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Contents

Federal Register

Vol. 78, No. 172

Thursday, September 5, 2013

Agricultural Marketing Service
NOTICES
Meetings:
National Organic Standards Board, 54617

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Rural Housing Service

Air Force Department
NOTICES
Meetings:
U.S. Air Force Academy Board of Visitors, 54634–54635

Animal and Plant Health Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Brucellosis in Sheep, Goats, and Horses; Payment of Indemnity, 54620–54621
Credit Account Approval for Reimbursable Services, 54617–54618
Importation of Emerald Ash Borer Host Material from Canada, 54619–54620
Swine Health Protection, 54618–54619

Bureau of Consumer Financial Protection
NOTICES
Meetings:
Consumer Advisory Board, 54629–54630
Privacy Act; Systems of Records, 54630–54632

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Current Population Survey, Annual Social and Economic Supplement, 54622–54623

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 54652–5465

Civil Rights Commission
NOTICES
Meetings:
Rhode Island Advisory Committee, 54621–54622

Coast Guard
RULES
Safety Zones:
Annual Firework Displays within the Captain of the Port; Puget Sound Zone, 54587–54588
Escape to Miami Triathlon, Biscayne Bay, Miami, FL, 54585–54587
LK Events Fireworks; Lake Michigan, Chicago, IL, 54576–54578
Perry 200 Fireworks, Presque Isle Bay, Erie, PA, 54581–54583
Swim Around Charleston, Charleston, SC, 54583–54585
Tall Ships Erie 2013 Fireworks Show, Holland Street Pier, Presque Isle Bay, Erie, PA, 54574–54576
Tiki Swim; Oceanside Harbor, Oceanside, CA, 54578–54580
Security Zones:
Protection of Military Cargo, Captain of the Port Zone Puget Sound, 54588
Special Local Regulations:
Cumberland River, Mile 190.0 to 192.0; Nashville, TN, 54569–54571
Hampton Bay Days Festival, Hampton River; Hampton, VA, 54571–54574
PROPOSED RULES
Safety Zones:
2013 Ironman 70.3 Miami, Biscayne Bay; Miami, FL, 54599–54602
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 54666–5466
Charter Renewals:
Cook Inlet Regional Citizens' Advisory Council, 54668–54669

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Defense Department
See Air Force Department
See Navy Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 5463–54634
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Acquisition Regulation; American Recovery and Reinvestment Act—Reporting Requirements—One-Time Reporting for First-tier Subcontractors, 54650–54651
Federal Acquisition Regulation; American Recovery and Reinvestment Act—Reporting Requirements—One-Time Reporting, Compensation Requirements, 54648–54649
Meetings:
National Security Education Board, 54634

Education Department
RULES
Final Priorities, Requirements, Definitions, and Selection Criteria:
Race to the Top, District Program; Correction, 54588–54589
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Race to the Top—Early Learning Challenge Annual Performance Report, 54636–54637

State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA, 54637–54638
Requests for Information:
National Clearinghouse for English Language Acquisition; Title III Technical Assistance Agenda and Future Activities, 54638–54640

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Environmental Impact Statements; Availability, etc.:
Hydrogen Energy California Integrated Gasification Combined Cycle Project; Correction, 54640
Meetings:
Secretary of Energy Advisory Board; Correction, 54640

Environmental Protection Agency
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Utah; Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule, 54602–54605
National Emission Standards for Hazardous Air Pollutants:
Reciprocating Internal Combustion Engines; New Source Performance Standards for Stationary Internal Combustion Engines, 54606–54612
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Laboratory Quality Assurance Evaluation Program for Analysis of Cryptosporidium, etc., 54643–54644
Meetings:
Ozone Transport Commission and the Mid-Atlantic Northeast Visibility Union, 54644–54645

Export-Import Bank
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 54645

Federal Aviation Administration
RULES
Airworthiness Directives:
Piper Aircraft, Inc. Airplanes, 54561
Amendment of Class D Airspace:
Santa Monica, CA, 54561–54562
Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures, 54562–54566
PROPOSED RULES
Airworthiness Directives:
AgustaWestland S.p.A. (Type Certificate Formerly Held By Agusta S.p.A) (Agusta) Helicopters, 54596–54598
Pacific Scientific Aviation Services (Pacific Scientific) Seat Restraint System Rotary Buckle Assemblies, 54594–54596

Federal Communications Commission
PROPOSED RULES
Closed Captioning of Internet Protocol-Delivered Video Programming:
Implementation of the Twenty-First Century Communications and Video Accessibility Act, 54612
NOTICES
Meetings:
North American Numbering Council, 54645–54646

Federal Energy Regulatory Commission
NOTICES
Applications:
Alabama Power Co., 54640–54641
Lock 12 Hydro Partners, 54642–54643
Lock 14 Hydro Partners, 54641–54642
Preliminary Permit Applications:
KC Scoby Hydro, LLC, 54643

Federal Maritime Commission
NOTICES
Agreements Filed, 54646

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 54646–54647

Federal Motor Carrier Safety Administration
NOTICES
Brokers of Property and Freight Forwarders; Registration and Financial Security Requirements, 54720–54722

Federal Reserve System
NOTICES
Changes in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 54647
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 54647–54648
Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies, 54648
Proposals to Engage in or to Acquire Companies Engaged in Permissible Nonbanking Activities, 54648

Federal Trade Commission
RULES
Energy and Water Use Labeling for Consumer Products under the Energy Policy and Conservation Act (Energy Labeling Rule); Correction, 54566–54568

Fish and Wildlife Service
PROPOSED RULES
Endangered and Threatened Wildlife and Plants:
Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf, 54613–54614
Removing the Gray Wolf (Canis lupus) from the List of Endangered and Threatened Wildlife, etc., 54614–54616

Food and Drug Administration
RULES
General Enforcement Regulations; CFR Correction, 54568
NOTICES
Draft Standard Operating Procedure for Level 1, Immediately in Effect Guidance; Availability, etc.:
Center for Devices and Radiological Health; Premarket Data Issues, 54655
Fee for Using a Priority Review Voucher in Fiscal Year 2014, 54656–54657
Guidance; Availability:
Tobacco Retailer Training Programs, 54657–54658
Meetings:
Allergenic Products Advisory Committee, 54658–54659

Foreign Assets Control Office
NOTICES
Basic Medical Supplies List; Update, 54731–54733

Foreign-Trade Zones Board
NOTICES
Production Activities:
Puma Energy Caribe, LLC (Biodiesel Blending), Foreign-Trade Zone 7, Mayaguez, PR, 54623

General Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Acquisition Regulation; American Recovery and Reinvestment Act—Reporting Requirements—One-Time Reporting for First-tier Subcontractors, 54650–54651
Federal Acquisition Regulation; American Recovery and Reinvestment Act—Reporting Requirements—One-Time Reporting, Compensation Requirements, 54648–54649
Maximum Per Diem Rates for the Continental United States, 54651

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Single-Source Grant Awards:
Association for State and Territorial Health Officials, 54652
National Association of County and City Health Officials, 54651–54652

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 54659–54663
National Vaccine Injury Compensation Program:
List of Petitions Received, 54663–54664

Homeland Security Department
See Coast Guard

Indian Affairs Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Proposed RES Americas Moapa Solar Energy Center, Clark County, NV, 54669–54670
Indian Gaming:
Tribal-State Class III Gaming Compact, 54670
Liquor Control Ordinances:
Miami Tribe of Oklahoma, 54670–54674

Industry and Security Bureau
NOTICES
Effects of Foreign Policy-Based Export Controls, 54623–54625

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
NOTICES
Meetings:
Exxon Valdez Oil Spill Public Advisory Committee, 54669

Internal Revenue Service
RULES
Debt That is a Position in Personal Property That is Part of a Straddle, 54568–54569
PROPOSED RULES
Debt That Is a Position in Personal Property That Is Part of a Straddle, 54598–54599

International Trade Administration
NOTICES
Applications for Duty Free Entry of Electron Microscopes:
Pacific Northwest National Laboratory, et al., 54625
Countervailing Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Citric Acid and Certain Citrate Salts from the People's Republic of China, 54625–54626

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, Rulings, etc.:
Trade, Investment, and Industrial Policies in India; Effects on the U.S. Economy; Hearings, 54677–54678

Justice Department
See Justice Programs Office

Justice Programs Office
NOTICES
Advisory Committees; Establishments:
Attorney General's Task Force on American Indian/Alaska Native Children Exposed to Violence, 54678–54679

Labor Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Evaluation the Accessibility of American Job Centers for People with Disabilities, 54679–54680

Land Management Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Gold Rock Mine Project, White Pine County, NV, 54674–54675
Fee Collections:
Public Lands in the Red Cliffs National Conservation Area, Washington County, UT, 54675–54676
Plats of Surveys:
Arizona, 54676
Records of Decisions; Availability:
West Chocolate Mountains Renewable Energy Evaluation Area and California Desert Conservation Area Plan Amendment, Imperial County, CA, 54676–54677

Mine Safety and Health Federal Review Commission
See Federal Mine Safety and Health Review Commission

National Aeronautics and Space Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Acquisition Regulation; American Recovery and Reinvestment Act—Reporting Requirements—One-Time Reporting for First-tier Subcontractors, 54650–54651

Federal Acquisition Regulation; American Recovery and Reinvestment Act—Reporting Requirements—One-Time Reporting, Compensation Requirements, 54648–54649
Federal Advisory Committees; Requests for Nominations, 54680–54681

National Credit Union Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 54681–54685

National Highway Traffic Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 54722–54725
Buy America Waivers, 54725–54727
Reports, Forms, and Record Keeping Requirements, 54727–54730

National Institute of Standards and Technology
NOTICES
Federal Information Processing Standard Publication:
Personal Identity Verification of Federal Employees and Contractors; Approvals, 54626–54629

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 54664–54666
National Institute on Aging, 54665

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Greenland Turbot in the Bering Sea and Aleutian Islands Management Area, 54591–54592
Pacific Cod by Catcher/Processors Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska, 54592–54593
NOTICES
Meetings:
Western Alaska Community Development Quota Program, Freezer Longline Cooperative; Public Workshop, 54629

National Science Foundation
NOTICES
Antarctic Conservation Act Permits, 54685–54686
Meetings:
National Science Foundation, 54686
Permit Applications under the Antarctic Conservation Act, 54686

Navy Department
NOTICES
Environmental Impact Statements; Availability, etc.:
EA–18G Growler Airfield Operations, Naval Air Station Whidbey Island, Washington, 54635–54636

Peace Corps
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 54686–54687

Postal Regulatory Commission
NOTICES
International Mail Contracts, 54687–54688
Negotiated Service Agreements, 54688–54690

Rural Housing Service
NOTICES
Funding Availabilities:
Farm Labor Housing Loans and Grants for Off-farm Housing for Fiscal Year 2013; Correction, 54621

Saint Lawrence Seaway Development Corporation
NOTICES
Meetings:
Saint Lawrence Seaway Development Corporation Advisory Board, 54730

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Felons and Other Bad Actors Disclosure Statement, 54690–54691
Applications:
American General Life Insurance Co., et al., 54691–54694
Self-Regulatory Organizations; Proposed Rule Changes:
Depository Trust Co., 54696–54697
Financial Industry Regulatory Authority, Inc., 54694–54696
ICE Clear Europe Ltd., 54713–54715, 54718–54720
New York Stock Exchange LLC, 54704–54707
NYSE Arca, Inc., 54700–54704, 54710–54712, 54715–54718
NYSE MKT, LLC, 54697–54700
Options Clearing Corp., 54707–54710

State Department
NOTICES
Foreign Missions Act Determinations, 54720

Surface Transportation Board
RULES
Information Required in Notices and Petitions Containing Interchange Commitments, 54589–54591

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See National Highway Traffic Safety Administration
See Saint Lawrence Seaway Development Corporation
See Surface Transportation Board

Treasury Department
See Foreign Assets Control Office
See Internal Revenue Service

Veterans Affairs Department
NOTICES
Meetings:
National Research Advisory Council, 54733

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

14 CFR
39.....54561
71.....54561
97 (2 documents).....54562, 54564

Proposed Rules:
39 (2 documents).....54594, 54596

16 CFR
305.....54566

21 CFR
1.....54568

26 CFR
1.....54568

Proposed Rules:
1.....54598

33 CFR
100 (2 documents).....54569, 54571
165 (8 documents).....54574, 54576, 54578, 54581, 54583, 54585, 54587, 54588

Proposed Rules:
165.....54599

34 CFR
Subtitle A.....54588

40 CFR

Proposed Rules:
52.....54602
60.....54606
63.....54606

47 CFR

Proposed Rules:
79.....54612

49 CFR
1121.....54589
1150.....54589
1180.....54589

50 CFR
679 (2 documents).....54591, 54592

Proposed Rules:
17 (2 documents).....54613, 54614

Rules and Regulations

Federal Register
Vol. 78, No. 172
Thursday, September 5, 2013

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0983; Directorate Identifier 2012–CE–001–AD; Amendment 39–17457; AD 2013–10–04]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to all Piper Aircraft, Inc. Models PA–31, PA–31–325, and PA–31–350 airplanes. Table 1 of paragraph (g) lists the incorrect model/part number for the Model PA–31–350, tail pipe assembly, top. This document corrects that error. In all other respects, the original document remains the same.

