caledonia; Chittenden; Orange; Orleans; Rutland; Washington; Windsor.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Non-Profit Organizations With Credit Available Elsewhere | 2.875 |
| Non-Profit Organizations Without Credit Available Elsewhere ..... | 2.875 |
| *For Economic Injury:* | |
| Non-Profit Organizations Without Credit Available Elsewhere ..... | 2.875 |

The number assigned to this disaster for physical damage is 13709B and for economic injury is 13710B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2013–19325 Filed 8–8–13; 8:45 am]

BILLING CODE 8025–01–P

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #13705 and #13706]**

### Florida Disaster #FL–00090

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Florida (FEMA–4138–DR), dated 08/02/2013.

*Incident:* Severe Storms and Flooding.

*Incident Period:* 07/02/2013 through 07/07/2013.

*Effective Date:* 08/02/2013.

*Physical Loan Application Deadline Date:* 10/01/2013.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/02/2014.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 08/02/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Holmes, Walton, Washington.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Non-Profit Organizations With Credit Available Elsewhere | 2.875 |
| Non-Profit Organizations Without Credit Available Elsewhere ..... | 2.875 |
| *For Economic Injury:* | |
| Non-Profit Organizations Without Credit Available Elsewhere ..... | 2.875 |

The number assigned to this disaster for physical damage is 13705B and for economic injury is 13706B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2013–19339 Filed 8–8–13; 8:45 am]

BILLING CODE 8025–01–P

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration # 13701 and # 13702]**

### Texas Disaster # TX–00413

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA–4136–DR), dated 08/02/2013.

*Incident:* Explosion.

*Incident Period:* 04/17/2013 through 04/20/2013.

*Effective Date:* 08/02/2013.

*Physical Loan Application Deadline Date:* 10/01/2013.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/02/2014.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 08/02/2013, private non-profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* MClennan.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Non-Profit Organizations with Credit Available Elsewhere ... | 2.875 |
| Non-Profit Organizations without Credit Available Elsewhere ..... | 2.875 |
| *For Economic Injury:* | |
| Non-Profit Organizations without Credit Available Elsewhere ..... | 2.875 |

The number assigned to this disaster for physical damage is 137014 and for economic injury is 137024.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2013–19335 Filed 8–8–13; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration # 13707 and # 13708]**

### New Hampshire Disaster # NH–00026

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of New Hampshire (FEMA–4139–DR), dated 08/02/2013.

*Incident:* Severe Storms, Flooding, and Landslides.

*Incident Period:* 06/26/2013 through 07/03/2013.

*Effective Date:* 08/02/2013.

*Physical Loan Application Deadline Date:* 10/01/2013.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/02/2014.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 08/02/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Cheshire; Grafton; Sullivan.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Non-profit organizations with credit available elsewhere ..... | 2.875 |
| Non-profit organizations without credit available elsewhere ..... | 2.875 |
| *For Economic Injury:* | |
| Non-profit organizations without credit available elsewhere ..... | 2.875 |

The number assigned to this disaster for physical damage is 13707B and for economic injury is 13708B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2013–19341 Filed 8–8–13; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #13703 and #13704]**

### South Dakota Disaster # SD–00061

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Dakota (FEMA–4137–DR), dated 08/02/2013.

*Incident:* Severe storms, tornadoes, and flooding.

*Incident Period:* 06/19/2013 through 06/29/2013.

*Effective Date:* 08/02/2013.

*Physical Loan Application Deadline Date:* 10/01/2013.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/02/2014.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 08/02/2013, private non-profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Beadle, Codington, Deuel, Grant, Hamlin, Hughes, Kingsbury.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Non-Profit Organizations with Credit Available Elsewhere ... | 2.875 |

| | Percent |
|---|---|
| Non-Profit Organizations without Credit Available Elsewhere | 2.875 |
| *For Economic Injury:* | |
| Non-Profit Organizations without Credit Available Elsewhere | 2.875 |

The number assigned to this disaster for physical damage is 13703B and for economic injury is 13704B

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2013–19342 Filed 8–8–13; 8:45 am]

BILLING CODE 8025–01–P

## DEPARTMENT OF STATE

**[Public Notice 8416]**

### Preparations for the International Telecommunication Union Plenipotentiary Conference 2014

This notice announces a meeting of the Department of State's International Telecommunication Advisory Committee (ITAC) to initiate preparations for the International Telecommunication Union (ITU) Plenipotentiary Conference 2014 (PP14).

The ITAC will meet on September 10, 2013 at 2PM EDT to initiate preparations for the ITU Plenipotentiary Conference 2014 (PP14) and schedule additional follow-on PP14 preparatory meetings, as well as review the structure of all the ad hoc committees working within the ITAC committee, and review the work of these ad hoc committees. This meeting of the ITAC will be held at 1200 Wilson Boulevard, Arlington, VA 22209.

The review will also include an update on the preparations for the World Telecommunication Development Conference (WTDC–2014) in light of the Regional Preparatory Meeting (RPM) for the Americas region; as well as the World Summit on the Information Society+10 high level event in conjunction with WTDC–2014.

Details on these additional ITAC meetings for preparations for PP14 and other ITAC meetings will be announced on the Department of State's email list, *ITAC@lmlist.state.gov.* Use of ITAC lists is limited to meeting announcements and confirmations, distribution of agendas and other meeting documents such as Contributions. Participation on the ITAC lists is open.

People wishing to participate in the ITAC list, desiring further information on this or other preparatory meetings, including those wishing to request reasonable accommodation to attend the meeting, should contact the Secretariat at *minardje@state.gov.*

Attendance at these meetings is open to the public as seating capacity allows. The public will have an opportunity to provide comments at these meetings. A conference bridge will be provided to those people outside the Washington Metro area who request it from the secretariat.

Dated: July 31, 2013.

**Marian Gordon,**

*Foreign Affairs Officer, International Communications & Information Policy, U.S. Department of State.*

[FR Doc. 2013–19344 Filed 8–8–13; 8:45 am]

BILLING CODE 4710–07–P

## DEPARTMENT OF STATE

**[Public Notice 8397]**

### Bureau of European and Eurasian Affairs (EUR) Request for Proposals for the Fundraising, Construction, Development, Organization, Management, Disassembly and Removal of a USA Pavilion/Exhibition at Universal Expo Milan Italy 2015, Hereafter Referred to as Milan Expo 2015

*Correction*

In notice document 13–18171 beginning on page 45593 in the issue of Monday, July 29, 2013 make the following correction:

On page 45595, in the third column, the first full paragraph should read as follows:

Proposals will be deemed ineligible if they are not submitted by a U.S. citizen, corporation or U.S.-based organization and do not fully adhere to the General Regulations of the Milan Expo 2015 and the guidelines stated herein.

[FR Doc. C1–2013–18171 Filed 8–8–13; 8:45 am]

BILLING CODE 1505–01–D

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket Number FRA–2013–0081]**

### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated July 19, 2013, the Association of American Railroads (AAR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 231.33. FRA assigned the petition Docket Number FRA–2013–0081.

AAR, on behalf of itself and its member railroads, submitted a petition for special approval of existing industry safety appliance standards. AAR is requesting approval of the standards and specifications delineated in AAR Standard S–2044 and its detailed appendices. AAR Standard S–2044 establishes requirements for safety appliance arrangements applied to certain new railroad freight cars.

AAR Standard S–2044 was established by the AAR Safety Appliance Task Force (Task Force), which was created by AAR's Equipment Engineering Committee to develop industry standards for safety appliance arrangements on modern railcar types not explicitly covered by 49 CFR Part 231. The Task Force consists of representatives from Class I railroads, labor unions, car builders, private car owners, and shippers, along with ergonomics experts and government representatives from FRA and Transport Canada who participate as non-voting members. The Task Force drafted a base safety appliance standard for all car types, plus industry safety appliance standards for specific car types. These industry standards have been adopted by AAR's Engineering Equipment Committee and, with FRA's concurrence, will serve as the core criteria for safety appliance arrangements on railcars that are more specialized in design. With its petition, AAR submitted detailed appendices establishing the required safety appliance arrangements for individual car types. AAR also included deviation tables that show where the AAR standard differs from the regulatory text and provide the rationale for any deviations, along with analysis showing that the AAR standard provides an equal or greater level of safety in each instance. In addition, the tables describe the ergonomic suitability of many of the proposed arrangements in normal use, as the standards were developed by the Task Force to incorporate ergonomic design principles.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov/.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by October 15, 2013, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2013–19332 Filed 8–8–13; 8:45 am]

**BILLING CODE 4910–06–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket Number FRA–2008–0098]**

### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated July 5, 2013, Iowa Interstate Railroad (IAIS) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses. FRA assigned the petition Docket Number FRA–2008–0098.

IAIS, a Class III railroad, has requested an extension, with two modifications, of a previously granted waiver of compliance from certain provisions of the safety glazing standards as prescribed by 49 CFR 223.15, *Requirements for existing passenger cars,* for 14 open-window coach cars used in tourist and excursion service. Specifically, the car numbers are: RRDX 804, 806, 810, 814, 816, 819, 820, 822, 826, 831, 834, 836, 837, and 838. These cars were built by the Canadian Car and Foundry Company in 1953 for the Canadian Pacific Railway, and were used in Montreal, QC, in commuter service until 2005. The cars were purchased by the parent company of IAIS, Railroad Development Corporation, in autumn 2006 for excursion service on an infrequent basis. The cars are locomotive-hauled and operate over a mixture of urban and rural areas at speeds up to 30 mph.

The glazing in these coaches is polycarbonate plastic and meets the requirement for Canadian passenger equipment glazing, but may not meet the requirements of 49 CFR Part 223. Since the cars were purchased and delivered to IAIS, there have been no acts of vandalism against the glazing. The primary use of the cars is fundraising for local volunteer fire departments along the IAIS line.

The railroad has requested two modifications to the conditions of the original waiver. First, remove the limitation that the cars only be operated a maximum of 10 times a year to provide the opportunity to improve the use of the equipment. Second, increase the speed restriction from 30 mph to 40 mph to match the timetable speed of other IAIS trains. The other conditions set by the original waiver will remain in effect.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 23, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2013–19333 Filed 8–8–13; 8:45 am]

**BILLING CODE 4910–06–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket Number FRA–2003–15010]**

### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated June 24, 2013, Canadian Pacific Railway (CP) has petitioned the Federal Railroad Administration (FRA) for an extension

of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 241, United States Locational Requirements for Dispatching of United States Rail Operations. FRA assigned the petition Docket Number FRA–2003–15010.

In its petition, CP requests an extension of its existing waiver of compliance from 49 CFR 241.7(c), to allow the continuation of Canadian dispatching of that part of the Windsor Subdivision located in the United States, extending between Windsor, ON, Canada, and Detroit, MI, approximately 1.8 miles, as defined in Appendix A to Part 241. This request formalizes the request for waiver requirement contained in Part 241, specifically Section 241.7(c)(3), which refers to territory that was previously grandfathered in the exceptions to extraterritorial dispatching contained in FRA's interim final rule (*see* 66 FR 63942, December 11, 2001).

In this case, the track segment identified in the interim final rule remains the same as identified above. All trains operated into the United States travel very short distances to an interchange point with a U.S. railroad and are always under the control of a single crew. All dispatching is conducted in English, and all units of measure are the same as those used in the U.S. Because of the very short distances, all train operations in the United States are under the control of a single dispatching desk, located in CP's Network Management Center in Montreal, QC, Canada. CP operates approximately six to eight trains a day over this segment.