DATES: This final rule is effective September 5, 2013. The effective date for AD 2013–10–04 (78 FR 35110, June 12, 2013) remains July 17, 2013.

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

FOR FURTHER INFORMATION CONTACT: Gary Wechsler, Aerospace Engineer, Atlanta Aircraft Certification Office, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474–5575; fax: (404) 474–5606; email: *gary.wechsler@faa.gov.*

SUPPLEMENTARY INFORMATION: Airworthiness Directive 2013–10–04 (78 FR 35110, June 12, 2013), currently requires a detailed repetitive inspection of the exhaust system, expanding the inspection scope to include the entirety of each airplane exhaust system, and repair or replacement of parts as necessary for all Piper Aircraft, Inc. Models PA–31, PA–31–325, and PA–31–350 airplanes.

As published, the part number for the tail pipe assembly, top; under the Model PA–31–350; in Table 1 of paragraph (g) is incorrect.

No other part of the preamble or regulatory information has been changed; therefore, only the changed portion of the final rule is being published in the **Federal Register**.

The effective date of this AD remains July 17, 2013.

Correction of Regulatory Text

§ 39.13 [Corrected]

In the **Federal Register** of June 12, 2013, AD 2013–10–04; Amendment 39–17457 is corrected as follows:

On page 35114, we are revising Table 1 of paragraph (g)—Recurring 60-hour Inspections for Lycoming and Piper Exhaust System Parts, for the entry ''tail pipe assembly, top'' in the third sub-column of column 3, Model/part number, remove ''40319–10'' and add ''40310–10'' in its place.

Issued in Kansas City, Missouri, on August 28, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–21453 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2011–0611; Airspace Docket No. 11–AWP–11]

Amendment of Class D Airspace; Santa Monica, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class D airspace at Santa Monica Municipal Airport, Santa Monica, CA, to accommodate aircraft departing and arriving under Instrument Flight Rules (IFR) at the airport. This action initiated by the biennial review of the Santa Monica Municipal Airport airspace area, and on the results of a study conducted by the Los Angeles Visual Flight Rules (VFR) Task Force, and the Los Angeles Class B Workgroup, enhances the safety and management of aircraft operations at the airport. Adjustments to the geographic coordinates of the airport also are made.

DATES: Effective date, 0901 UTC, December 12, 2013. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

SUPPLEMENTARY INFORMATION:

History

On October 27, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify controlled airspace at Santa Monica, CA (76 FR 66662). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, the Los Angeles VFR Airspace Task Force reassessed the proposal and on June 25, 2013, the FAA published in the **Federal Register** a supplemental notice of proposed rulemaking (SNPRM) to

further modify controlled airspace at Santa Monica, CA (78 FR 37997). Interested parties were invited to participate in the rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D airspace designations are published in paragraph 5000, of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR Part 71.1. The Class D airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying the Class D airspace area to within a 4-mile radius of Santa Monica Municipal Airport, Santa Monica, CA, with a segment extending from the 4-mile radius to 4.6 miles northeast of the airport, to accommodate IFR aircraft departing and arriving at the airport. The geographic coordinates of the airport are updated to coincide with the FAA's aeronautical database. Expanding the current Santa Monica Municipal Airport Class D airspace reduces those areas that pose a high collision risk to low level commercial, general aviation, military and helicopter operations.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies controlled airspace at Santa Monica Municipal Airport, Santa Monica, CA.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR part 71.1 of the Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012 is amended as follows:

Paragraph 5000 Class D airspace.

* * * * *

AWP CA D Santa Monica, CA [Modified]

Santa Monica Municipal Airport, CA
(Lat. 34°0′57″ N., long. 118°27′05″ W.)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4-mile radius of the Santa Monica Municipal Airport, and within 1.5 miles each side of the 047° bearing of the Santa Monica Airport extending from the 4-mile radius to 4.6 miles northeast of the airport, excluding that airspace within the Los Angeles, CA, Class D airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in Seattle, Washington, on August 19, 2013.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2013–21497 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30917; Amdt. No. 3552]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 5, 2013. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 5, 2013.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on August 16, 2013.

John Duncan,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
9/19/13	OR	Aurora	Aurora State	3/0113	8/7/13	RNAV (GPS) RWY 17, Orig-B.
9/19/13	OR	Aurora	Aurora State	3/0114	8/7/13	RNAV (GPS) RWY 35, Orig-C.
9/19/13	OR	Aurora	Aurora State	3/0115	8/7/13	RNAV (GPS) B, Orig.
9/19/13	OR	Aurora	Aurora State	3/0116	8/7/13	LOC RWY 17, Amdt 1.
9/19/13	OR	Aurora	Aurora State	3/0117	8/7/13	VOR/DME A, Amdt 3.
9/19/13	VA	Warrenton	Warrenton-Fauquier	3/0309	8/7/13	VOR RWY 15, Amdt 4A.
9/19/13	MO	Springfield	Springfield-Branson National.	3/1426	8/7/13	VOR OR TACAN RWY 20, Amdt 18C.
9/19/13	MO	Springfield	Springfield-Branson National.	3/1431	8/7/13	VOR/DME OR TACAN RWY 2, Orig-B.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
9/19/13	MO	Springfield	Springfield-Branson National.	3/1432	8/7/13	RNAV (GPS) RWY 2, Amdt 2.
9/19/13	MO	Springfield	Springfield-Branson National.	3/1433	8/7/13	ILS OR LOC RWY 2, Amdt 18.
9/19/13	MO	Springfield	Springfield-Branson National.	3/1439	8/7/13	RNAV (GPS) RWY 20, Amdt 2.
9/19/13	MO	Dexter	Dexter Muni	3/1621	8/7/13	RNAV (GPS) RWY 36, Amdt 1.
9/19/13	NY	Fulton	Oswego County	3/1772	8/7/13	ILS OR LOC RWY 33, Amdt 1.
9/19/13	NY	Fulton	Oswego County	3/1773	8/7/13	RNAV (GPS) RWY 33, Orig.
9/19/13	NY	Fulton	Oswego County	3/1774	8/7/13	RNAV (GPS) RWY 24, Amdt 1.
9/19/13	NY	Fulton	Oswego County	3/1775	8/7/13	RNAV (GPS) RWY 15, Orig.
9/19/13	TX	Lufkin	Angelina County	3/3725	8/7/13	RNAV (GPS) RWY 33, Amdt 1.
9/19/13	TX	Lufkin	Angelina County	3/3726	8/7/13	VOR RWY 33, Amdt 14.
9/19/13	TX	Lufkin	Angelina County	3/3727	8/7/13	RNAV (GPS) RWY 25, Amdt 1.
9/19/13	TX	Lufkin	Angelina County	3/3734	8/7/13	RNAV (GPS) RWY 15, Orig.
9/19/13	PA	Philipsburg	Mid-State	3/3785	8/7/13	VOR RWY 24, Amdt 16.
9/19/13	NC	Rocky Mount	Rocky Mount-Wilson Rgnl	3/4153	8/7/13	VOR/DME RWY 22, Amdt 3.
9/19/13	NC	Rocky Mount	Rocky Mount-Wilson Rgnl	3/4158	8/7/13	RNAV (GPS) RWY 4, Amdt 1A.
9/19/13	FL	Palatka	Palatka Muni—Lt. Kay Larkin Field.	3/4489	8/7/13	Takeoff Minimums and (Obstacle) DP, Orig.
9/19/13	NC	Charlotte	Charlotte/Douglas Intl	3/6339	8/7/13	ILS OR LOC RWY 23, Amdt 3A.
9/19/13	NC	Charlotte	Charlotte/Douglas Intl	3/6341	8/7/13	ILS OR LOC RWY 36L, Orig-B.
9/19/13	OR	Astoria	Astoria Rgnl	3/6538	8/9/13	ILS RWY 26, Amdt 2C.
9/19/13	MS	Indianola	Indianola Muni	3/9451	8/7/13	VOR/DME A, Amdt 9B.
9/19/13	MS	Indianola	Indianola Muni	3/9452	8/7/13	VOR/DME B, Amdt 5B.
9/19/13	WA	Deer Park	Deer Park	3/9633	8/7/13	NDB A, Amdt 2A.

[FR Doc. 2013–21238 Filed 9–4–13; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30916; Amdt. No. 3551]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 5, 2013. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 5, 2013.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials.

The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on August 16, 2013.

John Duncan,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 19 SEPTEMBER 2013

Montgomery, AL, Montgomery Rgnl (Dannelly Field), ILS OR LOC RWY 10, Amdt 23G
Montgomery, AL, Montgomery Rgnl (Dannelly Field), ILS Y OR LOC RWY 28, Amdt 11
Montgomery, AL, Montgomery Rgnl (Dannelly Field), ILS Z RWY 28, Orig
Montgomery, AL, Montgomery Rgnl (Dannelly Field), RNAV (GPS) RWY 10, Amdt 1A
Montgomery, AL, Montgomery Rgnl (Dannelly Field), RNAV (GPS) RWY 28, Amdt 1A
San Diego, CA, Brown Field Muni, RNAV (GPS) RWY 8L, Amdt 1
Torrance, CA, Zamperini Field, RNAV (GPS) RWY 29R, Orig-A
Upland, CA, Cable, RNAV (GPS) RWY 6, Amdt 1
Fernandina Beach, FL, Fernandina Beach Muni, RNAV (GPS) RWY 13, Amdt 2
Fernandina Beach, FL, Fernandina Beach Muni, RNAV (GPS) RWY 22, Amdt 1
Fernandina Beach, FL, Fernandina Beach Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Jacksonville, FL, Cecil, TACAN RWY 9R, Orig
Jacksonville, FL, Cecil, TACAN RWY 27L, Orig
Key West, FL, Key West Intl, RADAR 1, Amdt 5
Lakeland, FL, Lakeland Linder Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1
Venice, FL, Venice Muni, RNAV (GPS) RWY 5, Orig
Venice, FL, Venice Muni, RNAV (GPS) RWY 23, Orig
Venice, FL, Venice Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Atlanta, GA, Hartsfield-Jackson Atlanta Intl, ILS OR LOC RWY 8L, ILS RWY 8L (SA CAT I), ILS RWY 8L (CAT II), ILS RWY 8L (CAT III), Amdt 4B
Atlanta, GA, Hartsfield-Jackson Atlanta Intl, ILS OR LOC RWY 28, ILS RWY 28 (SA CAT I), ILS RWY 28 (CAT II), Amdt 3A
Atlanta, GA, Hartsfield-Jackson Atlanta Intl, ILS PRM RWY 8L, ILS PRM RWY 8L (SA CAT I), ILS PRM RWY 8L (CAT II), ILS PRM RWY 8L (CAT III) (SIMULTANEOUS CLOSE PARALLEL), Amdt 1B
Atlanta, GA, Hartsfield-Jackson Atlanta Intl, ILS PRM RWY 28, ILS PRM RWY 28 (SA CAT I), ILS PRM RWY 28 (CAT II) (SIMULTANEOUS CLOSE PARALLEL), Amdt 3B
Atlanta, GA, Hartsfield-Jackson Atlanta Intl, RNAV (GPS) Y RWY 8L, Amdt 3A
Atlanta, GA, Hartsfield-Jackson Atlanta Intl, RNAV (GPS) Y RWY 28, Amdt 3A
Atlanta, GA, Hartsfield-Jackson Atlanta Intl, RNAV (RNP) Z RWY 8L, Amdt 1A
Atlanta, GA, Hartsfield-Jackson Atlanta Intl, RNAV (RNP) Z RWY 28, Amdt 2A
Sioux City, IA, Sioux Gateway/Col. Bud Day Field, RNAV (GPS) RWY 17, Orig-C
Robinson, IL, Crawford Co, NDB RWY 17, Amdt 8
Indianapolis, IN, Indianapolis Rgnl, RNAV (GPS) RWY 16, Amdt 1
Indianapolis, IN, Indianapolis Rgnl, RNAV (GPS) RWY 34, Amdt 1
Kokomo, IN, Kokomo Muni, RNAV (GPS) RWY 14, Orig
Kokomo, IN, Kokomo Muni, RNAV (GPS) RWY 32, Orig
Mount Sterling, KY, Mount Sterling-Montgomery County, GPS RWY 21, Amdt 1B, CANCELED
Mount Sterling, KY, Mount Sterling-Montgomery County, NDB RWY 3, Amdt 2
Mount Sterling, KY, Mount Sterling-Montgomery County, NDB RWY 21, Amdt 2
Mount Sterling, KY, Mount Sterling-Montgomery County, RNAV (GPS) RWY 3, Orig
Mount Sterling, KY, Mount Sterling-Montgomery County, RNAV (GPS) RWY 21, Orig
Russellville, KY, Russellville-Logan County, RNAV (GPS) RWY 24, Orig
Russellville, KY, Russellville-Logan County, Takeoff Minimums and Obstacle DP, Amdt 3
Russellville, KY, Russellville-Logan County, VOR/DME RWY 24, Amdt 7
Vineyard Haven, MA, Marthas Vineyard, RNAV (GPS) RWY 15, Orig-A
Grand Ledge, MI, Abrams Muni, RNAV (GPS) RWY 9, Orig
Hancock, MI, Houghton County Memorial, RNAV (GPS) RWY 25, Amdt 1
Menominee, MI, Menominee-Marinette Twin County, RNAV (GPS) RWY 32, Amdt 1
Columbia, MS, Columbia-Marion County, RNAV (GPS) RWY 5, Orig

Columbia, MS, Columbia-Marion County, RNAV (GPS) RWY 23, Amdt 1
Jackson, MS, Jackson-Medgar Wiley Evers International, Takeoff Minimums and Obstacle DP, Amdt 2
Raymond, MS, John Bell Williams, RNAV (GPS) RWY 30, Amdt 3A
Akron, NY, Akron, RNAV (GPS) RWY 7, Amdt 2
Akron, NY, Akron, RNAV (GPS) RWY 25, Amdt 2
Lebanon, OH, Warren County/John Lane Field, RNAV (GPS) RWY 1, Amdt 2
Lebanon, OH, Warren County/John Lane Field, RNAV (GPS) RWY 19, Amdt 3
Bellefonte, PA, Bellefonte, RNAV (GPS) RWY 7, Orig
Bellefonte, PA, Bellefonte, RNAV (GPS) RWY 25, Orig
Bellefonte, PA, Bellefonte, Takeoff Minimums and Obstacle DP, Amdt 1
Bellefonte, PA, Bellefonte, VOR–A, Amdt 2
Allendale, SC, Allendale County, GPS RWY 17, Orig-C, CANCELED
Allendale, SC, Allendale County, GPS RWY 35, Amdt 1B, CANCELED
Allendale, SC, Allendale County, RNAV (GPS) RWY 17, Orig
Allendale, SC, Allendale County, RNAV (GPS) RWY 35, Orig
Allendale, SC, Allendale County, Takeoff Minimums and Obstacle DP, Amdt 1
Sioux Falls, SD, Joe Foss Field, ILS OR LOC RWY 3, Amdt 27E
Sioux Falls, SD, Joe Foss Field, RNAV (GPS) RWY 3, Amdt 1A
Sioux Falls, SD, Joe Foss Field, RNAV (GPS) RWY 15, Orig-E
Sioux Falls, SD, Joe Foss Field, RNAV (GPS) RWY 21, Amdt 1A
Sioux Falls, SD, Joe Foss Field, RNAV (GPS) RWY 33, Orig-D
Fort Worth, TX, Bourland Field, RNAV (GPS) RWY 35, Amdt 1
Fort Worth, TX, Bourland Field, Takeoff Minimums and Obstacle DP, Amdt 1
San Antonio, TX, San Antonio Intl, RNAV (RNP) Z RWY 12R, Orig-A
Wallops Island, VA, Wallops Flight Facility, RNAV (GPS) RWY 4, Amdt 1
Wallops Island, VA, Wallops Flight Facility, RNAV (GPS) RWY 10, Amdt 1
Wallops Island, VA, Wallops Flight Facility, RNAV (GPS) RWY 17, Amdt 1
Wallops Island, VA, Wallops Flight Facility, RNAV (GPS) RWY 22, Amdt 1
Wallops Island, VA, Wallops Flight Facility, RNAV (GPS) RWY 28, Amdt 1
Wallops Island, VA, Wallops Flight Facility, RNAV (GPS) RWY 35, Orig
Wallops Island, VA, Wallops Flight Facility, VOR/DME OR TACAN RWY 10, Amdt 6
Wallops Island, VA, Wallops Flight Facility, VOR OR TACAN RWY 17, Amdt 7
Amery, WI, Amery Muni, RNAV (GPS) RWY 18, Amdt 1
Amery, WI, Amery Muni, RNAV (GPS) RWY 36, Amdt 1
Burlington, WI, Burlington Muni, RNAV (GPS) RWY 11, Orig
Burlington, WI, Burlington Muni, RNAV (GPS) RWY 29, Amdt 1
Burlington, WI, Burlington Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Burlington, WI, Burlington Muni, VOR–A, Amdt 2

Effective 17 OCTOBER 2013

Maryville, MO, Northwest Missouri Rgnl, Takeoff Minimums and Obstacle DP, Amdt 4

[FR Doc. 2013–21282 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 305

RIN 3084–AB03

Energy Labeling Rule

AGENCY: Federal Trade Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Trade Commission published a final rule on July 23, 2013 revising its Energy Labeling Rule. This document makes a technical correction to the Sample Label 3 in Appendix L of the Rule.

DATES: Effective November 15, 2013.

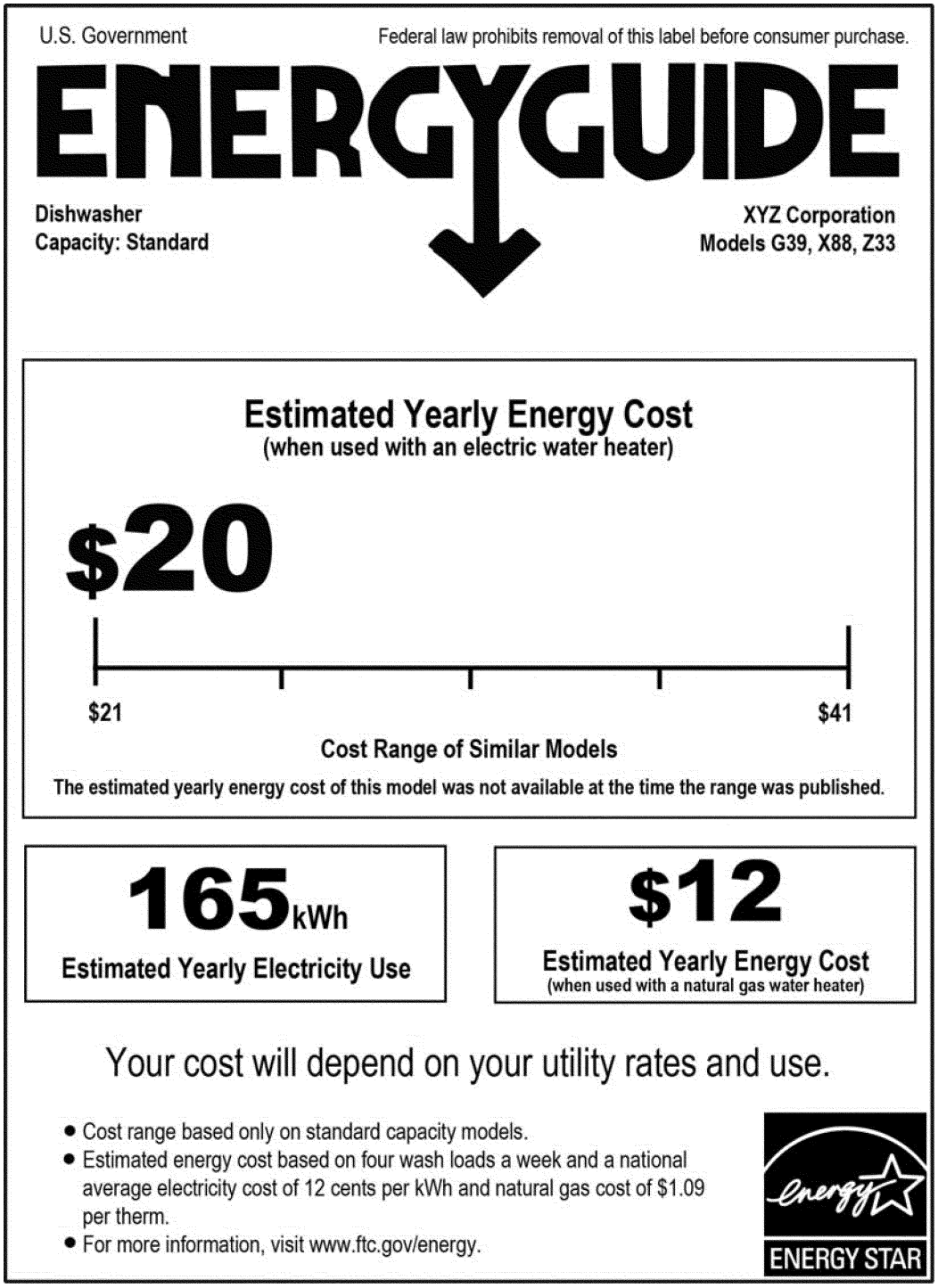
FOR FURTHER INFORMATION CONTACT: Hampton Newsome, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580, (202) 326–2889.

SUPPLEMENTARY INFORMATION: In FR Doc. 2013–17553, appearing on page 43974 in the **Federal Register** of Tuesday, July 23, 2013, the following correction is made:

Appendix L to Part 305—[Corrected]

■ On page 46994, Sample Label 3 is corrected to read as follows:

BILLING CODE 6750–01–P



Sample Label 3 - Dishwasher

By direction of the Commission.