The trackage is operated under a Centralized Traffic Control system and consists of two main tracks for the entire 1.8-mile distance. Movements are governed by the Canadian Rail Operating Rules and CP's Timetable and Special Instructions. CP's train dispatchers are covered under their company drug and alcohol policies and their dispatching office is under 24-hour security. Transport Canada Rail Safety Directorate has legislative safety jurisdiction over CP, in accordance with the provisions contained in the Railway Safety Act, across all federally regulated railways operating in Canada.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 23, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2013–19334 Filed 8–8–13; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[Docket No. NHTSA–2013–0080; Notice 1]**

### Combi USA, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Receipt of petition.

**SUMMARY:** Combi USA, Inc., (Combi),[1] has determined that certain model child restraint systems manufactured between 2007 and 2012, do not fully comply with paragraph 5.4.1.2(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 213, *Child Restraint Systems.* Combi has filed an appropriate report dated June 9, 2013, pursuant to 49 CFR Part 573, Defect and Noncompliance Responsibility and Reports.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR Part 556), Combi has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Combi's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

*Child Restraints Involved:* Affected are approximately 23,357 Combi Coccoro child restraint systems manufactured between 2009–2012, 5,391 Combi Zeus 360 child restraint systems manufactured between 2009–2012, and 4,391 Combi Zeus Turn child restraint systems manufactured between 2007–2009.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, these provisions only apply to the subject 33,139[2] child restraint systems

[1] Combi USA, Inc., is a U.S. company that manufactures child restraint systems.

[2] Combi's petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt Combi as a child restraint system manufacturer from the notification and recall responsibilities of 49 CFR Part 573 for the 33,139 affected restraints.

Continued

that Combi no longer controlled at the time it determined that the noncompliance existed.

*Noncompliance:* Combi states that the noncompliance is that due to an imbedded stop button within the harness system of the affected child restraint systems, the harness webbing does not meet the minimum breaking strength requirements of FMVSS No. 213 paragraph 5.4.1.2(a).

*Rule Text:* Section S5.4.1.2 (a) of FMVSS No. 213 states, in pertinent part:

> . . . The webbing of belts provided with a child restraint system and used to attach the system to the vehicle or to restrain the child within the system shall . . .
>
> (a) Have a minimum breaking strength for new webbing . . . not less than 11,000 N in case of the webbing used to secure a child to a child restraint system when tested in accordance with S5.1 of FMVSS No. 209 . . .

*Summary of Combi's Analyses:* Combi explains that the harness webbing of the subject Coccoro and Zeus child restraint systems does not meet the minimum breaking strength requirements of FMVSS No. 213 and is inconsequential to motor vehicle safety for the following reasons:

1. Combi states that the production of the Zeus Turn child restraint system ended on March 25, 2009, and that the production of the Zeus 360 child restraint system ended on May 24, 2012.

2. Combi also stated that all of the subject Coccoro child restraint systems were produced with the identical harness system as tested by NHTSA in 2012. Combi further noted that all of the subject Zeus 360 and Zeus Turn child restraint systems were produced with the same imbedded stop button within the harness system as the Coccoro child restraints tested by NHTSA in 2012. Combi's petition includes discussion of the test results of NHTSA's 2012 compliance testing of the subject Coccoro child restraint system harness webbing which yielded breaking strength test results of 8990 N, 9170 N, and 9300 N.

3. Combi also explained that given the relative small number of subject Coccoro, Zeus 360, and Zeus Turn child restraints, the effectiveness of any notification campaign regarding this technical noncompliance will be limited. Combi further states that any noncompliance notice campaign may result in customers deciding to discontinue using their Coccoro and Zeus child restraints for a period of time, adding a risk of injury where none exists as a result of the noncompliance of the harness webbing of the subject Coccoro and Zeus child restraints with the minimum breaking strength requirements of FMVSS No. 213.

4. Combi also provided testing data of the force loading on the harness system of the Coccoro and Zeus 360 child restraint when subjected to the FMVSS No. 213 dynamic crash pulse (30 mph crash pulse) and the NCAP pulse (35 mph crash pulse). The test results showed load cell values ranging from approximately 1150 N to 1900 N. Combi stated that these results confirm that the harness assemblies of the subject Coccoro, Zeus 360, and Zeus Turn child restraints will under no circumstances fail in a real world crash, as the forces acting on the harness system in dynamic testing are less than 22 percent of the breaking strength test results determined by NHTSA. Combi therefore believes that the harness assemblies of the subject Coccoro and Zeus child restraints present no motor vehicle safety risk.

5. Combi further explained that they have not received any notice from any source, including but not limited to NHTSA, of any partial or complete breakage or tearing of the harness system in any Coccoro and Zeus child restraints.

6. Combi also stated that they have implemented an engineering modification to all production of the Coccoro child restraints produced to remove the imbedded stop button since January 29, 2013.

In summation, Combi believes that the described noncompliance is inconsequential to motor vehicle safety, and that its petition, to exempt it from providing notification of noncompliance as required by 49 U.S.C. 30118 and remedying the noncompliance as required by 49 U.S.C. 30120, should be granted.

*Comments:* Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to 1–202–493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment Closing Date:* September 9, 2013.

**Authority:** 49 U.S.C. 30118, 30120: delegations of authority at CFR 1.95 and 501.8.

Dated: July 31, 2013.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2013–19278 Filed 8–8–13; 8:45 am]

BILLING CODE 4910–59–P

However, a decision on this petition cannot relieve child restraint system distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant restraints under their control after Combi notified them that the subject noncompliance existed.

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[Docket No. NHTSA–2012–0166; Notice 1]**

### Mercedes-Benz USA, LLC and Daimler AG, Receipt of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Receipt of petition.

**SUMMARY:** Mercedes-Benz USA, LLC (MBUSA) [1] on behalf of itself and its parent company Daimler AG (DAG),[2] collectively referred to in the petition as ''Mercedes'', have determined that certain model year (MY) 2013 Mercedes-Benz GLK-Class (X204 platform) multipurpose passenger vehicles (MPVs), do not fully comply with paragraph S5.1.1.6 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment.* Mercedes has filed an appropriate report dated October 9, 2012, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR Part 556), Mercedes submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Mercedes's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

*Vehicles involved:* Affected are approximately 2,951 MY 2013 Mercedes-Benz GLK-Class (X204 platform) MPVs manufactured from January 1, 2012 through August 15, 2012.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, these provisions only apply to the subject 2,951 [3] vehicles that Mercedes no longer controlled at the time it determined that the noncompliance existed.

*Noncompliance:* Mercedes explains that the noncompliance is that the subject vehicles contain parking lamps that exceed the maximum designated candlepower output level provided in FMVSS No. 108 paragraph S5.1.1.6; id. Figure 1b (listing maximum candlepower value of 125 cd for parking lamps). Due to a programming issue in the electronic control unit, the voltage in the parking lamp circuit is 12.8 volts which is higher than the design voltage specification of 7 volts in the affected vehicles. This higher voltage causes the lamps to exceed the maximum value listed in FMVSS No. 108.

*Rule text:* Paragraph S5.1.1.6 of FMVSS No. 108 requires in pertinent part:

S5.1.1.6 Instead of the photometric values specified in Table 1 of SAE Standards J222 December 1970, or J585e September 1977, a parking lamp or tail lamp, respectively, shall meet the minimum percentage specified in Figure 1a of the corresponding minimum allowable value specified in Figure 1b. The maximum candlepower output of a parking lamp shall not exceed that prescribed in Figure 1b, or of a taillamp, that prescribed in Figure 1b at H or above. If the sum of the percentages of the minimum candlepower measured at the test points is not less than that specified for each group listed in Figure 1c, a parking lamp or taillamp is not required to meet the minimum photometric value at each test point specified in SAE Standards J222 or J585e respectively.

### Summary of Mercedes' Analysis and Arguments

Mercedes stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. Although the parking lamps in the subject vehicles exceed the candlepower limits of FMVSS No. 108, the level of brightness of the lamps is very low. As explained below, to evaluate the impact on motor vehicle safety in actual use, MBUSA analyzed the brightness of the lamps in use and has confirmed that the potential exceedance is minimal, and below the level perceptible to the human eye during night-time driving operations which would be pertinent to determining potential safety relevance.

2. In the subject vehicles, the parking lamps are activated in conjunction with low beam lights, as required by FMVSS No. 108 paragraph S5.5.7(b). In other words, whenever the low beam lights are used, the parking lamps are also illuminated at the same time. Therefore, to evaluate the total illumination that would be experienced by other motorists at night, it is necessary to evaluate the candlepower output of the parking lights in combination with the low beams, as would occur under actual driving conditions. As noted above, the output limit for parking lamps is 125 cd. The maximum output value for low beam lights is 1,000 cd at 0.5U–1.5L to L test points (0.5 degrees up from the H-point and from 1.5 degrees left of the vertical centerline to the end of the leftward measurements) and 700 cd for 1 U—1.5L to L test points (1 degree up from the H-point and from 1.5 degrees left of the vertical centerline to the end of the leftward measurements). See FMVSS No. 108 paragraph S7.7; id. Figure 17–2 (photometric test point values for lower beams). Thus, the maximum output for the combined parking lamps and low beam lamps is 1,125 cd (125 cd + 1,000 cd) for the 0.5U test points and 825 cd (125 cd + 700 cd) for the 1U test points.

3. Mercedes has measured the output of the combined parking lamps and low beam lights on the subject vehicles using two different headlight samples. Two lamp samples were used to evaluate the impact of normal part to part production variations on light output. In order to provide a complete overview of the brightness of the lights, measurements were done every 10 cm on the two horizontal lines at 0.5U and 1U, from 20 to 100 cm from the vertical centerline to the left, measured at a distance of 25 meters. (This is the same method used for certification testing for low beam lights.)

4. With the first sample headlight, all candlepower measurements were below 1,125 cd (for the 0.5U test points) and below 825 cd (for the 1U test points). Thus, for this headlamp, there were no exceedances of the combined brightness standard. For the second headlight, the candlepower measurements were below 1,125 cd at all measurements for the 0.5U test points, and below 825 cd for half of the 1U test point measurements. The candlepower measurement was slightly above 825 cd (840–920 cd) for five of the 1U test point measurements with the second headlight. Thus, even the maximum measurement of 920 cd for the worst-case measurement location is only 11% above the reference value

[1] Mercedes-Benz USA, LLC is a manufacturer and importer of motor vehicles and is registered under the laws of the state of Delaware.

[2] Daimler AG is a manufacture of motor vehicles that is located in and organized under the laws of Germany.

[3] Mercedes's petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt Mercedes as a motor vehicle manufacturer from the notification and recall responsibilities of 49 CFR Part 573 for the 2,951 affected vehicles. However, a decision on this petition cannot relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant motor vehicles under their control after Mercedes notified them that the subject noncompliance existed.

of 825 cd. Overall, the testing indicates that due to these normal production variations in low beam lights, in many cases, there will be no exceedance of the combined parking lamp/low beam light maximum candlepower, even with the parking lamp over-voltage. The testing indicated that even in the worst-case measurement locations, with the worst-case low beam lamp sample, there was the potential for only an 11% exceedance of the combined lamp brightness, which is below the human detection threshold.

Mercedes is not aware of any incidents or customer complaints related to the subject noncompliant parking lamps.

Mercedes also notes its belief that NHTSA has granted similar petitions in the past.

Mercedes has informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 108.

In summation, Mercedes believes that the described noncompliance of its vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

*Comments:* Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/*. Follow the online instructions for submitting comments. Comments may also be faxed to 1–202–493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment Closing Date:* September 9, 2013.

**Authority:** (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Dated: July 31, 2013.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2013–19279 Filed 8–8–13; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF THE TREASURY

### Proposed Collection; Comment Request; Office of Financial Stability

**AGENCY:** Departmental Offices, 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 the following 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 Office of Financial Stability within the Department of Treasury is soliciting comments concerning information collection requirements contained in Title 31 CFR parts 30 and 31.

**DATES:** Comments must be received one or before October 8, 2013 to be assured of consideration.

**ADDRESSES:** Direct all written comments to the Department of the Treasury, Departmental Offices, Office of Financial Stability, ATTN: Tracy Rogers, 1500 Pennsylvania Avenue NW., Washington, DC 20220, (202) 927–8868.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to the Department of the Treasury, Departmental Offices, OFS, ATTN: Tracy Roger, 1500 Pennsylvania Avenue NW., Washington, DC 20220, (202) 927–8868.

**SUPPLEMENTARY INFORMATION:**

*OMB Number:* 1505–0209.

*Title:* TARP Capital Purchase Program—Conflicts of Interest.

*Abstract:* Authorized under the Emergency Economic Stabilization Act (EESA) of 2008 (Pub. L. 110–343), as amended by the American Recovery and Reinvestment Act (ARRA) of 2009, the Department of the Treasury has implemented aspects of the Troubled Asset Relief Program (TARP) by codifying section 108 of EESA. Title 31 CFR part 31, TARP Conflict of Interest, sets forth the process for reviewing and addressing actual or potential conflicts of interest among any individuals or entities seeking or having a contract or financial agency agreement with the Treasury for services under EESA. The information collection required by this part will be used to evaluate and minimize real and apparent conflicts of interest related to contractual or financial agent agreement services performed under TARP.

*Type of Review:* Revision due to more accurate reporting of number or respondent to currently approved information collection.

*Affected Public:* Private sector: Businesses or other for-profits.

*Estimated Number of Respondents:* 51.

*Estimated Number of Annual Responses:* 601.

*Estimated Total Annual Burden Hours:* 4,954.

*OMB Number:* 1505–0219.

*Title:* TARP Capital Purchase Program—Executive Compensation.

*Abstract:* Authorized under the Emergency Economic Stabilization Act (EESA) of 2008 (Pub. L. 110–343), as amended by the American Recovery and Reinvestment Act (ARRA) of 2009, the Department of the Treasury has implemented aspects of the Troubled Asset Relief Program (TARP) by codifying section 111 of EESA. Title 31

CFR part 30, TARP Standards for Compensation Corporate Governance, provides guidance on the executive compensation and corporate governance provision of EESA that apply to entities that receive financial assistance under TARP. The collection of information required by this part will be used to monitor compliance with the executive compensation requirements; monitor and evaluate the compensation practices of TARP recipients and as a basis for determinations on the compensation structures and compensation payments by the Special Master on Executive Compensation.

*Type of Review:* Revision due to more accurate reporting of number or respondent to currently approved information collection.

*Affected Public:* Private sector: Businesses or other for-profits.

*Estimated Number of Respondents:* 250.

*Estimated Number of Annual Responses:* 1,096.

*Estimated Total Annual Burden Hours:* 3,482.

*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 burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 6, 2013.

**Dawn D. Wolfgang,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2013–19310 Filed 8–8–13; 8:45 am]

**BILLING CODE 4810–25–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation regarding excise taxes on excess benefit transactions.

**DATES:** Written comments should be received on or before October 8, 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 regulation should be directed to Kerry Dennis at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Kerry.Dennis@irs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Excise Taxes on Excess Benefit Transactions.

*OMB Number:* 1545–1623.

*Regulation Project Number:* TD 8978 (REG–246256–96).

*Abstract:* This regulation relates to the excise taxes on excess benefit transactions under section 4958 of the Internal Revenue Code and affects certain tax-exempt organizations described in Code sections 501(c)(3) and (4). The collection of information entails obtaining and relying on appropriate comparability data and documenting the basis of an organization's determination that compensation is reasonable, or a property transfer (or transfer of the right to use property) a fair market value.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Not-for-profit institutions.

*Estimated Number of Respondents:* 150,427.

*Estimated Time per Respondent:* 6 hours, 3 minutes.

*Estimated Total Annual Burden Hours:* 910,083.

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 23, 2013.

**R. Joseph Durbala,**

*IRS Reports Clearance Officer.*

[FR Doc. 2013–19228 Filed 8–8–13; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for REG 209446–82 (TD 8852)

**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 passthrough of Items of an s corporation to its shareholders.

**DATES:** Written comments should be received on or before October 8, 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 regulation should be directed to Sara Covington, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington DC 20224, or through the Internet, at *Sara.L.Covington@irs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Pass-through of Items of an S Corporation to its Shareholders.

*OMB Number:* 1545–1613.

*Regulation Project Number:* REG–209446–82 (TD 8852)

*Abstract:* Section 1366 requires shareholders of an S corporation to take into account their pro rata share of separately stated items of the S corporation and non-separately computed income or loss. Section 1.1366–1 of the regulation provides that an S corporation must report, and a shareholder is required to take into account in the shareholder's return, the shareholder's pro rata share, whether or not distributed, of the S corporation's items of income, loss, deduction, or credit.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations, and Individuals or households.

This reporting requirement is reflected in the burden of Form 1040, U.S. Individual Income Tax Return, and Form 1120S, U.S. Income Tax Return for an S Corporation. 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 2, 2013.

**Allan Hopkins,**

*IRS Tax Analyst.*

[FR Doc. 2013–19371 Filed 8–8–13; 8:45 am]

**BILLING CODE 4830–01–P**

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 8874–B

**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 8874–B, Notice of Recapture Event for New Markets Credit.

**DATES:** Written comments should be received on or before October 8, 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 Kerry Dennis at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Kerry.Dennis@irs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Notice of Recapture Event for New Markets Credit.

*OMB Number:* 1545–2066.

*Form Number:* 8874–B

*Abstract:* CDEs must provide notification to any taxpayer holder of a qualified equity investment (including prior holders) that a recapture event has occurred. This form is used to make the notification as required under Regulations section 1.45D–1(g)(2)(i)(B).

*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:* Individual or households, Business or other for-profit.

*Estimated Number of Respondents:* 500.

*Estimated Time per Respondent:* 5 hours; 30 minutes.

*Estimated Total Annual Burden Hours:* 2,755.

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 31, 2013.

**R. Joseph Durbala,**

*IRS Reports Clearance Officer.*

[FR Doc. 2013–19229 Filed 8–8–13; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 8866

**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 8866, Interest Computation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.

**DATES:** Written comments should be received on or before October 8, 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 Sara Covington, (202) 622–3945, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington DC 20224, or through the Internet, at *Sara.L.Covington@irs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Interest Computation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.

*OMB Number:* 1545–1622.

*Form Number:* Form 8866.

*Abstract:* Taxpayers depreciating property under the income forecast method and placed in service after September 13, 1995, must use Form 8866 to compute and report interest due or to be refunded under Internal Revenue Code 167(g)(2). The Internal Revenue Service uses the information on Form 8866 to determine if the interest has been figured correctly.

*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:* Individuals or households, and business or other for-profit organizations.

*Estimated Number of Respondents:* 3,300.

*Estimated Time per Respondent:* 13 hours, 22 minutes.

*Estimated Total Annual Burden Hours:* 44,121.

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.

Dated: July 2, 2013.

**Allan Hopkins,**

*IRS Tax Analyst.*

[FR Doc. 2013–19369 Filed 8–8–13; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

**SUMMARY:** This notice is provided in accordance with IRC section 6039G of the Health Insurance Portability and Accountability Act (HIPPA) of 1996, as amended. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a) or 877A) with respect to whom the Secretary received information during the quarter ending June 30, 2013. For purposes of this listing, long-term residents, as defined in section 877(e)(2), are treated as if they were citizens of the United States who lost citizenship.

| Last name | First name | Middle name/initials |
|---|---|---|
| ABBOTT | RUTH | ANN (NEE VAN AKEN) |
| ABRAM | JAMES | ANTHONY |
| ADAM | JONATHAN | ELIOT |
| ADAMCIK | THOMAS | KONGEVOLD |
| ADAMS | ELIZABETH | NICHOLAS |
| ADAMS | GEORGE | HOLADAY |
| AGARWAL | ASEEM | |
| AKITT | SHERLYNN | RAE |
| AL ABDULLA | MISHAL | HASSAN |
| ALBERTI | PIETRO | |
| AL-FARAJ | EMAD | ALI |
| ALMANA | SARA | MOHAMED |
| ALNUMAIRI | AHMED | BASSIM |
| ALRASHID | RASHID | ABDULMONEM |
| ANDERSON | DARREN | MATTHEW |
| ANDERSON | MARIE | CHRISTINA |
| ANDERSON | ROGER | VINCENT |
| ANDRES | KARIN | GERTRUD |

| Last name | First name | Middle name/initials |
|---|---|---|
| ARAGI | ANDREW | PETER |
| ARIF | ARIF | |
| ARMBURG | MARGARET | ANN |
| ARMSTRONG-BEZZOLA | ELISABETH | GYNE |
| ARNOLD | MAUREEN | HONOR |
| ARNOLD | MICHAEL | HORST |
| ASCH | MARGARET | |
| AU | DAVID | HO CHEUNG |
| AUBERTIN | CHARLRS-ETIENNE | PHILIPPE |
| BACHOFEN | STEFAN | MICHAEL |
| BAE | SANG | K |
| BAER | SUZANNE | MARIE |
| BAGLIO | BENNETT | MICHAEL |
| BAGNASCO COVRE | LAUREN | MARIE NATASHA |
| BAHAIA | CAMILA | |
| BAILEY | JANET | L |
| BAILEY | JOHN | A |
| BALIGH | MOHAMED | MOHSEN |
| BALLENGER | ANGEL | LARRINAGA |
| BALLMER | CHRISTINA | |
| BALLMER | MIRIJAM | SABRINA |
| BALLOU | STEPHEN | GERARD |
| BANDY | CHRISTIAN | HARALD |
| BANDY | FREDERICK | WILLIAM |
| BANDY | JONATHON | PAUL |
| BANGARADKA | PARVATHI | |
| BANHOLZER | CHRISTA | CECILE |
| BARGEZI | NICKLAUS | ROBERT |
| BARKMAN | KAREN | KAY |
| BARRIE | CHARLES | PRESCOTT |
| BARSK | RICHARD | ROBERT |
| BARTH | RICHARD | ERWIN |
| BARTH-DIMENSTEIN | YAEL | NICOLE |
| BASRAN | SUKHJEEWAN | KAUR |
| BATES | CATHERINE | |
| BAUBERGER | NICOLE | MARIE |
| BAZZI | KAREEM | RAMZI |
| BEACH | BARRIE | KEVIN |
| BEAHAM | CHRISTOPHER | HOWARD |
| BECKER | KEITH | EDWARD |
| BECKER | YOUNG | JU |
| BECKWITH | TASMAN | LEE ARTHUR |
| BELANGER | KARIN | ANNE |
| BELL | RICHARD | DAVID |
| BELLANDE-BAQUET | JACQUELINE | LOUISE |
| BENNETT | NAFTALI | |
| BENNETT | ROBERT | WILLIAM |
| BENZ | KATHARINA | AGATHA |
| BERETTA | PAULE | BEAUCHEF |
| BERNER | ROBERT | CHARLES |
| BERNIER | RHONDA | LISE |
| BERRY | ROGER | ARMAND |
| BERTOLINI | VIRGINIA | HOWE |
| BERTRAM | CHANDRALEKHA | GOOPTU |
| BESEN | JOAN | LORI |
| BEUG | DEBORAH | LEE |
| BEUG II | PETER | ANTHONY |
| BIGLER | GERTRUDE | |
| BIGNEY | MATTHEW | HENRY |
| BILLETER | EVA | KATHARINA |
| BIRCH | AMANDA | ARDIS |
| BITAS | BASIL | CHRISTOS |
| BLACK | ERNEST | DAVID |
| BLACKBURN | JERRID | LEE |
| BLACKMAN | PAUL | MICHAEL |
| BLAKESLEE | LINDA | JOYCE |
| BLAKE-TYLER | ROBERT | ADDRIAN |
| BLOCH | KURT | HENRY |
| BLUMSCHEIN | OLIVER | |
| BODZIN | EUGENE | SAUL |
| BOILEAU | HUGH | RUFUS |
| BOISSIER | CAROLINE | |
| BOLLIGER | BEATRICE | |
| BORGO | FRANCESCO | ALESSANDRO KINSKY DAL |