Donald S. Clark

Secretary.

[FR Doc. 2013–21601 Filed 9–4–13; 8:45 am]

BILLING CODE 6750–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1

General Enforcement Regulations

CFR Correction

■ In Title 21 of the Code of Federal Regulations, Parts 1 to 199, revised as of April 1, 2013, on page 7, in § 1.20, the introductory text is corrected to read as follows:

§ 1.20 Presence of mandatory label information.

Except as otherwise provided by section 900(13) of the Family Smoking Prevention and Tobacco Control Act (21 U.S.C. 387(13)) defining ''package,'' the term *package* means any container or wrapping in which any food, drug, device, or cosmetic is enclosed for use in the delivery or display of such commodities to retail purchasers, but does not include:

* * * * *

BILLING CODE 1505–01–D

[FR Doc. 2013–21740 Filed 9–4–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9635]

RIN 1545–BK89

Debt That Is a Position in Personal Property That Is Part of a Straddle

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains final and temporary regulations relating to the application of the straddle rules to a debt instrument. The temporary regulations clarify that a taxpayer's obligation under a debt instrument can be a position in personal property that is part of a straddle. The temporary regulations primarily affect taxpayers that issue debt instruments that provide for one or more payments that reference the value of personal property or a position in personal property. The text of these temporary regulations also serves as the text of the proposed regulations (REG–111753–12) set forth in the Proposed Rules section in this issue of the **Federal Register**.

DATES: *Effective Date:* These regulations are effective on September 5, 2013.

Applicability Dates: For date of applicability, see § 1.1092(d)–1T(e).

FOR FURTHER INFORMATION CONTACT: Mary Brewer, (202) 622–4695 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

1. Summary of Prior Notice of Proposed Rule Making

This document contains amendments to 26 CFR part 1. On January 18, 2001, a notice of proposed rulemaking (REG–105801–00; RIN 1545–AX92) (the 2001 NPRM) was published in the **Federal Register** (66 FR 4746). The 2001 NPRM addresses the definition of personal property for purposes of section 263(g) of the Internal Revenue Code (Code), the types of expenses subject to capitalization, and the operation of the capitalization rules. Another portion of the 2001 NPRM (proposed regulation § 1.1092(d)–1(d)) would clarify the circumstances under which an issuer's position under a debt instrument is treated as a position in personal property that is part of a straddle.

No public hearing was requested or held. Written and electronic comments responding to the 2001 NPRM were received, and the only commenter that substantively addressed proposed § 1.1092(d)–1(d) urged its adoption. This Treasury Decision adopts proposed § 1.1092(d)–1(d) (REG–105801–00) in the form proposed. As so adopted, this provision is designated as § 1.1092(d)–1T(d). This Treasury Decision also adopts the 2001 NPRM's proposed amendment to the effective/applicability dates (proposed § 1.1092(d)–1(e)). As so adopted, this effective/applicability date is designated as § 1.1092(d)–1T(e)(2). The amendments are discussed in section 2 of this preamble. The remainder of the 2001 NPRM remains proposed.

2. Overview of the Temporary Regulations

The temporary regulations provide guidance under section 1092 regarding when an issuer's obligation under a debt instrument may be a position in actively traded personal property and, therefore, may be part of a straddle.

Definition of Personal Property for Purposes of Section 1092

Section 1092(d)(1) defines ''personal property'' to mean ''personal property of a type that is actively traded.'' A debt or obligation generally is not property of the debtor or obligor. Nevertheless, if a debt instrument provides for payments that are (or are reasonably expected to be) linked to the value of personal property as so defined, then the obligor on the instrument has a position in the personal property referenced by the debt instrument.

Section 1092(d)(7) provides that if a debt instrument is denominated in a nonfunctional currency, the obligor's position under the debt obligation is a position in the nonfunctional currency. Some maintain that section 1092(d)(7) evidences an intent by Congress to limit the circumstances in which an obligor's interest in a debt instrument may be a position in a straddle, and that such treatment is proper only with respect to debt obligations denominated in nonfunctional currency. The IRS and the Treasury Department do not believe that section 1092(d)(7) describes the only circumstance in which an obligor's interest in a debt instrument may be treated as part of a straddle. The statute and the legislative history do not contain any indication that Congress intended to limit section 1092 in this manner; rather, the legislative history characterizes section 1092(d)(7) as a clarification of prior law:

> The Senate amendment clarifies that an obligor's interest in a foreign currency denominated obligation is a ''position'' for purposes of the loss deferral rule. The rationale for this treatment is that a foreign currency borrowing is economically similar to a short position in the foreign currency.

H.R. Rep. No. 99–841, pt. 2, at 670 (1986) (Conf. Rep.); 1986–3 (Vol. 4) CB 670. Moreover, it is clear that an economic exposure associated with an obligation that is not a debt instrument (such as a written option or the obligation created by a short sale) may be a straddle position. Similarly, a debt instrument may be a position in personal property, and accordingly subject to the straddle rules, if the obligation is linked to personal property. Therefore, § 1.1092(d)–1T(d) of the temporary regulations expressly provides that an obligation under a debt instrument may be a position in personal property that is part of a straddle.

Dates of Applicability of the Regulations

The temporary regulations adopt the effective/applicability date set forth in the 2001 NPRM by providing that

§ 1.1092(d)–1T(d) applies to straddles established on or after January 17, 2001 (the date on which the 2001 NPRM was filed with the **Federal Register**). No inference is intended with respect to straddles established prior to January 17, 2001. In appropriate cases, the IRS may take the position under section 1092(d)(2) that, even in the absence of a regulation, an obligation under a debt instrument was part of a straddle prior to the effective date of § 1.1092(d)–1T(d) if the debt instrument functioned economically as an interest in actively traded personal property.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. For the applicability of the Regulatory Flexibility Act (5 U.S.C. chapter 6) refer to the Special Analyses section of the preamble to the cross-reference notice of proposed rulemaking published in the Proposed Rules section in this issue of the **Federal Register**. Pursuant to section 7805(f) of the Code, this regulation has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Mary Brewer, Office of Associate Chief Counsel (Financial Institutions and Products). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding an entry in numerical order to read as follows:

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

Section 1.1092(d)–1T also issued under 26 U.S.C. 1092(b)(1). * * *

■ **Par. 2.** Section 1.1092(d)–1 is amended by redesignating paragraph (d) as newly-designated paragraph (e) and revising newly-designated paragraph (e), and adding new paragraph (d) to read as follows:

§ 1.1092(d)–1 Definitions and special rules.

* * * * *

(d) [Reserved]. For further guidance, see § 1.1092(d)–1T(d).

(e) *Effective/applicability dates.* (1) Paragraph (b)(1)(vii) of this section applies to positions entered into on or after October 14, 1993. Paragraph (c) of this section applies to positions entered into on or after July 8, 1991.

(2) [Reserved]. For further guidance, see § 1.1092(d)–1T(e)(2).

■ **Par. 3.** Section 1.1092(d)–1T is added to read as follows:

§ 1.1092(d)–1T Definitions and special rules (temporary).

(a) through (c) [Reserved]. For further guidance, see § 1.1092(d)–1(a) through (c).

(d) *Debt instrument linked to the value of personal property.* If a taxpayer is the obligor under a debt instrument one or more payments on which are linked to the value of personal property or a position with respect to personal property, then the taxpayer's obligation under the debt instrument is a position with respect to personal property and may be part of a straddle.

(e) *Effective/applicability dates*—(1) [Reserved]. For further guidance, see § 1.1092(d)–1(e)(1).

(2) Notwithstanding paragraph (e)(1) of this section, paragraph (d) of this section applies to straddles established on or after January 17, 2001.

(f) *Expiration date.* The applicability of this section expires on September 2, 2016.

Approved: August 26, 2013.

Beth Tucker,

Deputy Commissioner for Operations Support.

Mark J. Mazur,

Assistant Secretary (Tax Policy).

[FR Doc. 2013–21540 Filed 9–4–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[USCG–2013–0721]

RIN 1625–AA08

Special Local Regulation, Cumberland River, Mile 190.0 to 192.0; Nashville, TN

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for the waters of the Cumberland River beginning at mile marker 190.0 and ending at mile marker 192.0, extending bank to bank. This zone is necessary to protect participants in the Cumberland River Dragon Boat Festival. Entry into this area is prohibited unless specifically authorized by the Captain of the Port (COTP) Ohio Valley or designated representative.

DATES: This rule is effective and enforceable through actual notice from 8:00 a.m. to 6:00 p.m. September 7, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0721]. 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 temporary rule, call Petty Officer James Alter, Marine Safety Detachment Nashville, at (615) 736–5421 or email at *james.r.alter@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

BNM Broadcast Notices to Mariners
COTP Captain of the Port
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)(3)(B), the Coast Guard finds that good cause exists for not publishing a

notice of proposed rulemaking (NPRM) with respect to this rule. This event is currently in the CFR in Table 1 of 100.801 Eighth Coast Guard District Table of Annual Marine Events, Table No. 37, Sector Ohio Valley No. 37. It is listed as occurring the second weekend in August. The event sponsor has changed the date to occur on September 7, 2013 this year. It will take place on the Cumberland River mile 190.0 to mile 192.0. A special local regulation is necessary during a marine event on the Cumberland River. There is no time to complete the notice and comment process of the APA, and immediate action is necessary to establish this special local regulation to protect participants and event personnel from the possible marine hazards present during the Festival. Delaying the special local regulation would also unnecessarily interfere with the planned event.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Providing a full 30 days notice and delaying the effective date for this special local regulation would be impracticable because immediate action is necessary to protect event participants from the possible marine hazards present during the Festival.

B. Basis and Purpose

The Cumberland River Dragon Boat Festival takes place on the Cumberland River from mile marker 190.0 to 192.0. The Coast Guard determined that a temporary special local regulation is needed to protect the 1000 participants in the Cumberland River Dragon Boat Festival. The legal basis and authorities for this rulemaking establishing a special local regulation are found in 33 U.S.C. 1233, which authorize the Coast Guard to establish and define special local regulations. The COTP Ohio Valley is establishing a special local regulation for the waters of the Cumberland River, beginning at mile marker 190.0 and ending at 192.0 to protect the participants in the Cumberland River Dragon Boat Festival. Entry into this area is prohibited unless specifically authorized by the COTP Ohio Valley or designated representative.

C. Discussion of the Final Rule

The COTP Ohio Valley is establishing a special local regulation for the waters of the Cumberland River, beginning at mile marker 190.0 and ending at 192.0, during the Cumberland River Dragon Boat Festival. During this event, vessels shall not enter into, depart from, or move within the area of this special local regulation without permission from the COTP Ohio Valley or his authorized representative. Persons or vessels requiring entry into or passage through the special local regulation must request permission from the COTP Ohio Valley, or a designated representative. They may be contacted on VHF–FM Channel 13 or 16, or through Coast Guard Sector Ohio Valley at 1–800–253–7465. This rule is effective from 8:00 a.m. to 6:00 p.m. September 7, 2013. The COTP Ohio Valley will inform the public through broadcast notices to mariners of the enforcement period for the special local regulation as well as any changes in the planned schedule.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under that Order.

This special local regulation restricts transit on the Cumberland River from mile marker 190.0 through 192.0 and covers a period of ten hours, from 8:00 a.m. to 6:00 p.m. September 7, 2013. Due to its short duration and limited scope, it does not pose a significant regulatory impact. Broadcast Notices to Mariners (BNM) will also inform the community of this special local regulation so that they may plan accordingly for this short restriction on transit. Vessel traffic may request permission from the COTP Ohio Valley or a designated representative to enter the restricted area.