| Last name | First name | Middle name/initials |
|---|---|---|
| BORLING | GLEN | WILLIAM |
| BORNEMAN | CHRISTOPHER | HUGO |
| BOSSARD | EVELYN | JANET |
| BOSSMIN | JANICE | ANN |
| BOSSORT | ANNE | KATHLEEN |
| BOUCHARD | JOSEPH | ALBERT |
| BOUCHARD | JULIENNE | LOUISELLE |
| BOWEN | DEVON | |
| BOWER | THEODORE | HERBERT |
| BOZICEVICH | CYNTHIA | J |
| BRADER | ANNEMARIE | ELISABETH |
| BRANCO | JANICE | |
| BRANDLE | MARCUS | ADOLF |
| BRANDSTRUP-HANSEN | STEFFEN | COLE |
| BRENNER | TOMAS | |
| BREZINA | ANTHONY | JOSEPH |
| BREZINA | BEATRICE | CHRISTINE |
| BRISEBOIS | STACEY | QUENNEVILLE |
| BRIZZOLARA | ANTHONY | |
| BRODIE | MALCOLM | |
| BRONSTEIN | MAJBRITT | |
| BROOKS | PAUL | ROBERT |
| BROOKS | ROGER | STRATTAN |
| BROWNING | FONDA | LINELLE |
| BRUNDELL | PETER | CARL |
| BRUNNER-HUERLIMANN | HEIDI | VERENA |
| BUCHSBAUM | AVA | HELEN |
| BUCKINGHAM | JAMES | PHILLIP |
| BUEHLER | HANS | |
| BUFFLE | PAULINE | MARGOT |
| BUHRER | EMANUEL | DAVID |
| BURCKHARDT | FELICIA | JOYCE |
| BURCKHARDT | MARTIN | NICHOLAS |
| BURGER | NADINE | EUNHAE |
| BURNS | THOMAS | EDWARD |
| BUTLER | JENNIE | |
| CACERES-PAL | MARCIA | |
| CALAME | DOMINIQUE | JEANNE |
| CALAYAG | ORLAN | AGBIN |
| CALFEE | GERTRUDE | HELME |
| CALIN | TARA | |
| CAMBATA | ALBERT | KERSHI |
| CAMBATA | CELIA | JOAN |
| CAMPAIGNE | LEONARD | OLIVER |
| CAMPBELL | SEAN | GORDON |
| CARASSO | PHILLIPE | |
| CARNES | JASMIN | UNA |
| CARNES-MIZZI | DIUNA | KITTY IRENE |
| CARPENTER | DARREL | LANE |
| CARR | BARBARA | BLAIR |
| CARRASCO-HOUSTON | ALEJANDRA | |
| CARSTEN | JONATHON | GLENN |
| CASAL | FREDERICO | GUARDIARO |
| CASANOVA | CARLOS | HUMBERTO |
| CASANOVA | DAWN | ELIZABETH |
| CASTILLO | CHRISTINE | WYSS MARTINEZ |
| CAULFIELD | DANA | MINET |
| CHAMBERLAIN | CASSANDRA | ELIZABETH |
| CHAN | BERNARD | PAK LI |
| CHAN | JONATHAN | |
| CHAO | JOSEPH | I |
| CHEN | BING. | |
| CHEN | LAURA | KUAN-JUNG |
| CHEN | PING | JUAN |
| CHEO | PATRICK | |
| CHEONG | MARIE | CHRISTINE QUE |
| CHEUNG | AMELIA | WAN TIN |
| CHEUNG | DEREK | |
| CHEUNG | LIK | PING |
| CHIANG | FOSTER | |
| CHIANG | TSU-CHIEN | AMANDA |
| CHIN | PETER | JAEHYECK |
| CHIU | KWOK | LEE |
| CHO | SARAH | |

| Last name | First name | Middle name/initials |
|---|---|---|
| CHONG | JINSIL | |
| CHONG | THOMAS | SUNGPIL |
| CHOW | JULIETTE | LIP MING |
| CHOW | KIMMIE | KIN MING |
| CHRIST | NICOLAS | MARTIN |
| CHU | VANEESE | WING YEE |
| CHU LI | MARY | ANN |
| CIESLAK | DARIUSZ | |
| CIESLAK | MALGORZATA | E. |
| COATES | PENNY | ANN |
| COLLINS | JUANITA | MAY |
| COONEY | HELEN | JUDITH |
| CORMIER | ALBERT | JOSEPH |
| CORNETTO | MICHAEL | ANTHONY |
| CORSER | SARAH | ALISON |
| COSTELLO | MANUS | JAMES MAC GREGOR |
| COUPER | SARAH | RACHAEL |
| COX | SHEILA | MAY |
| CRAIG | ROSE-MARIE | ANNE |
| CROLL | VIVIAN | |
| CURRY | EMILY | EVA |
| CURRY | THOMAS | CAMERON |
| CUSHMAN | CHARLOTTE | SAUNDERS |
| CUVRY | LUCILA | RIVADENEIRA |
| CYR | YVON | JOSEPH |
| DA CUNHA | JOHN | SEBASTIAN |
| DA SILVA-PULVER | ROSA | MARIA |
| DAMIANOS III | NICHOLAS | GEORGE |
| DANISCH | CHARLOTTE | ROSE |
| DAVIDSON | STUART | CARL |
| DAVIS | GUY | DYLAN |
| DAVIS | LINDA | |
| DAVIS | PEYTON | WILLIAM YATES |
| DE FERRARI | FRANCESCO | ALEXANDER |
| DE HAEN | STEPHANIE | |
| DE LAIGUE | GAEL | FALQUES MARIE |
| DE MEYER | MARTINE | JEAN LOUISE |
| DE PAREDES | DORA | GARCIA |
| DE PAUW | CAROLINE | JESSICA CHARLOTTE |
| DE STEFANO | COSIMO | CARLO |
| DE STEFANO | DAVID | A. |
| DE WECK | PHILIPPE | THOMAS |
| DECKERT | LINARD | |
| DEMORTIERR | VANESSA | STEPHANIE |
| DENNEMEYER | MARY | CATHERINE |
| DENNETT | FRANCES | ELIZABETH |
| DER BURG | ELSBETH | VON |
| DESTREE-BUTLER | KAREN | LESLIE |
| DETTAEN | SANDRA | JOYCE |
| DIEBOLD-LAUTERBURG | VALERIE | ANDREA |
| DIETRICH | RICHARD | DONALD |
| DIETZLER | RYAN | CHRISTOPHER |
| DIETZLER | TIMOTHY | HOWARD |
| DION | DANIEL | ANDREAS |
| DOCKERTY | WENDY | HOLT |
| DONALDSON | KELLIE | ANNE |
| DONATH | LIA | SUZANNE |
| DONNER | CATHY | MARIE |
| DONOWA | PAUL | |
| DONZEL | NADER | GILBERT |
| DRISCOLL | LAURA | ANNE |
| DRURY | ROGER | MARKLEY |
| DRYER | JAMES | EDWARD |
| DUBACH | MARKUS | ALBERT |
| DUBS | KATHRIN | JULIA ELSA |
| DUDEK | DARWIN | |
| DUFF | SEAN | GORDON |
| DUGGAN | JENNIFER | MAY LYNNE |
| DUNKLE | NICHOLAS | WILLIAM |
| DUPERRE | DAVID | |
| DURISCH | EVA | MARIA |
| DVORAK | PATRICIA | RAE |
| DWAN | KEVIN | MICHAEL |
| DY | DANIEL | SY |

| Last name | First name | Middle name/initials |
|---|---|---|
| EAKER | WAYNE | LYNE |
| EDWARDS | MARTHA | JANE |
| EDWARDS | STEPHEN | FRANCIS |
| EGGER | IVO | |
| EGLOFF | CORRINE | |
| EGLOFF | HEINZ | |
| EGNAL | BARTON | ALEXANDER |
| EHRISMANN | MARCUS | ANGELO |
| EIGENMANN | MAX | |
| EKHOLM | SUSAN | CARLA |
| ELDAMATTY | WALEED | ABDULGHAFFAR |
| ELLISON | KERRY | LYNN |
| ENNS | CAROL | RUTH |
| EPASINGHE | VARUNA | NISHANTHA |
| EPPENBERGER | BENEDIKT | ANDRI |
| ERBEL | STEPHAN | ERIC |
| ERNST | ANGELA | SANDRA |
| ERNST | KATHARINA | ELISABETH |
| ETTLIN | ALEXANDRA | MARY |
| ETTLIN-THRUELSEN | MARY | KAREN |
| EU | ANDREW | DOUGLAS |
| EVELIN | CAROL | LINDSEY |
| FADI | CHRISTINE | MARIE |
| FAID | CAROL | EVELYN |
| FAN | RONALD | JIU NING |
| FARMANFARMA | PERSITA | |
| FARNUM | PATRICK | ALEXANDER |
| FATTINGER | NICOLAS | BENJAMIN |
| FAULKNER | DEBORAH | LYNN |
| FEE | THOMAS | GERARD |
| FEHR-FREY | BARBARA | |
| FELBER | URSULA | |
| FERGUSON | CHARLES | HAMILTON |
| FESSLER | TOBIAS | OHUTKAN |
| FEURER | JENNIFER | LYNN |
| FINNIGAN | DAWN | RENE |
| FISHER | ERIC | DAVID |
| FLATT | RONALD | DEAN |
| FLOMO | JULIEN | PATRICK |
| FLOYD | BARBARA | |
| FLOYD | JON | MARC |
| FONG | CHUNG | YAN GARDIAN |
| FONTAINE | BRIGITTE | |
| FORRER | CAROL | JOY |
| FORSTER | BEATRICE | ANNA |
| FORTNER | SANDRA | ANN |
| FOSTER | BRYAN | MARKUS |
| FOSTER | DORIS | EVELYN |
| FOSTER | MICHAEL | GRANT |
| FOSTER | SYBIL | ANN |
| FOX | KATHLEEN | ANN |
| FOX | LUKE | KAMUELA |
| FREEMAN | CYNTHIA | BLANCHE |
| FREI | BEATRICE | MONICA |
| FREIBURGHAUS | STEPHEN | WERNER |
| FREIBURGHAUS | THOMAS | JORG |
| FREIMAN | HAROLD | JOSEPH |
| FREY | SYLVIA | ROSA |
| FRICKER | STEPHAN | DANIEL |
| FRIESEN | LISA | A |
| FRIIS | ROBERT | REANEY |
| FRITZ | MARCUS | WERNER |
| FROIDEVAUX | CHRISTINE | JEANNE |
| FRUTIGER | CAROLINE | |
| FRUTIGER | SUSANNA | |
| FRUTIGER | THEODOR | |
| FUCHS | LINDA | JO |
| FUJII | NORIYUKI | JONATHON |
| GABBANI | JUSTIN | MARCO |
| GABRIEL | TILMANN | |
| GAEHWILER | SCOTT | ANDREW |
| GAGNER | FRANCOIS | C |
| GAIFFI | SEVERINO | |
| GALE-ROWE | MARGARET | ADELE |