2. Impact on Small Entities

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

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit mile marker 190.0 to 192.0 on the Cumberland River, from 8:00 a.m. to 6:00 p.m. on September 7, 2013. The special local regulation will not have a significant economic impact on a substantial number of small entities because this rule will be in effect for a short period of time. BNMs will also inform the community of this special local regulation so that they may plan accordingly for this short restriction on transit. Vessel traffic may request permission from the COTP Ohio Valley or a designated representative to enter the restricted area.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have

analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, To Minimize Litigation, Eliminate Ambiguity, and Reduce Burden.

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction. This rule involves establishing a temporary special local regulation to protect the participants in the Cumberland River Dragon Boat Festival on the Cumberland River from mile markers 190.0 to 192.0 for ten hour period on one day.

An environmental analysis was performed during the marine event permit process for the rowing event and a checklist and a categorical exclusion determination are not required for this special local regulation.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the U.S. Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. A new temporary § 100.T08–0721 is added to read as follows:

§ 100.T08–0721 Special Local Regulation; Cumberland River, Miles 190.0 to 192.0, Nashville, TN.

(a) *Location.* The following area is a special local regulation: All waters of the Cumberland River, beginning at mile marker 190.0 and ending at mile marker 192.0.

(b) *Effective date.* This section is effective from 8:00 a.m. to 6:00 p.m. on September 7, 2013.

(c) *Regulations.* (1) In accordance with the general regulations in § 100.35 of this part, entry into this area is prohibited unless authorized by the Captain of the Port Ohio Valley or a designated representative.

(2) Persons or vessels requiring entry into or passage through the area must request permission from the Captain of the Port Ohio Valley or a designated representative. U.S. Coast Guard Sector Ohio Valley may be contacted on VHF Channel 13 or 16, or at 1–800–253–7465.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Ohio Valley and designated U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(d) *Informational Broadcasts.* The Captain of the Port Ohio Valley or a designated representative will inform the public through broadcast notice to mariners when the special local regulation has been established and if there are changes to the enforcement period for this special local regulation.

Dated: August 9, 2013.

R.V. Timme,

Captain, U.S. Coast Guard Captain of the Port Ohio Valley.

[FR Doc. 2013–21623 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2013–0732]

RIN 1625–AA08

Special Local Regulation for Marine Event Hampton Bay Days Festival, Hampton River; Hampton, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the enforcement period of a special local regulation for one specific recurring marine event in the Fifth Coast Guard District. This regulation applies only to the Hampton Bay Days Festival, which consists of a Fireworks Display held at multiple locations along the Hampton River, Hampton, Virginia. This special local regulation is necessary to provide for

the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic on portions of the Hampton River near Hampton, Virginia during the event.

DATES: This rule will be effective on September 7, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0732]. 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

This marine event is regulated at 33 CFR 100.501, Table to § 100.501, section (c) line 9. This rule involves an annually occurring marine event that is scheduled to take place on the 2nd or 3rd Friday, Saturday, and Sunday. Hampton Bay Days has changed the date of the event to take place on Saturday September 7, 2013, which is the first Saturday in September not the second.

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) because the ambiguity of the current regulation does not cover the time frame specified for the event was not discovered until July 30, 2013. Because this was approximately 38 days before the event, it is impracticable to provide a full comment period due to lack of time.

Delaying this regulation's effective date for comment would be contrary to the public interest as immediate action is needed to ensure the safety of the event participants, spectator craft, and other vessels transiting the event area. The Coast Guard will provide advance notifications to users of the affected waterways of the safety zone via marine information broadcasts and local notice to mariners.

B. Basis and Purpose

Hampton Bay Days is sponsoring the three days Hampton Bay Days Festival, which includes a fireworks display over the waters of the Hampton River, near Hampton, Virginia on the Saturday of the festival.

The regulation listing annual marine events within the Fifth Coast Guard District and safety zones locations is 33 CFR 100.501. The Table to § 100.501 identifies special local regulations by COTP zone, with the COTP Hampton Roads zone listed in section ''(c)'' of the Table. The Table to § 100.501, at section (c) event Number ''9'' describes the enforcement date and regulated location for this marine event.

The fireworks display will occur this year on Saturday September 7, 2013 from 9:20 p.m. until 10 p.m. The fireworks will be launched from three different locations, one at 37°01′33″ N, 076°20′11″ W, one at 37°01′37″ N, 076°20′11″ W, and the last one at 37°01′35″ N, 076°20′01″ W, all of which are along the Settlers Landing Road Bridge and the nearby adjacent land.

C. Discussion of the Rule

The Coast Guard will temporarily suspend the regulation listed at section (c.) line No. 9 in the Table to § 100.501 and insert this temporary regulation at the Table to § 100.501 line No. 12 in order to reflect the correct date for this year's event. This change is needed to accommodate the change in date of the Hampton Bay Days Festival. No other portion of the Table to § 100.501 or other provisions in § 100.501 shall be affected by this regulation.

This special local regulation will restrict vessel movement in the waters of Sunset Creek and Hampton River shore to shore bounded to the north by the C & O Railroad Bridge and to the south by a line drawn from latitude 37°01′03″ N, longitude 076°20′26″ W, to latitude 37°01′01.5″ N, longitude 076°20′32″ W. The safety zone is needed to control vessel traffic and enhance the safety of spectators during the fireworks display. The regulation will be enforced from 9:20 p.m. to 10 p.m. on September 7, 2013. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area during the effective period.

In addition to notice in the **Federal Register**, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, and marine information broadcasts.

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 safety zone, 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 Hampton River from 9:20 p.m. until 10 p.m. on September 7, 2013.

This regulated area will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) It will only be in effect for a limited duration, and (ii) before the enforcement period of September 7, 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 INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

This rule will not 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 implementation of regulations within 33 CFR Part 100 that apply to organized marine events on the navigable waters of the United States that may have potential for negative impact on the safety or other interest of waterway users and shore side activities in the event area. 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 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. At § 100.501, in the Table to § 100.501, make the following amendments:

■ a. Under ''(c.) Coast Guard Sector Hampton Roads—COTP Zone,'' suspend entry 9.

■ b. Under ''(c.) Coast Guard Sector Hampton Roads—COTP Zone,'' add entry 12, which will be enforced from 9:20 p.m. to 10 p.m. on September 7, 2013 to read as follows:

§ 100.501 Special Local Regulations; Marine Events in the Fifth Coast Guard District.

* * * * *

TABLE TO § 100.501

No.	Date	Event	Sponsor	Location
*	*	*	*	* * *
(c.) Coast Guard Sector Hampton Roads—COTP Zone				
*	*	*	*	* * *
12	September 7, 2013 ..	Hampton Bay Days Festival.	Hampton Bay Days.	The waters of Sunset Creek and Hampton River shore to shore bounded to the north by the C & O Railroad Bridge and to the south by a line drawn from Hampton River Channel Light 16 (LL 5715), located at latitude 37°01′03.0″ N, longitude 076°20′26.0″ W, to the finger pier across the river at Fisherman's Wharf, located at latitude 37°01′01.5″ N, longitude 076°20′32.0″ W.

* * * * *

Dated: August 16, 2013.

John K. Little,

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

[FR Doc. 2013–21522 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2013–0791]

RIN 1625–AA00

Safety Zone; Tall Ships Erie 2013 Fireworks Show, Holland Street Pier, Presque Isle Bay, Erie, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Presque Isle Bay, Erie, PA. This safety zone is intended to restrict vessels from a portion of Presque Isle Bay during the Tall Ships Erie 2013 Fireworks Show. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display.

DATES: This rule will be effective from 9 p.m. until 10:20 p.m. on September 5, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0791]. 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 LT Christopher Mercurio, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9573, email *SectorBuffaloMarineSafety@uscg.mil.* If you have questions on viewing 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
TFR Temporary Final Rule

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 doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display, which are discussed further below.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable and contrary to the public interest.

B. Basis and Purpose

Between 9:30 p.m. and 9:50 p.m. on September 5, 2013, a fireworks display will be held at the end of Holland Street Pier, Presque Isle Bay in Erie, PA. The Captain of the Port Buffalo has determined that fireworks launched proximate to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary

safety zone is necessary to ensure the safety of spectators and vessels during the Tall Ships Erie 2013 Fireworks Show display. This zone will be effective and enforced from 9 p.m. until 10:20 p.m. on September 5, 2013. This zone will encompass all waters off Holland Street Pier, Presque Isle Bay, Erie, PA within a 420-foot radius of position 42°08′22.2″ N and 080°05′16.2″ W (NAD 83).

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Presque Isle Bay off Holland Street Pier on the evening of September 5, 2013.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: this safety zone would be activated, and thus subject to enforcement, for only 80 minutes late in the day. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port. The Captain of the Port can be reached via VHF channel 16. Before the activation of the zone, we would issue local Broadcast Notice to Mariners.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this 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** section above.

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone and, therefore it is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. 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. Chapters 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.T09–0791 to read as follows:

§ 165.T09–0791 Safety Zone; Tall Ships Erie 2013 Fireworks Show, Presque Isle Bay, Erie, PA.

(a) *Location.* This zone will encompass all waters off Holland Street Pier, Presque Isle Bay, Erie, PA within a 420-foot radius of position 42°08′22.2″ N and 080°05′16.2″ W (NAD 83).

(b) *Effective and enforcement period.* This section is effective and will be enforced on September 5, 2013 from 9 p.m. until 10:20 p.m.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: August 22, 2013.

B.W. Roche,

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

[FR Doc. 2013–21512 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0737]

RIN 1625–AA00

Safety Zone; LK Events Fireworks; Lake Michigan, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Michigan in Chicago, Illinois. This safety zone is intended to restrict vessels from a portion of Chicago Harbor due to a fireworks display. This temporary safety zone is necessary to protect the surrounding public and vessels from the hazards associated with the fireworks display.

DATES: This rule is effective and will be enforced from 10 p.m. until 11 p.m. on September 14, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2013–0737. 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 temporary rule, contact or email MST1 Joseph McCollum, U.S. Coast Guard Sector Lake Michigan, at 414–747–7148 or *Joseph.P.McCollum@uscg.mil.* If you have questions on viewing 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
TFR Temporary Final Rule

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 an NPRM with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details for this event were not known to

the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display, which are discussed further below.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register** for the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable and contrary to the public interest.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

On September 14, 2013, LK Events is expected to host a fireworks display on Lake Michigan in Chicago, Illinois. Fireworks will be launched from a barge in the vicinity of Burnham Park Harbor. The Captain of the Port, Lake Michigan, has determined that this fireworks display will pose a significant risk to public safety and property. Such hazards include falling debris, flaming debris, and collisions among spectator vessels.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port, Lake Michigan, has determined that this temporary safety zone is necessary to ensure the safety of spectators and vessels during the fireworks display. This rule is effective and will be enforced from 10 p.m. until 11 p.m. on September 14, 2013.

The safety zone will encompass all waters of Lake Michigan, Chicago Harbor within a 900 foot radius of an approximate launch position at 41°52′10.8″ N 87°36′25.1″ W (NAD 83).

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Lake Michigan, or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be small and enforced for only one hour on one day in September. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this temporary rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Chicago Harbor on September 14, 2013.

This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons cited in the *Regulatory Planning and Review* section. Additionally, before the enforcement of the zone, we would issue local Broadcast Notice to Mariners so vessel owners and operators can plan accordingly.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this 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** section above.

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or

more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone and, therefore it is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. 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. Chapters 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.T09–0737 to read as follows:

§ 165.T09–0737 Safety Zone; LK Events fireworks; Lake Michigan, Chicago, IL.

(a) *Location.* All waters of Lake Michigan, Chicago Harbor within a 900-foot radius of an approximate launch position at 41°52′10.8″ N, 87°36′25.1″ W (NAD 83).

(b) *Effective and enforcement period.* This section is effective and will be enforced from 10 p.m. until 11 p.m. on September 14, 2013.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port, Lake Michigan or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port, Lake Michigan or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port, Lake Michigan is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Lake Michigan to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port, Lake Michigan or his on-scene representative to obtain permission to do so. The Captain of the Port, Lake Michigan or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port, Lake Michigan, or his on-scene representative.

Dated: August 22, 2013.

M.W. Sibley,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2013–21511 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0641]

RIN 1625–AA00

Safety Zone, Tiki Swim; Oceanside Harbor, Oceanside, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the navigable waters of Oceanside Harbor in Oceanside, California for the 2013 Oceanside Tiki Swim on the morning of September 29, 2013. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: This rule is effective from 6 a.m. to 11 a.m. on September 29, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0641]. 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 Petty Officer Bryan Gollogly, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard; telephone 619–278–7656, email *d11marineeventssandiego@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. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because it is impractical and contrary to the public interest. The Coast Guard did not have the necessary event information in time to provide both a comment period and allow for a 30 day delayed effective date. Immediate action is required to ensure the safety zone is in place to protect participants, crew, spectators, participating vessels, and other vessels and users of the waterway during the event.

B. Basis and Purpose

The legal basis for this temporary rule is the Ports and Waterways Safety Act which authorizes the Coast Guard to establish safety zones (33 U.S.C sections 1221 et seq.). The Coast Guard is establishing a temporary safety zone on the navigable waters of the Oceanside Harbor for a swim event that is part of the annual Oceanside Harbor ''Harbor Days'' festival. This safety zone is necessary to provide for the safety of the swimmer participants, crew, spectators, sponsor vessels, and other users of the waterway. The event will consist of 350 participants who will swim in either two courses. The first course is from the Oceanside Pier, outside of Oceanside Harbor to the public boat launch within Oceanside Harbor. The second course will depart from the city beach adjacent to the Oceanside Harbor and proceed to the public boat launch within the Oceanside Harbor. A safety zone is established for harbor portion only and will assist with vessel traffic management and keeping vessel traffic away from the event participants.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard is proposing a temporary safety zone that will be enforced from 6 a.m. to 11 a.m. on Sunday, September 29, 2013. The safety zone includes the waters of Oceanside Harbor encompassed by drawing a line from point to point along the following coordinates:

33°12′21.5″ N, 117°23′58.6″ W;
33°12′21.1″ N, 117°24′04.0″ W;
33°12′29.5″ N, 117°24′06.1″ W;
33°12′31.5″ N, 117°23′45.1″ W;
33°12′23.1″ N, 117°23′32.8″ W;
33°12′20.9″ N, 117°23′35.9″ W.

This safety zone is necessary to ensure unauthorized personnel and vessels remain safe by keeping clear during the swimming event within the Oceanside Harbor entrance and main channel. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

Before the effective period, the Coast Guard will publish a Coast Guard District Eleven Local Notice to Mariners information on the event and associated safety zone. Immediately before and during the swimming event, Coast Guard Sector San Diego Joint Harbor Operations Center will issue Broadcast Notice to Mariners on the location and enforcement of the safety zone.

Vessels will be able to transit the surrounding area and may be authorized to transit through the safety zone with the permission of the Captain of the Port of the designated representative. Before activating the zones, the Coast Guard will notify mariners by appropriate means including but not limited to Local Notice to Mariners and Broadcast Notice to Mariners.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. This determination is based on the size, duration and location of the safety zone. The safety zone is relatively small in size, less than half a mile across, short in duration, 45 minutes long, and traffic would be allowed to pass through the zone with the permission of the Captain of the Port. Additionally, before the effective period, the Coast Guard will publish a Local Notice to Mariners.

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.

(1) This rule will affect the following entities, some of which may be small entities: The owners and operators of pleasure craft engaged in recreational activities and sightseeing in the impacted portion of Oceanside Harbor on the morning of September 29, 2013.

(2) This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The safety zone will only be in effect for less than five hours in the morning when vessel traffic is low. Vessel traffic can safely transit around the safety zone while the zone is in effect.

3. Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's

responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of a safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T11–592 to read as follows:

§ 165.T11–592 Safety Zone; Tiki Swim; Oceanside Harbor, Oceanside, CA.

(a) *Location.* The limits of this temporary safety zone are the waters of Oceanside Harbor encompassed by drawing a line from point to point along the following coordinates:

33°12′21.5″ N, 117°23′58.6″ W;
33°12′21.1″ N, 117°24′04.0″ W;
33°12′29.5″ N, 117°24′06.1″ W;
33°12′31.5″ N, 117°23′45.1″ W;
33°12′23.1″ N, 117°23′32.8″ W;
33°12′20.9″ N, 117°23′35.9″ W.

(b) *Enforcement Period.* This safety zone will be enforced from 6 a.m. to 11 a.m. on September 29, 2013.

(c) *Definitions.* The following definition applies to this section: *designated representative* means any commissioned, warrant, or petty officer of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, or federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.*

(1) In accordance with general regulations in 33 CFR Part 165, Subpart C, entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated representative.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the on scene designated Patrol Commander or Coast Guard Sector San Diego Joint Harbor Operations Center via VHF–FM Channel 16.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated representative.

(4) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: August 20, 2013.

S.M. Mahoney,

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

[FR Doc. 2013–21514 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2013–0792]

RIN 1625–AA00

Safety Zone; Perry 200 Fireworks, Presque Isle Bay, Erie, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Presque Isle Bay, Erie, PA. This safety zone is intended to restrict vessels from a portion of Presque Isle Bay during the Perry 200 Fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display.

DATES: This rule will be effective from 9:15 p.m. until 10:30 p.m. on September 8, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0792]. 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 LT Christopher Mercurio, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9573, email *SectorBuffaloMarineSafety@uscg.mil.* If you have questions on viewing 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
TFR Temporary Final Rule

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 doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display, which are discussed further below.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable and contrary to the public interest.

B. Basis and Purpose

Between 9:45 p.m. and 10 p.m. on September 8, 2013, a fireworks display will be held on Presque Isle Bay in Erie, PA. The Captain of the Port Buffalo has determined that fireworks launched proximate to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary safety zone is necessary to ensure the safety of spectators and vessels during the Perry 200 Fireworks display. This zone will be effective and enforced from 9:15 p.m. until 10:30 p.m. on September 08, 2013. This zone will encompass all waters of Presque Isle Bay, Erie, PA within a 840 foot radius of position 42°09′12.8″ N and 080°05′19.6″ W (NAD 83).

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of

Presque Isle Bay on the evening of September 8, 2013.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone would be activated, and thus subject to enforcement, for only 75 minutes late in the day. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port. The Captain of the Port can be reached via VHF channel 16. Before the activation of the zone, we would issue local Broadcast Notice to Mariners.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone and, therefore it is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. 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. Chapters 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.T09–0792 to read as follows:

§ 165.T09–0792 Safety Zone; Perry 200 Fireworks, Presque Isle Bay, Erie, PA.

(a) *Location.* This zone will encompass all waters of Presque Isle Bay, Erie, PA within a 840-foot radius of position 42°09′12.8″ N and 080°05′19.6″ W (NAD 83).

(b) *Effective and enforcement period.* This section is effective and will be

enforced on September 8, 2013 from 9:15 p.m. until 10:30 p.m.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: August 22, 2013.

B.W. Roche,

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

[FR Doc. 2013–21520 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2013–0322]

RIN 1625–AA00

Safety Zone; Swim Around Charleston, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary moving safety zone during the Swim Around Charleston, a swimming race occurring on waters of the Wando River, the Cooper River, Charleston Harbor, and the Ashley River, in Charleston, South Carolina. The Swim Around Charleston is scheduled to take place on September 29, 2013. The temporary safety zone is necessary for the safety of the swimmers, participant vessels, spectators, and the general public during the event. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule will be enforced from 9:15 a.m. until 3:30 p.m. on September 29, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2013–0322. 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 Chief Warrant Officer Christopher Ruleman, Sector Charleston Waterways Management, U.S. Coast Guard; telephone (843) 740–3184, email *christopher.l.ruleman@uscg.mil.* If you have questions on viewing 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

On June 14, 2013, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Swim Around Charleston, Charleston, SC in the **Federal Register**. We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

(a) The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

(b) The purpose of the rule is to ensure the safety of the swimmers, participant vessels, spectators, and the general public during the Swim Around Charleston.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard did not receive any comments to the proposed rule, and no changes were made to the regulatory text.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The office of Management and Budget has not reviewed it under those Orders. The economic impact of this rule is not significant for the following reasons: (1) The safety zone will only be enforced for a total of six hours; (2) the safety zone will move with the participant vessels so that once the swimmers clear a portion of the waterway, the safety zone will no longer be enforced in that portion of the waterway; (3) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the enforcement period; (4) persons and vessels may still enter, transit through, anchor in, or remain within the safety zone if authorized by the Captain of the Port Charleston or a designated representative; and (5) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

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.

(1) This rule would affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the Wando River, the Cooper River, Charleston Harbor, or the Ashley River in Charleston, South Carolina from 9:15 a.m. until 3:30 p.m. on September 29, 2013.

(2) For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

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 States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary moving safety zone on waters of the Wando River, the Cooper River, Charleston Harbor, and the Ashley River, in Charleston, South Carolina during the Swim Around Charleston event on Sunday, September 29, 2013. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative. This rule is categorically excluded from further review under paragraph (34)(g) of Figure 2–1 of the Commandant Instruction. 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0322 to read as follows:

§ 165.T07–0322 Safety Zone; Swim Around Charleston, Charleston, SC.

(a) *Regulated Area.* The following regulated area is a moving safety zone:

All waters within a 75-yard radius around Swim Around Charleston participant vessels that are officially associated with the swim. The Swim Around Charleston swimming race consists of a 10-mile course that starts at Remley's Point on the Wando River in approximate position 32°48′49″ N, 79°54′27″ W, crosses the main shipping channel of Charleston Harbor, and finishes at the General William B. Westmoreland Bridge on the Ashley River in approximate position 32°50′14″ N, 80°01′23″ W. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule is effective from 9:15 a.m. until 3:30 p.m. on September 29, 2013.

Dated: August 14, 2013.

R.R. Rodriguez,

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

[FR Doc. 2013–21635 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2013–0688]

RIN 1625–AA00

Safety Zone; Escape to Miami Triathlon, Biscayne Bay, Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Biscayne Bay, east of Margaret Pace Park, Miami, Florida during the Publix Escape to Miami Triathlon. The Publix Escape to Miami Triathlon is scheduled to take place on September 29, 2013. Approximately 2,100 participants are anticipated to participate in the swim portion of this event. This safety zone is necessary to provide for the safety of the participants and general public on the navigable waters of the United States during the event. The safety zone establishes a regulated area that will encompass the swim area. Non-participant persons and vessels will be prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Miami or a designated representative.

DATES: This rule will be enforced from 6:30 a.m. to 10 a.m. on September 29, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2013–0688. 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 John K. Jennings, Sector Miami Prevention Department, U.S. Coast Guard; telephone (305) 535–4317, email *john.k.jennings@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 Coast Guard did not have sufficient time to publish an NPRM and to receive public comments prior to the event. Any delay in the effective date of this rule would be contrary to the public interest because immediate action is needed to minimize potential danger to participants and the general public.

For the same reason discussed above, under 5 U.S.C. 553(d)(3) the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1. The purpose of the rule is to provide for the safety of life on navigable waters of the United States during the Publix Escape to Miami Triathlon.

C. Discussion of Final Rule

On September 29, 2013, US Road Sports and Entertainment Group are sponsoring the Publix Escape to Miami Triathlon. The event will be held on the waters of Biscayne Bay, east of Margaret Pace Park, Miami, Florida. Approximately 2,100 participants are anticipated to participate in the swim portion of this event.