| Last name | First name | Middle name/initials |
|---|---|---|
| GALPERTI | GIANLUCA | VINCENZO |
| GALUSH | PAUL | CHRISTOPHER |
| GAMBLE | SVITLANA | |
| GARCIA-SOSA | ANDREA | C |
| GARCIA-SOSA | ANDREA | C |
| GARLID | PETER | ANDREW |
| GAUTIER | LESLEY | REINE |
| GEIL | JANET | EILEEN |
| GEIL | ROBERT | DON |
| GELEYNSE | PHYLLIS | KAY |
| GERBER | NORMAN | JOHN |
| GERRARD | ALEXANDER | RODERICK |
| GIANGRANDE | PETER | BRIAN |
| GIGNAC | MATHIEU | THOMAS |
| GILLIS | ERIN | JEANNE |
| GIRARDIER | ANNICK | ELSE MADELEINE |
| GLADDEN | THOMAS | DURWARD |
| GOH | DEBBIE | HUI-JIE |
| GOLDSTEIN | WILLIAM | DAVID |
| GOMEZ | ISABELLE | CHRISTINE |
| GOODFELLOW | SONYA | |
| GOOD-JENNINGS | ALAN | |
| GOODWIN III | ROBERT | E. LEE |
| GORCHYNSKI | SLYVIA | ANNE |
| GORDON | EDWARD | JAMES |
| GOROKHOFF | WLADIMIR | MICHAEL ALEXANDER |
| GRACE | MARK | CHRISTOPHER |
| GRAESSER | MARK | WARREN |
| GRAF | FELIX | ROLF |
| GRAVELLE | LORNA | GAIL |
| GRAY | KATHLEEN | GAIL |
| GREEN | JILL | ELLEN |
| GREEN | PATRICIA | ANN |
| GREENWOOD | ALEXANDRIA | LAVINIA |
| GRETENER-STEINER | KATHERINA | SANDRA |
| GRINNELL | SHAWNA | MARIE |
| GROSS | LIVIO | NICOLAS |
| GRUMAN | DEBORAH | DIANE |
| GUBLER | HEINZ | |
| GUILLAUME | JEANNE | |
| GUNNING | DONALD | FITTS |
| GUNTERT | JANE | MARGARET |
| GURNEY | MONICA | L |
| GUT | LESLIE | REIKEN |
| GUT | OLIVIA | ISABELLE |
| GUT | YVES | ALOYS |
| GUTIERREZ | PEDRO | PLA |
| GYSIN-MUELLER | HEIDY | VERENA |
| HAAK | TOMOTHY | JAMES |
| HAAS | LYNEE | MARIE |
| HABERLAND | MARC | THOMAS |
| HABIB | EMILE | SALIM |
| HADID | HISHAM | OSAMA |
| HAERTL | GREGORY | ANTON |
| HAESSEL | DALE | RAYMOND |
| HAHN | CAROLINE | NORA |
| HAINES | ADRIAN | DANIEL |
| HAJIVASSILIOU | VASSILIS | ARGYROU |
| HALAZONETIS | ATHANASSIOS | DEMETRIOS |
| HALBERT | MICHAEL | JORDAN |
| HALE | JONATHAN | LEE |
| HALE | JOYCE | MARIETTE |
| HALE-ELIASON | LYNETTE | |
| HALSEGGER | MICHAEL | |
| HAMPTON | MARK | WILLIAM |
| HANCOCK | JUDITH | E |
| HANCOCK II | JAMES | H |
| HAND | KATHERINE | ANN |
| HANSSON | RUTH | ONAWA (NEE CZARNECKI) |
| HARASYM | JUNE | RITA |
| HARDING | MERRITT | LYNDE |
| HARFENIST | ANNE | |
| HARMS | DARYL | DEAN |
| HARMS | SHARON | SUE |

| Last name | First name | Middle name/initials |
|---|---|---|
| HARPER | TRISTRAM | JOHN KENNEDY |
| HARRIS | PEGGY | ANN |
| HARTER | PAUL | ROBERT |
| HASHMI | AZFAR | |
| HASSAN | HEYAM | ANIS |
| HAUSERMANN | ADRIAN | FELIX |
| HAYES | JAMES | PAUL |
| HEGGENDORN-RUFF | WENDOLYN | LOU |
| HEIDELBERG | HEKIMA | FRANCISCA |
| HEIDELBERG | UHURU | HELEN |
| HEINRICH | CHRISTINE | MARIE |
| HENCHALL | LOESHA | |
| HENRY | NINA | LONGFELLOW |
| HENRY | VANIA | MARIE HELENE GENEVIEVE |
| HERBIG | VERNICE | ELECTA |
| HERMAN | DENNIS | MICHAEL |
| HERMAN | LAUREL | SUSAN |
| HERRMANN | HENRIK | |
| HERRON | LISSA | ROCHA |
| HERZ-FISCHLER | ROGER | MORRIS |
| HEUBERGER | CLARA-ANN | GORDON |
| HEUSCHER | ANDREAS | |
| HEUSCHER | DEBORAH | VICTORIA |
| HEUSCHER | LIKAS | |
| HIBBITS | FENTON | THOMAS |
| HILLBERT-KENNELL | STEFANIE | A. |
| HILLBURT | ANDREW | RUSSELL |
| HILLMAN | SUSANNE | NAIMA |
| HILTON | BEVERLY | DALLEN |
| HIRSCHI | BEATRICE | |
| HISLAIRE | JOHN | WILLIAM |
| HOERNING | PHILLIP | PETER |
| HOFMAN | HARMEN | PETER |
| HOFMAN | RHONA | JOYE |
| HOLLAND | LAURA | ELIZABETH |
| HOLTON | ALBERT | JOHN |
| HOLZ | INGO | HANS MANFRED |
| HOLZINGER | HEINZ | JOHN |
| HONICKE | ADRIAN | KENNETH |
| HOROWITZ | DINA | |
| HOSHI | MASAHIDE | DAVID |
| HOWE | LORRAINE (LORRIE) | KAY |
| HSU | SIMON | NAI CHENG |
| HUBER | ERIC | MAX |
| HUBER | LINDA | SARAH |
| HUBER | MARK | ANDREAS |
| HUEBER | CORNEL | GUSTAV |
| HUEBER | ROSMARIE | |
| HUNTER | RICHARD | MORROW |
| HUNZIKER | SALOME | TABITHA |
| HUONDER | ELODIE | MARIA |
| HUONDER | MONICA | BRIGITTE |
| HURD | JUDITH | S |
| HUSSAIN | ASIM | JAVAD |
| HUTCHISON | MARK | DEPREZ |
| HWANG | CHARLOTTE | |
| HYATT | ROBERT | VERNON |
| HYDE | RAYDELLE | |
| HYUN | ARVIN | JI YANG |
| IGLEHART | JOHN | HAWES |
| INTRATOR | MICHAEL | JAMES |
| IP | FONG | YUEN |
| IRELAND | ALICE | MARIE |
| IRELAND | ROBERT | MICHAEL |
| IRWIN | PATRICIA | ANN |
| ISDELL-CARPENTER | NICOLA | |
| ISHIZUKA | AYAKO | |
| JACOBS II | ELLIOTTE | CHARLES |
| JACOBSEN | SUSAN | ELIZABETH |
| JACOBSON | EMIL | DAVID |
| JAECKLIN | VICTOR | PAUL |
| JANIGAN | KAREN | JANET |
| JEANNERET | AURELIE | |
| JEKER | LINDA | KAY |

| Last name | First name | Middle name/initials |
|---|---|---|
| JENNI | LINDA | JEANNE |
| JENNI-ARNOLD | CAROLINE | TANJA |
| JERNIGAN | PHILLLIP | MICHAEL |
| JOFRE | JOHN | DALLAS |
| JOHNSON | BILLY | RAY |
| JOHNSON | MELISSA | ANN |
| JOHNSON | RICHARD | TROY |
| JOHNSTON | JULIANA | |
| JOSEPH | GERARD | GEORGE |
| JUNGERS | MAEVE | DEBRA |
| KAELIN | JOSEPH | JEREMIE |
| KAEPPLI | MARK | MAX |
| KAGI | ANNE | MARIE |
| KAHLBETZER | MARCUS | NICHOLSON |
| KAISER | JACK | ALLEN |
| KAMMER | PETER | |
| KANAGASABAPATHY | MALINI | |
| KANEKO | AKIMASA | |
| KANG | YOUNG | MI |
| KAO | HOWARD | |
| KATZ | CHRISTOPHER | JOHN TOMIYE |
| KATZ | GIZELA | YEMIMA |
| KATZ | ITAMAR | |
| KATZ | RACHEL | SHIRA |
| KAYTAR | JOHN | JOSEPH |
| KAYTAR | SABRINA | ELIZABETH |
| KECK FREI | ANDREA | LOUISE |
| KEITH | DONALD | A |
| KELLEHER | EILEEN | MARY |
| KELLER | DANIEL | FREDI |
| KELLER | EDWARD | ALFRED |
| KELLEY | ADA | MAE |
| KELLOGG | OLIVER | MARTIN |
| KENNEDY | VICTOR | MACLEOD |
| KENNY | MARIE | DENISE |
| KHANNA | GENESTA | V |
| KHANNA | SUNI | SHIV |
| KHURI | ILONA | |
| KIEFFER | SUSAN | |
| KIM | EMMA | ENCARNACION |
| KIM | HELEENA | S |
| KIM | MARK | |
| KIM | PETER | JUNHO |
| KIM | SAMUEL | JOONG SIK |
| KIM | SHARON | KYOSOOK |
| KIM | SUMIN | |
| KING | BARRY | ROLAND |
| KIOWSKI | PETER | |
| KIRBY | LAURIE | MARIE AGNES |
| KIRBY | SANDRA | DIANE |
| KISTLER | ALEXANDER | RICHARD EDUARD |
| KNEBEL | MARGARET | WATTERS |
| KNOPP | ROGER | GLEN |
| KNUDSLIEN | ROBERT | ANTON |
| KOCH | FABIENNE | |
| KONINGS | VALERIA | GHISLAINE |
| KONNERT STACEY | CANDACE | ANNE |
| KONTAK | MICHAEL | ANDREW |
| KORDA | OLIVER | JAMES |
| KORNER | IAN | DAVID |
| KORODY | DANIELA | |
| KOSOF | PETER | LEE |
| KRAL | THOMAS | C. |
| KRAPF | DOROTHEE | LAUREN |
| KRAUSE | CORINNA | ELISABETH |
| KREBS | ANDREAS | PETER |
| KREIENBUEHL | BARBARA | DASSA SMITH |
| KRICHBAUM | HELENE | |
| KRIEG | HEIDI | ERIKA |
| KRIEG | MICHAEL | URS |
| KRONENBERG | PETER | ALAN |
| KRUHL-VENANZI | MARY | ELIZABETH |
| KRUSELL | PETER | KARL |
| KUAN | IAN | LEONG |

| Last name | First name | Middle name/initials |
|---|---|---|
| KUCHENBUCH | MARLENE | KATHERINA |
| KUCHLER | ANNA | MARIA |
| KUEHL | ROBERT | JAMES |
| KUNZ | STEPHAN | GOTTFRIED |
| KUNZI | CHRISTINA | SONYA |
| KUO | TAMMY | YU CHU |
| KURSNER | EMMA | IRMA |
| KURTH | CHRISTOPHER | THOMAS |
| KURTH | KIRSTEN | ELLEN |
| KUSMER | FRANKLIN | ZANE |
| KWANTES | LOUIS | JOHN |
| LAABS | ELSA | |
| LABBE | LUCILLE | |
| LACK | CHRISTOPHER | S. |
| LACOPPIDAN | MARIANNE | |
| LAI | CLAYTON | MAX |
| LAI | MARVIN | |
| LAI | VANESSA | TAMMIE |
| LAMARRE | CHRISTIAN | FELIX |
| LAMBERT | THIERRY | PHILIPPE |
| LAMONT | JENNIFER | LEE |
| LANATA | GABRIEL | JORGE |
| LANDSBERGER | ANDREAS | GUSTAV |
| LANGRIDGE | JASMINE | KENT |
| LANZ | MARC | LUC |
| LAU | JUSTIN | YINTAK-KUBACKI |
| LAU | STEPHANIE | YIN CHI |
| LAVERRIERE | YVONNE | ANNA |
| LAWSON | MARGARET | LOUISE |
| LEA | MARILYN | CAROL |
| LEACH | CATHERINE | SARA |
| LEE | CHERIE | ANNE |
| LEE | CHONG | MING |
| LEE | GAR | LIN |
| LEE | MICHELLE | MEI KI |
| LEE | TANYA | MARIE |
| LEE | TONY | CHUN HUNG |
| LEHMANN | THOMAS | W |
| LEHMANN-PALMER | KATHRIN | REGINA |
| LEI | DORIS | |
| LEMOINE | BOI-LAN | NGUYEN |
| LEPAGE | PATRICIA | GABRIELA |
| LERCH | CORINNE | ANDREA |
| LEUNG | CHRISTOPHER | KIN-YING |
| LEUNG | RITA | YEE LING |
| LEUNG | SHAWN | SHUI-ON |
| LEUTHARD | DOMINIQUE | OLIVIA |
| LEUTHARD | NADIA | RUTH |
| LEVINE | MONROE | SANDY |
| LEWENDAL | BO | |
| LEWY | PATRICIA | |
| LHOYD-OWEN | CLAIRE | ALISON CATHERINE |
| LI | JENNIFER | ANN |
| LI | KANDICE | ELLEN |
| LIANG | ANDREW | SHIH-MIN |
| LILLIS | MAUREEN | TRACEY |
| LIM | DAVID | SWEE HOCK |
| LIPMAN | DOV | ALAN |
| LIPS-RAUBER | CHRISTINA | ANN ELIZABETH |
| LITTLE | DAWN | BRES |
| LIVIE | CASPAR | BRUCE |
| LOEBER | STEFAN | ALEXANDER |
| LOFSTROM | TIMOTHY | JAMES |
| LOH | MING | HUI AMANDA |
| LONG | EVELYN | |
| LOPPACHER | LINDA | JEANNE ELIZABETH |
| LOPRIENO | ANTONIO | |
| LUI | SUET | YING HUNG |
| LUNG | FRANK | DWAYNE |
| LUO | JIABIN | |
| LUTOLF | STEVEN | P |
| LYGEROS | JOHN | |
| MA | BRANDON | PO-MING |
| MA | CALVIN | HO CHI |