The rule will establish a safety zone that will encompass certain waters of Biscayne Bay, Miami, Florida. The safety zone will be enforced from 6:30 a.m. until 10 a.m. on September 29, 2013. The safety zone will encompass

the event area where all non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within.

Non-participant persons and vessels may request authorization to enter the event area by contacting the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the event area is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The economic impact of this rule is not significant for the following reasons: (1) The safety zone will be enforced for only three hour and one half hours; (2) although non-participant persons and vessels will not be able to enter, transit through, anchor in, or remain within the event area without authorization from the Captain of the Port Miami or a designated representative, they may operate in the surrounding area during the enforcement period; (3) non-participant persons and vessels may still enter, transit through, anchor in, or remain within the event area during the enforcement period if authorized by the Captain of the Port Miami or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within the regulated area during the respective enforcement period. For the reasons discussed in the Regulatory Planning and Review Section above, this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments,

because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the creation of a safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. 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, and Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add a temporary § 165.T07–0688 to read as follows:

§ 165.T07–0688 Safety Zone; Publix Escape to Miami Triathlon, Biscayne Bay; Miami, FL.

(a) *Regulated Area.* The following regulated area is established as a safety zone. All coordinates are North American Datum 1983. All waters of Biscayne Bay, east of Margaret Pace Park, Miami, FL encompassed within the following points: Starting at Point 1 in position 25°47′40″ N, 80°11′07″ W; thence north to Point 2 in position 25°48′12″ N, 80°11′07″ W; thence east to Point 3 in 25°48′12″ N, 80°10′30″ W; thence south to Point 4 in position 25°47′40″ N, 80°10′30″ W; thence west back to origin.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Miami in the enforcement of the regulated area.

(c) *Regulations.* (1) All non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the event area without authorization from the Captain of the Port Miami or a designated representative.

(2) Non-participants persons and vessels desiring to enter, transit through, anchor in, or remain within a regulated area may contact the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within a regulated area is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners and on-scene designated representatives.

(d) *Effective Date.* This rule will be enforced from 6:30 a.m. until 10 a.m. on September 29, 2013.

Dated: August 14, 2013.

A.J. Gould,

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

[FR Doc. 2013–21628 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0063]

Safety Zones; Annual Firework Displays Within the Captain of the Port, Puget Sound Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zones for annual firework displays in the Captain of the Port, Puget Sound Zone during the dates and times noted below. This action is necessary to prevent injury and to protect life and property of the maritime public from the hazards associated with the firework displays. During the enforcement periods, entry into, transit through, mooring, or anchoring within these zones is prohibited unless authorized by the Captain of the Port, Puget Sound or Designated Representative.

DATES: The regulations in 33 CFR 165.1332 will be enforced from 5:00 p.m. on September 7, 2013 through 1:00 a.m. on September 8, 2013.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email LTJG Johnny Zeng, Sector Puget Sound Waterways Management, Coast Guard; telephone 206–217–6175, *SectorPugetSoundWWM@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones established for Annual Fireworks Displays within the Captain of the Port, Puget Sound Area of Responsibility in 33 CFR 165.1332 during the dates and times noted below.

The following safety zone will be enforced from 5:00 p.m. on September 7, 2013 through 1:00 a.m. on September 8, 2013: Mukilteo Lighthouse Festival, Possession Sound, 47°56.9′ N, 122°18.6′ W.

The special requirements listed in 33 CFR 165.1332, which can be found in the **Federal Register** (75 FR 33700) published on June 15, 2010, apply to the activation and enforcement of these safety zones.

All vessel operators who desire to enter the safety zone must obtain permission from the Captain of the Port or Designated Representative by contacting the Coast Guard Sector Puget Sound Joint Harbor Operations Center (JHOC) on VHF Ch 13 or Ch 16 or via telephone at (206) 217–6002.

The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 165.1332 and 5 U.S.C. 552(a). In addition to this notice, the Coast Guard will provide the maritime community with extensive advanced notification of the safety zones via the Local Notice to Mariners and marine information broadcasts on the day of the events.

Dated: August 28, 2013.

S.J. Ferguson,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 2013–21523 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0087]

Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Sitcum Waterway Security Zone in Commencement Bay, Tacoma, Washington from 6:00 a.m. on September 2, 2013 through 11:59 p.m. on September 10, 2013 unless cancelled sooner by the Captain of the Port. This action is necessary for the security of Department of Defense assets and military cargo in the navigable waters of Puget Sound and adjacent waters. Entry into this zone is prohibited unless otherwise exempted or excluded under 33 CFR 165.1321 or unless authorized by the Captain of the Port or his Designated Representative.

DATES: The regulations in 33 CFR 165.1321 will be enforced from 6:00 a.m. on September 2, 2013 through 11:59 p.m. on September 10, 2013, unless cancelled sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email LTJG Johnny Zeng, Sector Puget Sound Waterways Management Division, Coast Guard; telephone 206–217–6051, email *SectorPugetSound WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Sitcum Waterway Security Zone set forth in paragraph (c)(2) of 33 CFR 165.1321 on September 2, 2013 at 6:00 a.m. through 11:59 p.m. on September 10, 2013 unless cancelled sooner by the Captain of the Port or Designated Representative. Under the provisions of 33 CFR 165.1321, the Coast Guard published a final rule for the security of Department of Defense assets and military cargo in the navigable waters of Puget Sound and adjacent waters. The security zone will provide for the regulation of vessel traffic in the vicinity of military cargo loading facilities in the navigable waters of the United States. The security zones also exclude persons and vessels from the immediate vicinity of these facilities during military cargo loading and unloading operations. In addition, the regulation establishes requirements for all vessels to obtain permission of the COTP or Designated Representative, including the Vessel Traffic Service (VTS), to enter, move within, or exit these security zones when they are enforced. Entry into this zone is prohibited unless otherwise exempted or excluded under 33 CFR 165.1321 or unless authorized by the Captain of the Port or Designated Representative.

This notice is issued under authority of 33 CFR 165.1321 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with notification of this enforcement period via marine information broadcasts and on-scene assets. If the COTP determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: August 23, 2013.

S.J. Ferguson,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 2013–21513 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Subtitle A

[Docket ID ED–2013–OS–0050]

RIN 1810–AB17

Final Priorities, Requirements, Definitions, and Selection Criteria: Race to the Top—District Program; Correction

AGENCY: Office of the Deputy Secretary, U.S. Department of Education.

ACTION: Final priorities, requirements, definitions, and selection criteria; correction.

SUMMARY: The Secretary of Education is correcting an omission in the final priorities, requirements, definitions, and selection criteria published in the **Federal Register** on August 6, 2013 (78 FR 47980), namely waiving the 60-day time period for a major rule to become effective under the Congressional Review Act. Through this document, we correct this omission. We do not change any other aspect of the final priorities, requirements, definitions, and selection criteria, and their regulatory texts remain unchanged.

DATES: Effective September 5, 2013.

FOR FURTHER INFORMATION CONTACT: James Butler, U.S. Department of Education, 400 Maryland Ave. SW., Room 7E214, Washington, DC 20006–8542. Telephone: (202) 260–9737 or by email: *james.butler@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Correction

In the **Federal Register** of August 6, 2013 (78 FR 47980), we make the following correction to the Race to the Top—District Program notice of final priorities, requirements, definitions, and selection criteria:

On page 48003, in the first column, before the heading ''Intergovernmental Review,'' add a new heading, *Waiver of Delayed Effective Date under the Congressional Review Act,* and the following three paragraphs:

These final priorities, requirements, definitions, and selection criteria have been determined to be a major rule for purposes of the Congressional Review Act (CRA) (5 U.S.C. 801, et seq.). Generally, under the CRA, a major rule takes effect 60 days after the date on which the rule is published in the **Federal Register**. Section 808(2) of the CRA, however, provides that any rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.

These final priorities, requirements, definitions, and selection criteria are needed to implement the Race to the Top—District program and run the competition in FY 2013. The Department must make awards no later than December 31, 2013, or the funds will lapse. To ensure that we do so, the Department established October 3, 2013, as the deadline by which applicants must submit their applications. This will give applicants sufficient time to submit high-quality applications (58 days), peers sufficient time to conduct a thorough and rigorous review of applications (approximately 45 days), and the Department sufficient time to make awards (approximately 40 days).

An effective date 60 days after publication would fall after October 3, and the priorities, requirements, definitions, and selection criteria would not be effective at the time applications are due. Given the large number of applications we expect, the need to provide peers with sufficient time for review, and the need to allow sufficient time for the Department to make awards, a later due date for applications is not practicable. Accordingly, there is good cause to waive the delayed effective date under the Congressional Review Act.

Dated: August 30, 2013.

Arne Duncan,

Secretary of Education.

[FR Doc. 2013–21640 Filed 9–4–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1121, 1150, and 1180

[Docket No. EP 714]

Information Required in Notices and Petitions Containing Interchange Commitments

AGENCY: Surface Transportation Board, DOT.

ACTION: Final rules.

SUMMARY: On November 1, 2012, the Board issued a Notice of Proposed Rulemaking (NPR) proposing rules that would establish additional disclosure requirements for notices and petitions for exemption where the underlying lease or line sale includes an interchange commitment. Based on the comments received and further evaluation, the Board now adopts as final the proposed rules, with modifications that reduce the amount of information required to be submitted. The final rules are set forth below.

DATES: *Effective date:* These rules will be effective on October 5, 2013.

FOR FURTHER INFORMATION CONTACT: Amy C. Ziehm at (202) 245–0391. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The Board modifies its existing rules regarding notices and petitions for acquisition exemption in which an underlying sale or lease agreement includes an interchange commitment with the addition of certain filing requirements. Additional information is contained in the Board's decision served on September 5, 2013. To obtain a copy of this decision, visit the Board's Web site at *http://www.stb.dot.gov.* Copies of the decision may also be purchased by contacting the Board's Office of Public Assistance, Governmental Affairs, and Compliance and (202) 245–0238.

Paperwork Reduction and Regulatory Flexibility

In the NPR, published in the **Federal Register** at 77 FR 66165 on November 2, 2012, the Board sought comments pursuant to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501–3549, and Office of Management and Budget (OMB) regulations at 5 CFR 1320.11, regarding: (1) Whether the collection of information as modified in the proposed rule and further described in Appendix B, is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate. We received comments regarding the Board's burden estimates and have addressed them in the full decision.

The proposed rule modifications were submitted to OMB for review as required under the PRA, 44 U.S.C. 3507(d), and 5 CFR 1320.11. No substantive comments were received from OMB. Unless renewed, OMB approval for this collection expires August 31, 2014. The OMB control number is 2140–0016. The display of a currently valid OMB control number for this collection is required by law. Under the PRA and 5 CFR 1320.11, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, generally requires a description and analysis of new rules that would have a significant economic impact on a substantial number of small entities. Under § 605(b), an agency is not required to perform an initial or final regulatory flexibility analysis if it certifies that the proposed or final rules will not have a ''significant impact on a substantial number of small entities.'' In accordance with § 605(b), we certify that the final rules will not have a significant economic impact on a substantial number of small entities.[1] The basis for this determination is as follows.