| Last name | First name | Middle name/initials |
|---|---|---|
| MACHOWSKI | MICHAEL | ANTHONY |
| MACINNIS | KAREN | LORETTA |
| MADURO | SONIA | |
| MAEDER | ERIC | RALPH |
| MAGNESON | HARLAND | |
| MAIWALD | CHRISTIANE | MARGOT |
| MALAMA-MORICONI | KATHERINE | MAY |
| MALCA | ELIZABETH | VICTORIA ROHLING |
| MALONE | BRAD | NATHAN |
| MARI | PATRIZIA | |
| MARQUARDT | JUDITH | MARGARET |
| MARSHALL | FRANCES | ELIZABETH |
| MARTIN | MICHELLE | SUZAN |
| MARTINEZ DE LECEA | JAMIE | MAC-VEIGH |
| MATTER | SANDRO | |
| MATTHEWS | WILLIAM | C |
| MATTHYS | ANDREAS | JOHANNES |
| MATUSKA III | JOSEPH | WILLIAM |
| MAXWELL | LINDA | MAE |
| MAYER-LUTHI | MICHELE | CATHERINE |
| MAYKUT | SHANDIS | LAUREN PRICE |
| MAYO | PATRICK | ROGERS |
| MC ARTHUR | SARAH | GRACE |
| MCCARTHY | STUART | RAE |
| MCCLIGGOTT | WENDY | ANNE |
| MCCOMBS-HILLBURT | BARBARA | |
| MCCORMICK | KYLE | RITCHIE |
| MCDOWELL | JOHN | ROBERT |
| MCELHANEY | RONALD | NELSON |
| MCEVOY | DENNIS | |
| MCINNES | MATTHEW | |
| MCLAUGHLIN | MARY | PATRICIA |
| MCPHERSON | IAN | DEWAR |
| MECCA | MICHAEL | VICTOR |
| MEIER | JAMES | EDWIN |
| MEIER | MANUEL | STEPHEN |
| MEIKLE | ANNA | HOLDORF |
| MENKES | KIRSTEN | ALEXANDRA |
| METCALF | ROBERT | DANA |
| MEWES | MARIE | JULIE |
| MEYER | HANS | RUDOLF |
| MEYER | MARIANNE | |
| MEYER-LECLERE | SUZANNE | |
| MICHAELS | MARNIN | J |
| MICHALSKI | CHRISTOPHER | DAVID |
| MIERINS | CAROLE | ANNE |
| MIESENBOECK | GERO | ANDREAS |
| MIJNSSEN | JAN | PETER |
| MILLER | GERALD | STUART |
| MILLER | MERLE | SUSAN |
| MILLHAM | ELIZABETH | LANSING |
| MIRKOVITCH | DOMINIQUE | MARCELINE |
| MIRKOVITCH | JOVAN | |
| MITCHELL | MEREDITH | WING-SEE |
| MITCHELL | ROBERT | B |
| MOAN | KRISTEN | ELIZABETH |
| MOELLER-WILLI | GABRIELLE | G |
| MONTICONE | KATIE | WATSON |
| MOORE | ELIZABETH | H |
| MORARI | MANFRED | JOSEF DE NOBILE |
| MORGENTHALER | LINDA | KATRIN |
| MORIN | ANNE | KOURAKINE |
| MORLEY | SARAH | MARION |
| MORRICE | JEANNINE | ISABEL |
| MORRIN | MARIELLA | CARTWRIGHT COE |
| MOSER | BRIGITTE | MAJA |
| MOSS | BRENDON | JACK |
| MOSSERI-MARLIO | JACQUES | WILLIAM |
| MOUAT | CAROL | |
| MOYERSOEN | JACQUES | FRANCOIS |
| MOZDZIERSKI | LEONIE | SUSAN ARMSTRONG |
| MOZDZIERSKI | OLIVIA | YOLANDA ARMSTRONG |
| MUELLER | ALEXANDER | MICHAEL |
| MUELLER | VERONIQUE | |

| Last name | First name | Middle name/initials |
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| MULLER | MICHAEL | RENE |
| MULLER | STEPHEN | ELLIOTT |
| MUNECHIKA | THOMAS | TAKASHI |
| MYERS | ADRIAN | TIMOTHY |
| MYERS | HEASHIN | LEE |
| MYERSON | TRACY | ANNE |
| MYRON | STUART | ALLEN |
| NACCACHE | LAMIA | ANI |
| NACCACHE | MAYA | ZINA |
| NAFZIGER | JACOB | MICHAEL |
| NAFZIGER | WILLIAM | J |
| NAIR | DEEPAK | DIVAKARAN |
| NEESER | IRENE | SYLVIA |
| NEILSEN | GREGAR | JACK |
| NELSON | JOHN | STUART |
| NELSON | TANIA | MARIE |
| NEUHAUS | SABINE | KATRIN |
| NEULINGER | LYNN | MARSHA |
| NEWMAN | BRUCE | EVANS |
| NG | BILLY | HAY LING |
| NG | DOROTHY | SHUI TE |
| NICHOLS | MICHAEL | CHARLES |
| NICHOLS | NANCY | JUNE |
| NIEDRIG | DAVID | FRANKLIN |
| NIEM | CATHERINE | FU-JEN |
| NIEM | JAMES | TSE FONG |
| NIPPA | DORIS | KARIN |
| NOUR | LAUREL | CASTINE |
| NOVOTNY | LEONORE | MARIA |
| NOVOTNY | LUKAS | |
| NUERNBERGER | FALK | PATRICK |
| NUSEIBEH | LANA | SORAYA |
| O | SEA-JUNE | |
| O'BRIEN | DENIS | JAMES |
| O'CONNELL | RICHARD | |
| O'CONNOR | PATRICK | RYAN |
| ODERMATT | MARIA | JULIA |
| OGILVIE | DOMINIK | ALEXIS PAUL |
| OH | MI | KYUNG |
| OLOFSSON | INGER | MARITA |
| O'NEILL | EDOUARD | |
| ONG | BERNARD | BENG KIAT |
| O'REILLY | GAY | P |
| O'REILLY | GERALD | VINCENT |
| OROSZVARY | KRISTA | LEIGH |
| ORTEGA BERECIARTUA | VICTOR | MARIO |
| OTTOVA | VERONIKA | |
| OUDAMA | TRACY | LYNN |
| PAHL | AMANDA | KIM |
| PAHL | JENNIFER | LYNN |
| PAK | EUISING | |
| PALMER | BRUCE | BENDAN |
| PALMER | EDWARD | |
| PAO | TOMMY | WATARI |
| PARAJON | LUIS | |
| PARIKH | NAYAN | PARMANAND |
| PARK | CHINWON | |
| PARK | REBECCA | JANE |
| PARKEL | THOMAS | CLAUDE |
| PATE | WILLIAM | FREDERICK |
| PATERSON | ROBYN | ALISON |
| PAUL-KOENIG | KATHARINA | MONICA |
| PAYNE | RICHARD | BYRON |
| PEDERSEN | DAMIEN | PALMER |
| PEESAPATI | NANDINI | SRINIVAS |
| PEISCHL | KAROLINE | ANNA |
| PENG | WILLIAM | SHIH-HSIAO |
| PENTECOSTES | EDUARDO | FIDEL |
| PERRENOUD-ROTTIGNI | JULIETTE | CANDICE |
| PERRET | SIMONE | THERESE |
| PERRY | SOPHIE | |
| PETERS | CYNTHIA | JEAN |
| PETROHELOS | ANGELA | THEANO |
| PFENNINGER | FRANZISKA | |

| Last name | First name | Middle name/initials |
|---|---|---|
| PFISTER | RITA | BEATRICE |
| PHELPS | DANIEL | HOLDSWORTH |
| PHELPS | JANET | VIRGINIA |
| PHILLIPS-GRAESSER | ALICE | |
| PHUA | YONG | IKAIKA |
| PICKARD | DOROTHY | BERNICE |
| PIERCE | MELANIE | WANETTE |
| PILIERO | CHRISTOPHER | JON |
| PILLAI | MARY | KRISTIN |
| PINES | DANNA | GOODELMAN |
| PIRA | TAMARA | CAROLINE SCHWOB |
| PIRES | MARCELO | DE ALMEIDA |
| PITT | MICHAEL | DENNIS |
| PIVNICK | JEFFREY | STEVEN |
| PLETT | WALTER | CORNIE |
| POLAKOFF | CAROLINE | LINDA |
| POMAZKOVA | MARIANNA | |
| PONSEN | NICO | VICTOR |
| POON | SHING | CHUAN |
| POPHAM | ROY | EDMOND |
| POPPER | AURELIE | VALERIE |
| POWELL | REN | KATHERINE |
| POYNER | MARIANNA | |
| PRATT-JOHNSON | DOUGLAS | JOHN |
| PREISWERK | MICHAEL | RUDOLF |
| PRESCOTT | DEBORAH | M |
| PRESCOTT | JAMES | HOMER |
| PRETRE | ISABELLE | ALEXIA |
| PRICE | AINSLEY | SUZANNE |
| PRINZ VON CROY | HEINRICH | |
| PRINZ VON CROY | MARC | EMANUEL |
| PROSSER | ALISON | |
| QUACKENBUSH | EARL | HULEN |
| QUADRI | JOSEPH | |
| QUERBACH | DAVID | WILLIAM |
| QUIGG | DEBORAH | MURRAY |
| RACCAH | COLIN | P. |
| RADEMAKER | LANA | ELVA |
| RAES | GWENDOLYN | |
| RAHMA | HAMDI | HAMDI |
| RAHMA | JINAN | HAMDI |
| RAMIN | KURT | PAUL |
| RANKIN | STEPHEN | CORNELL |
| RAPPAPORT | AVIVA | TAMARA AVERIL |
| RASAMNY | WALID | RACHID |
| RASMUSSEN IV | WALTER | JOHN |
| REBHOLZ | MICHAEL | ULRICH |
| REICHMUTH | BRIGITTA | SILVIA |
| REYMOND | LISE | |
| RHEE | SANGHOON | |
| RICHARDSON | SARAH | |
| RICHMOND-BOARD | MARK | STEPHEN |
| RICHTER | ANDREAS | KURT |
| RIEB | DANIEL | LEE |
| RIGHTMYER | LOIS | WINIFRED |
| RILEY | TIMOTHY | LYLE |
| RINGUETTE | JANIS | ANN |
| RINGUETTE | NORMAND | JOSEPH |
| RITTER | MICHELLE | ANN |
| RITTER | ROGER | HENRY |
| ROAN | ADAM | MICHAEL |
| ROBBRECHT | TOM | DENNIS |
| ROBERT | ANTONY | PASCAL |
| ROBINSON | ELISABETH | MARIA |
| RODD | DENNIS | GYWN |
| RODGERS | EDWARD | FLOYD |
| RODGERS | JENNIFER | KAYE |
| RODRIGUEZ | MARCIA | |
| RODRIGUEZ-FRAILE | GONZALO | |
| ROESCH | PAMELA | ANITA |
| ROGAN | MAURICE | THOMAS |
| ROGGLI-REIMANN | MONICA | MADLEN |
| ROMAGNA | SUYIN | NG |
| ROSCOE | TIMOTHY | |

| Last name | First name | Middle name/initials |
|---|---|---|
| ROSENBERG | PAMELA | HENRY |
| ROSENHECK | THOMAS | SHERWIN |
| ROSENTHALER | PATRICK | JOACHIM |
| ROSS | MICHAEL | STEPHEN |
| ROSSELLI | ANNA | MARIA |
| ROSSITER | CAROL | ELAINE |
| ROTH | BINIA | URSULA |
| ROTHBERG | TAMARA | LADINA OLIVIA |
| ROTTENBERG | ROSEMARY | |
| ROWE | JEFFREY | DOUGLAS |
| RUBATTO | PAOLO | TOMMASO |
| RUBENS | GERARD | STEVEN |
| RUCH | CHRISTOPH | MICHAEL |
| RUCHTI | BRUNO | PARVAT |
| RUEGG | THERESA | KATHARINA |
| RUGGLES-HALL | CHRISTOPHER | |
| RUSCONI | GIORGIO | GIACOMO |
| RUSTHOVEN | NATHAN | PETER |
| SABBIONI | LAURA | CHIARA |
| SABO | BARBARA | J |
| SAGMEISTER-FOX | KATHLEEN | MARIA |
| SALLOUM | SHAMS | |
| SALOMONS | SHARON | DENISE |
| SANDMANN | MARGARETA | |
| SAUER | THOMAS | JEFFREY |
| SAUPE | ROLF | PETER |
| SAVAGE KOHUT | CATHERINE | |
| SAYRE | ERIC | CONRAD |
| SCHAECHTER | DENISE | |
| SCHAEFER | MICHAEL | BRIAN ALEXANDER |
| SCHEIDEGGER | FLAVIAN | LUCA |
| SCHERRER | NICOLE | FRANCOISE |
| SCHILDKNECHT-MOSER | JANINE | GABRIELLE |
| SCHILLING | REBECCA | STEPHANIE |
| SCHINDLER | CHRISTINE | ELISABETH |
| SCHLATTER | RICHARD | JOHN |
| SCHLECHTE-PETCH | LINDA | JEAN |
| SCHLOSSER | DEVI | DAVID |
| SCHMID | ELIZABETH | ANN |
| SCHMITT | CASSANDRA | LYNN |
| SCHNEUWLY | ANDREAS | DANIEL |
| SCHOCH | LISA | |
| SCHOENER | ANNA | KLARA |
| SCHOEPP | NATHAN | EDWARD |
| SCHONBACHLER | DAVID | ROLF |
| SCHONBACHLER | MARK | DOMINIC |
| SCHUBERT | ANDREAS | MARK |
| SCHULTZ | MARC | STEVEN |
| SCHUSTER | SUSANNA | SOPHIA |
| SCOTT | MARIANNE | B |
| SCROGGINS | MELODY | JEAN |
| SEIFERT | FREDERICK | ROY |
| SEPETOSKI | REMY | |
| SEPHTON | PETER | STANLEY |
| SEYMOUR | BRIAN | RICHARD |
| SEYMOUR | ROSEMARY | JANE |
| SHAHABI | LALEH | |
| SHAOULIAN | SHAI | |
| SHASTRY | ASHISH | JAIPRAKASH |
| SHAW | DAVID | CHRISTOPHER |
| SHEWBRIDGE | JOANNA | CATHERINE |
| SHIELDS | FRANCIS | COX |
| SHIH | JANET | CHENG HUI |
| SHIH | JASON | SHUN JIN |
| SHROFF | PRATUL | |
| SHU | KARMAN | HOI MING |
| SIDLER | CHRISTINE | ANTOINETTE |
| SIEGRIST | MARCO | EDWIN |
| SIEVEKING | CHRISTINA | FELLOWES |
| SIGNER JR | PAUL | JAKOB |
| SILVER | IRVING | ROBERT |
| SIMONENKO | DMITRI | VLADIMIROVICH |
| SIMPSON | KYFFIN | DAVID |
| SIU | NINA | MARGARET |

| Last name | First name | Middle name/initials |
|---|---|---|
| SKRZYNSKI | LAURA | RUEDIGER SOMMER |
| SLATTER | IAN | ST PIERRE |
| SMITH | DANIEL | SCOTT |
| SMITH | GEORGE | T. |
| SMITH | JARRETT | MACKENZIE |
| SMITH | PATRICIA | ARLENE |
| SMITH | TERESA | JOSEPHINE |
| SMITHERS | JEREMY | MICHAEL |
| SMOOTZ-DE MERCHANT | TERRI | ANN |
| SOBOL | ADAR | |
| SOLAND | PETER | ALAN |
| SOLE | MICHAEL | JOSEPH |
| SONG | CHOY-CHUI | |
| SPONDER | JACINTHA | EVELYN |
| SRAGNER | NICOLE | ELIZABETH |
| STAINBROOK | CHRISTOPHER | NEIL |
| STAMENKOVIC | IVAN | |
| STARIKOV | VALERA | |
| STATON | FRANCISCO | A |
| STAUB | YURI | ADRIAN |
| STAUMANN | LINUS | |
| STEELE | LESLIE | JAYE |
| STEFANO | KAREN | ANN |
| STEIN | ALISON | SARA |
| STEIN | GRETCHEN | CAROLINE |
| STEINBECK | ARI | MICHAEL |
| STEINBECK | DEAN | MARC |
| STEINER | STEFANIS | |
| STEINMANN | LISA | SHARON |
| STILL | ROXANNE | LOUISE |
| STOFFYN | MARC | |
| STONE | CAROLYN | MARGARET |
| STONER | WILLIAM | CAUFMAN |
| STRAUSS | PETER | JOSEPH |
| STRELE | JEAN | ROBERT |
| STRICKLAND | ALLISON | LOUISE |
| STRICKLAND | JAMES | SCOTT KENNETH |
| STROSBERG | RICHARD | MICHAEL |
| STUART | MEGAN | JEAN |
| STUCKI | EVELYN | DORIS |
| STUMBORG | ANDREW | JEROME |
| STYMEIST | DAVID | SANDERS |
| SUAREZ | ROBERTO | LAI |
| SUCKOW | JEFFREY | PETER |
| SUGRUE | CHRISTOPHER | CLANCY |
| SULLIVAN | JENNIFER | ELISSA |
| SULLIVAN | KVETUSE | DENISA |
| SULLIVAN | MICHAEL | JOSEPH |
| SUMMERS | NEIL | ALEXANDER |
| SUMMERS | PENELOPE | ANNE |
| SUSSANGKARN | PRAPHOB | |
| SZNITMAN | RAPHEL | |
| SZYDLOWSKI | STEVEN | |
| TAINES | CARLA | JOAN |
| TAKACS | BELA | JANOS |
| TALMERS | NICHOLAS | |
| TAN | KIMBERLY-ANN | ANNE |
| TAN | SIAN | WEE |
| TAN | SUNNY | |
| TANENBAUM | CHERYL | MARLA |
| TAPANILA | CAROL | LEE |
| TAPANILA | DAN | LOUIS ERVIN |
| TARVIN | CHARLES | DEREK |
| TASH | DONALD | FRANCIS |
| TASH | PENELOPE | |
| TASH | SELENE | JO DELL |
| TASTEVIN | DAMIEN | ALEXANDER |
| TAYLOR | ANDREA | DENISE |
| TAYLOR | PAMELA | JEAN |
| TAYLOR | SUSAN | JEAN |
| THARP | RUSSELL | H |
| THARSON | CAROLYN | CHERUBINI |
| THOMAS | EVA | |
| THOMPSON | MARY | SHARON LINDA |

| Last name | First name | Middle name/initials |
|---|---|---|
| THOMSON | JEFFREY | BLAKE |
| THOMSON | ROBERT | ASHLEY |
| THORNTON | PETER | CHAPLIN |
| THORNTON | URSULA | BERTA |
| TILLETT | SAMUEL | RAYMOND |
| TING | JU-HUI | THERESA |
| TODD | NICHOLAS | ROGER |
| TOELLE | ANN | AINSWORTH |
| TOLANI | AJAY | |
| TOLLEFSON | DANIEL | L |
| TONG | IRENE | GO |
| TONG | IVA | GO |
| TORNOE | KRISTEN | ANNE |
| TORRIE | COLLEEN | LOUISE |
| TORRIE | LERON | ALBERT |
| TOUSSOUN | SELIM | |
| TOWNES | DAVID | |
| TOWNS | THERESA | SUSANNE |
| TOWNSON | ANDREA | FINSTAD |
| TRAUTWEILER | CHRISTOPH | JOHANNES |
| TRAVIS-GALLOWAY | SUSAN | |
| TROBAK | JOHN | DELVIN |
| TRUMPY | MONIQUE | |
| TSAI | CHIU-CHEN | |
| TUNNELL | ALICE | MARIE |
| TURKINGTON | MAXINE | BERYL |
| TURTLE | LINDA | LOREE |
| TWEEDY | LAURA. | |
| UBEROI | SANGITA | |
| UMMEL | MELVIN | |
| UNSWORTH | LINDA | RUTH |
| VADEBONCOEUR | NATALIE | IVONNE |
| VADER | JOHN | PAUL |
| VAISOVA | VERA | PAULA |
| VALLIS | TINA | MARIE |
| VAN ANDEL | FRED | ARTHUR |
| VAN DUSEN | TIM | DAVID |
| VAN NORDEN | SUSAN | ELIZABETH |
| VAN REMORTEL | KATRIEN | ARMANDE ROBERT |
| VANCE | BILL | METCALF |
| VANDERBURG | PATRICIA | HARTY |
| VAUCHER | NICOLE | SUZANNE BENOIT |
| VAUTHIER | PETER | ALFRED |
| VENTOURAS | PANAGIOTIS | |
| VICIC | DONALD | JOSEPH |
| VICIC | DOUGLAS | PAUL |
| VIRIOT | MAXIME | GEORGES |
| VOELIN-THOMMEN | LINDA | PATRICIA |
| VOELLMY | THEODORE | EDWARD |
| VOGEL | PATRICIA | ANN |
| VOGT-HORNICK | BARBARA | JO |
| VOLET | MARIA | ELENA |
| VOLKENBURGH | GREGGNIGEL | VAN |
| VON TROTHA | PHILIPP | KENNEDY WIEDMAN |
| VONDER-MUHLL-CHRIST | MIREILLE | ANNEMARIE |
| VOUTAT | OLIVER | JEANPIERRE |
| VUILLEMIN | AURELE | |
| WALDNER | JACOB | JOSEPH |
| WALLACE | TIMOTHY | LEE |
| WALLRAFF | MARTHA | MOORHEAD |
| WALTON | CHARLES | STUART |
| WAN | HO | YAN |
| WANG | DANNIE | SHI |
| WANG | PEGGY | POCHI |
| WANG | SEE | PING |
| WARDEN | LINDA | SUSAN |
| WARKENTIN | JOAN | MARIE |
| WARKENTIN | LAURA | JANE |
| WARKENTIN | MATTHEW | DAVID |
| WARMBROD | MARY | TAYLOR |
| WARMBROD | WILLIAM | KENNETH |
| WAT | STEPHEN | WUN-LOK |
| WAUGH | CAROL | ANN |
| WEBER | ERWIN | GOTTFRIED |

| Last name | First name | Middle name/initials |
|---|---|---|
| WEBER | GERTRAUD | MARIA |
| WEGNER | LAURA | M |
| WEIBEL-TAO | AMY | |
| WERDER | ANDREAS | |
| WERKLUND | DONALD | LINWOOD |
| WERKLUND | GILBERT | VICTOR |
| WEY | JAMES | JYH-JYE |
| WHARTON | CHERYL | GAIL |
| WHARTON | SUSANNA | MARGARETHA |
| WHEELER | LADDIE | STEWART |
| WHIPPS | MASON | NGIRCHECHEBANGEL |
| WHITE | ADELINA | E. |
| WHITE | DONALD | JOHN |
| WHITE | JOHN | WAYNE |
| WHITMORE | PATRICIA | ANN MOON |
| WIBOWO | KEVIN | |
| WIENS | NORMAN | PAUL |
| WIESENHOF | VALENTINO | SALVADORI |
| WIESER | THOMAS | |
| WIGHT | KARA | LISA |
| WILARAS | CHRISTOPHER | TITIAN |
| WILD | ANINA | ANDREA |
| WILD | PAULA | LEE |
| WILLI | IRINA | KATARINA MOELLER |
| WILLIAMS | REBECA | ULRIKE |
| WILSON | ELIZABETH | ANNE |
| WILSON | VICTORIA | FRANCES |
| WINKLER | ISABELLE | CHARLOTTE |
| WINKLER | MONIKA | SABINE |
| WISE | SHERI | MARIE |
| WOLF | DAVE | |
| WONG | ADA | YUK NG |
| WONG | CASSANDRA | YUIT WAH |
| WONG | JENNY | YU |
| WONG | LAURA | ELIZABETH |
| WONG | SHIRLEY | SHIK-YUE |
| WONG | STEPHANIE | MING-YAN |
| WONG | WAI | |
| WONG | WALTER | WANG-HING |
| WONGCHAI | SASICHA | |
| WONG-HARRISON | ANNIA | |
| WONNACOTT | MARJORIE | JUNE |
| WOO | DONALD | CHUNG-LIEN |
| WOODRING | JOSEPH | PORTER |
| WOSK | DANIEL | DAVID |
| WU | BILLY | CHU-YI |
| WU | GUANGZHAO | |
| WUERGLER | HEIDI | |
| XIROUCHAKIS | PAUL | CHRISTOS |
| YALE | JANET | SUSAN |
| YEH | WEN | LI |
| YETHADKA | VENKATESHWARA | PRASAD |
| YEUNG | LISA | KAN |
| YIN | ERICK | CHAO |
| YIP | YAT | LAM |
| YONG | MARYANN | MEI CHERN |
| YOUNG | ALYS | M |
| YOUNG | MARGOT | DIANE |
| YOUNG | MICHAEL | D |
| YOUNG | SCOTT | CAMRON |
| YUEN | ERICA | MI MING |
| ZABEL | ALLEN | WILLIAM |
| ZABEL | JARRETT | PAUL |
| ZEHENTNER | SARAH | EILEEN |
| ZEHNDER | BARBARA | ANN |
| ZHANG | JOHNNY | ANQIANG |
| ZHANG | LIXIA | |
| ZIELINSKI | VALERIE | |
| ZIMMERMANN | SUSANNE | AMY |
| ZINTZMEYER | HEINZ | WILLIAM |
| ZIOLA | SHEILA | ANN |
| ZONDERVAN | SAMUEL | JOHN |
| ZUBACK | DEBORAH | CHERRY |
| ZUNTINI | SUSAN | BARBARA |

| Last name | First name | Middle name/initials |
|---|---|---|
| ZURMUHLE | ROBERT | WALTEER |
| ZWAHLEN | ANNA | |

Dated: July 25, 2013.

**Ann V. Gaudelli,**

*Manager Team 103, Examinations Operations—Philadelphia Compliance Services.*

[FR Doc. 2013–19224 Filed 8–8–13; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

### Loan Guaranty: Percentage to Determine Net Value

**AGENCY:** Department of Veterans Affairs (VA).

**ACTION:** Notice.

**SUMMARY:** This notice provides information to lenders and mortgage holders in the Department of Veterans Affairs (VA) loan guaranty program concerning the percentage to be used in calculating the purchase price of a property that secured a terminated loan. The new percentage is 14.95 percent.

**DATES:** The new percentage is effective October 8, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mr. Andrew Trevayne, Assistant Director for Loan and Property Management (261), Loan Guaranty Service, Department of Veterans Affairs, Washington, DC 20420, (202) 632–8795. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** The VA home loan program authorized by Title 38, United States Code (U.S.C.), Chapter 37, offers a partial guaranty against loss to lenders who make home loans to veterans. VA regulations concerning the payment of loan guaranty claims are set forth at 38 CFR 36.4300, et seq. Conveyance of properties to VA is addressed in 38 CFR 36.4323, which refers to the formulas in 38 U.S.C. 3732(c) for determining whether a loan holder has the option to convey a property to VA following termination. A key component of this is the ''net value'' of the property to the Government, as defined in 38 CFR 36.4301. Essentially ''net value'' is the fair market value of the property, minus the total costs the Secretary estimates would be incurred by VA resulting from the acquisition and disposition of the property for property operating expenses, selling expenses, and administrative cost. Each year, for all properties VA acquired under 38 CFR 36.3423, VA reviews the average operating expenses incurred for managing those properties which were sold during the preceding year, as well as the average administrative cost to VA associated with the property management activity. VA also includes in the calculation an amount equal to the gain or loss experienced by VA on the resale of acquired properties sold during the previous fiscal year. VA annually analyzes its property management results and, when appropriate, publishes a new net value percentage in the **Federal Register**. For the past 12 years, the percentage has been 11.87 percent; during that period, VA elected not to change the figure for a multitude of extenuating circumstances. Initially, VA experienced data difficulties arising from implementation of a new computer system, followed by: a transition to the private sector of the property management function; issues arising from that privatization; and the beginning of a serious and prolonged recession which greatly impacted the housing market and led VA to avoid significant changes which could adversely affect the ability of veterans to obtain housing loans. At this time, VA believes that the market is showing signs of stability that can sustain a change in the net value to less than the historical high of 15.11 percent, without being a detriment to veterans. Therefore, in order to more accurately reflect the costs of acquiring, managing, and reselling properties in the home loan program, based on the recent fiscal year's data, VA is revising the net value percentage to 14.95 percent. Accordingly, the loan holder (or its authorized servicing agent) will use 14.95 percent to calculate the subtraction from the fair market value to arrive at the ''net value'' of the property under the provisions of 38 CFR 36.4322(c). This revised percentage will be used in ''net value'' calculations made by holders and servicers on and after October 8, 2013.

Approved: July 31, 2013.

**Jose D. Riojas,**

*Interim Chief of Staff, Department of Veterans Affairs.*

[FR Doc. 2013–19315 Filed 8–8–13; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

### Veterans' Advisory Committee on Education, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Veterans' Advisory Committee on Education will meet on August 13–14, 2013, in the First Floor Conference Room at 1307 New York Avenue NW., Washington, DC, from 8 a.m. to 4:30 p.m. on both days. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of education and training programs for Veterans, Servicepersons, Reservists, and dependents of Veterans under Chapters 30, 32, 33, 35, and 36 of title 38, and Chapter 1606 of title 10, United States Code.

On August 13, the Committee will receive opening remarks and an overview by the Committee's Chair; updates on the Post 9/11 GI Bill; VA's implementation of Executive Order 13607 and Public Law 112, 249; VA's partnership with Student Veterans of America and the National Student Clearing House; and the redesign of the Transition Assistance Program. On August 14, the Committee will review and summarize issues raised throughout the meeting and discuss Committee work groups and next steps. Oral statements will be heard at 3 p.m.

The public may submit written statements for the Committee's review to Barrett Y. Bogue Designated Federal Officer, Department of Veterans Affairs, Veterans Benefits Administration (225D), 810 Vermont Avenue NW., Washington, DC 20420 or email at *barrett.bogue@va.gov.* Any member of the public wishing to attend the meeting or seeking additional information should contact Mr. Bogue at (202) 461–9800.

Dated: August 6, 2013.

By Direction of the Secretary.

**Vivian Drake,**

*Committee Management Officer.*

[FR Doc. 2013–19343 Filed 8–8–13; 8:45 am]

**BILLING CODE 8320–01–P**

# FEDERAL REGISTER

Vol. 78 Friday,

No. 154 August 9, 2013


Part II

## The President

Executive Order 13651—Prohibiting Certain Imports of Burmese Jadeite and Rubies

Federal Register
Vol. 78, No. 154
Friday, August 9, 2013

# Presidential Documents

**Title 3—**

## The President

**Executive Order 13651 of August 6, 2013**

## Prohibiting Certain Imports of Burmese Jadeite and Rubies

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110–286) (the ''JADE Act''), and section 301 of title 3, United States Code, and in order to take additional steps with respect to the national emergency declared in Executive Order 13047 of May 20, 1997, as modified in scope in Executive Order 13448 of October 18, 2007, and Executive Order 13619 of July 11, 2012, and relied upon for additional steps taken in Executive Order 13310 of July 28, 2003, Executive Order 13448 of October 18, 2007, Executive Order 13464 of April 30, 2008, and Executive Order 13619 of July 11, 2012,

I, BARACK OBAMA, President of the United States of America, hereby order:

**Section 1.** (a) The importation into the United States of any jadeite or rubies mined or extracted from Burma and any articles of jewelry containing jadeite or rubies mined or extracted from Burma is hereby prohibited.

(b) The prohibition in subsection (a) of this section applies except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order.

**Sec. 2**. I hereby amend Executive Order 13310 of July 28, 2003, by revoking sections 3 and 8 of that order. The revocation of those provisions of Executive Order 13310 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order during the period that those provisions of that order were in effect.

**Sec. 3**. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

**Sec. 4**. For the purposes of this order:

(a) the term ''jadeite'' means any jadeite classifiable under heading 7103 of the Harmonized Tariff Schedule of the United States (HTS);

(b) the term ''rubies'' means any rubies classifiable under heading 7103 of the HTS;

(c) the term ''articles of jewelry containing jadeite or rubies'' means:

(i) any article of jewelry classifiable under heading 7113 of the HTS that contains jadeites or rubies; or

(ii) any article of jadeite or rubies classifiable under heading 7116 of the HTS;

(d) the term ''person'' means an individual or entity;

(e) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

**Sec. 5**. Nothing in section 1 of this order shall prohibit transactions to the extent such prohibition would conflict with the international obligations of the United States under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or other legal instruments providing equivalent privileges and immunities.

**Sec. 6**. Nothing in section 1 of this order shall prohibit the importation of any jadeite or rubies mined or extracted from Burma or any articles of jewelry containing jadeite or rubies mined or extracted from Burma that were previously exported from the United States, including those that accompanied an individual outside the United States for personal use, if they are reimported to the United States by the same person, without having been advanced in value or improved in condition by any process or other means while outside the United States.

**Sec. 7**. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

**Sec. 8**. Pursuant to section 5(i) of the JADE Act, I hereby determine and certify that it is in the national interest of the United States to waive, and hereby waive, the sanctions described in section 5(b) of the JADE Act. Except as authorized or exempt, transactions with persons included on the Department of the Treasury's List of Specially Designated Nationals and Blocked Persons continue to be prohibited pursuant to IEEPA.

**Sec. 9**. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**Sec. 10**. This order is effective at 12:01 a.m. eastern daylight time on August 7, 2013.

THE WHITE HOUSE,
*August 6, 2013.*

[FR Doc. 2013–19520
Filed 8–8–13; 11:15 am]
Billing code 3295–F3

# Reader Aids

**Federal Register**

Vol. 78, No. 154

Friday, August 9, 2013

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