The regulations adopted here will affect all railroads filing notices and petitions for exemption for sales and leases that contain interchange commitments. The filing railroad (or respondent) is typically a small rail carrier. Between May 2008, when the Board began requiring the disclosure of interchange commitments in notices and petitions for exemption, and the date of this decision, a total of 12 notices or petitions for exemption for

[1] The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business. *See* 13 CFR 121.201. The SBA has established a size standard for rail transportation, stating that a line-haul railroad is considered small if its number of employees is 1,500 or less, and that a short line railroad is considered small if its number of employees is 500 or less. *Id.* (industry subsector 482).

leases that contain interchange commitments were filed that would have been affected by these regulations, or 2.4 petitions per year. Nevertheless, in an abundance of caution, the Board estimates that a total of four small rail carriers, out of a total of approximately 560 small Class II and III rail carriers, will file such notices or petitions per year, and thus will be affected by these additional reporting requirements. We further estimate that the additional time required by each rail carrier respondent to comply with these additional reporting requirements is no more than eight hours. Most of the information sought by the Board under these final rules is information that the filing railroad would likely already have as a result of due diligence it completed in the course of its contract negotiations. With respect to the requirement that the filer provide an estimate of the difference in the sale or lease price of the transaction with and without the interchange commitment, the Board seeks a good faith estimate to fulfill this requirement. If the filing railroad does not have an estimate of the difference in price as a result of contract negotiations, it can request that information in writing from the incumbent carrier and submit to the Board the incumbent carrier's response with its initial notice or petition. Therefore, the Board certifies under 5 U.S.C. 605(b) that these rules will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects

49 CFR Part 1121

Administrative practice and procedure, Railroads.

49 CFR Part 1150

Administrative practice and procedure, Railroads.

49 CFR Part 1180

Administrative practice and procedure, Railroads, Reporting and record keeping requirements.

Decided: August 29, 2013.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey. Vice Chairman Begeman dissented with a separate expression.

Vice Chairman Begeman, dissenting:

I did not object to the Board's Notice of Proposed Rulemaking when it was issued last November, because I believed the Board could benefit from hearing the views of interested parties on whether changes were needed to improve the Board's existing rules on interchange commitments. Unfortunately, the record fails to convince me that these new requirements offer meaningful improvements over the Board's existing rules, nor, importantly, that the usefulness of the additional information outweighs the extra reporting burdens being imposed on small businesses here. This is especially true since it remains unclear how the Board will even use the additional information, if at all. Therefore, I dissent from the Board's decision.

Jeffrey Herzig,

Clearance Clerk.

For the reasons set forth in the preamble, the Surface Transportation Board amends parts 1121, 1150, and 1180 of title 49, chapter X, of the Code of Federal Regulations as follows:

PART 1121—RAIL EXEMPTION PROCEDURES

■ 1. The authority citation for part 1121 continues to read as follows:

Authority: 49 U.S.C. 10502 and 10704.

■ 2. Amend § 1121.3 by revising the paragraph heading to paragraph (d), paragraphs (d)(1) introductory text, and (d)(1)(ii), and by adding paragraphs (d)(1)(iii) through (viii) to read as follows:

§ 1121.3 Content.

* * * * *

(d) *Interchange Commitments.* (1) The filing party must certify whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means (''interchange commitment''). If such a provision exists, the following additional information must be provided (the information in paragraphs (d)(1)(ii), (iv), (vii) of this section may be filed with the Board under 49 CFR 1104.14(a) and will be kept confidential without need for the filing of an accompanying motion for a protective order under 49 CFR 1104.14(b)):

* * * * *

(ii) A confidential, complete version of the document(s) containing or addressing that provision or agreement;

(iii) A list of shippers that currently use or have used the line in question within the last two years;

(iv) The aggregate number of carloads those shippers specified in paragraph (d)(1)(iii) of this section originated or terminated (confidential);

(v) A certification that the filing party has provided notice of the proposed transaction and interchange commitment to the shippers identified in paragraph (d)(1)(iii) of this section;

(vi) A list of third party railroads that could physically interchange with the line sought to be acquired or leased;

(vii) An estimate of the difference between the sale or lease price with and without the interchange commitment (confidential);

(viii) A change in the case caption so that the existence of an interchange commitment is apparent from the case title.

* * * * *

PART 1150—CERTIFICATE TO CONSTRUCT, ACQUIRE, OR OPERATE RAILROAD LINES

■ 3. The authority citation for part 1150 continues to read as follows:

Authority: 49 U.S.C. 721(a), 10502, 10901, and 10902.

■ 4. Amend § 1150.33 by revising the paragraph heading to paragraph (h), paragraphs (h)(1) introductory text, and (h)(1)(ii), and by adding paragraphs (h)(1)(iii) through (viii) to read as follows:

§ 1150.33 Information to be contained in notice—transactions that involve creation of Class III carriers.

(h) *Interchange Commitments.* (1) The filing party must certify whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means (''interchange commitment''). If such a provision exists, the following additional information must be provided (the information in paragraphs (h)(1)(ii), (iv), (vii) of this section may be filed with the Board under 49 CFR 1104.14(a) and will be kept confidential without need for the filing of an accompanying motion for a protective order under 49 CFR 1104.14(b)):

* * * * *

(ii) A confidential, complete version of the document(s) containing or addressing that provision or agreement;

(iii) A list of shippers that currently use or have used the line in question within the last two years;

(iv) The aggregate number of carloads those shippers specified in paragraph (h)(1)(iii) of this section originated or terminated (confidential);

(v) A certification that the filing party has provided notice of the proposed transaction and interchange

commitment to the shippers identified in paragraph (h)(1)(iii) of this section;

(vi) A list of third party railroads that could physically interchange with the line sought to be acquired or leased;

(vii) An estimate of the difference between the sale or lease price with and without the interchange commitment (confidential);

(viii) A change in the case caption so that the existence of an interchange commitment is apparent from the case title.

* * * * *

■ 5. Amend § 1150.43 by revising the paragraph heading to paragraph (h), paragraphs (h)(1) introductory text, and (h)(1)(ii), and by adding paragraphs (h)(1)(iii) through (viii) to read as follows:

§ 1150.43 Information to be contained in notice for small line acquisitions.

(h) *Interchange Commitments.* (1) The filing party must certify whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means (''interchange commitment''). If such a provision exists, the following additional information must be provided (the information in paragraphs (h)(1)(ii), (iv), (vii) of this section may be filed with the Board under 49 CFR 1104.14(a) and will be kept confidential without need for the filing of an accompanying motion for a protective order under 49 CFR 1104.14(b)):

* * * * *

(ii) A confidential, complete version of the document(s) containing or addressing that provision or agreement;

(iii) A list of shippers that currently use or have used the line in question within the last two years;

(iv) The aggregate number of carloads those shippers specified in paragraph (h)(1)(iii) of this section originated or terminated (confidential);

(v) A certification that the filing party has provided notice of the proposed transaction and interchange commitment to the shippers identified in paragraph (h)(1)(iii) of this section;

(vi) A list of third party railroads that could physically interchange with the line sought to be acquired or leased;

(vii) An estimate of the difference between the sale or lease price with and without the interchange commitment (confidential);

(viii) A change in the case caption so that the existence of an interchange commitment is apparent from the case title.

* * * * *

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

■ 6. The authority citation for part 1180 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 721, 10502, 11323–11325.

■ 7. Amend § 1180.4 by revising the paragraph heading to (g)(4) paragraphs (g)(4)(i) introductory text, and (g)(4)(i)(B), and by adding paragraphs (g)(4)(i)(C) through (H) to read as follows:

§ 1180.4 Procedures.

(g) * * *

(4) *Transactions imposing interchange commitments.*

(i) If a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means (''interchange commitment''), the following additional information must be provided (the information in paragraphs (g)(4)(i)(B), (D), (G) of this section may be filed with the Board under 49 CFR 1104.14(a) and will be kept confidential without need for the filing of an accompanying motion for a protective order under 49 CFR 1104.14(b)):

* * * * *

(B) A confidential, complete version of the document(s) containing or addressing that provision or agreement;

(C) A list of shippers that currently use or have used the line in question within the last two years;

(D) The aggregate number of carloads those shippers specified in paragraph (g)(4)(i)(C) of this section originated or terminated (confidential);

(E) A certification that the filing party has provided notice of the proposed transaction and interchange commitment to the shippers identified in paragraph (g)(4)(i)(C) of this section;

(F) A list of third party railroads that could physically interchange with the line sought to be acquired or leased;

(G) An estimate of the difference between the sale or lease price with and without the interchange commitment (confidential);

(H) A change in the case caption so that the existence of an interchange commitment is apparent from the case title.

* * * * *

[FR Doc. 2013–21548 Filed 9–4–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 121018563–3148–02]

RIN 0648–XC851

Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; modification of a closure.

SUMMARY: NMFS is opening directed fishing for Greenland turbot in the Bering Sea subarea of the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to fully use the 2013 initial total allowable catch (ITAC) of Greenland turbot in the Bering Sea subarea of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 1, 2013, through 2400 hrs, A.l.t., December 31, 2013. Comments must be received at the following address no later than 4:30 p.m., A.l.t., September 16, 2013.

ADDRESSES: You may submit comments on this document, identified by 2012–0210, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2012-0210,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are

a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS closed directed fishing for Greenland turbot in the Bering Sea subarea of the BSAI under § 679.20(d)(1)(iii) on May 1, 2013 (78 FR 24361, April 25, 2013).

NMFS has determined that as of August 28, 2013, approximately 650 metric tons of Greenland turbot ITAC remains in the Bering Sea subarea of the BSAI. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully use the 2013 ITAC of Greenland turbot in the Bering Sea subarea of the BSAI, NMFS is terminating the previous closure and is opening directed fishing for Greenland turbot in the Bering Sea subarea of the BSAI. The Administrator, Alaska Region, NMFS, (Regional Administrator) considered the following factors in reaching this decision: (1) The current catch of Greenland turbot by vessels in the Bering Sea subarea of the BSAI and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of directed fishing for Greenland turbot by vessels in the Bering Sea subarea of the BSAI. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet and processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 28, 2013.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Without this inseason adjustment, NMFS could not allow the fishery for Greenland turbot by vessels in the Bering Sea subarea of the BSAI to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until September 16, 2013.

This action is required by § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: August 30, 2013.

Kelly Denit,

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

[FR Doc. 2013–21615 Filed 8–30–13; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 120918468–3111–02]

RIN 0648–XC850

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher/processors (C/Ps) using trawl gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2013 Pacific cod total allowable catch apportioned to C/Ps using trawl gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 1, 2013, through 2400 hours, A.l.t., December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The 2013 Pacific cod total allowable catch (TAC) apportioned to C/Ps using trawl gear in the Central Regulatory Area of the GOA is 1,521 metric tons (mt), as established by the final 2013 and 2014 harvest specifications for groundfish of the GOA (78 FR 13162, February 26, 2013).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the 2013 Pacific cod TAC apportioned to C/Ps using trawl gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,307 mt, and is setting aside the remaining 214 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by C/Ps using trawl gear in the Central Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod for C/Ps using trawl gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 29, 2013.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: August 30, 2013.

Kelly Denit,

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

[FR Doc. 2013–21616 Filed 8–30–13; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 172
Thursday, September 5, 2013

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0752; Directorate Identifier 2009–SW–44–AD]

RIN 2120–AA64

Airworthiness Directives; Pacific Scientific Aviation Services (Pacific Scientific) Seat Restraint System Rotary Buckle Assemblies

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the specified Pacific Scientific seat restraint rotary buckle assemblies (buckle). This proposed AD is prompted by several reports of a cracked handle on certain buckles. Testing on these buckles indicates that in some circumstances a load placed on the restraint system prevents a strap from releasing as intended when the buckle is rotated. The proposed actions are intended to replace cracked buckle handles and allow the release of the restraint system strap in an emergency.

DATES: We must receive comments on this proposed AD by November 4, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

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

For service information identified in this proposed AD, contact Pacific Scientific Aviation Services, 11700 NW 102nd Rd. #6, Miami, Florida 33178, telephone 305–477–4711, fax 305–477–9799 or at *www.pacscimiami.* You may review a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817–222–5110; email *robert.grant@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No. 2007–0256, dated September 19, 2007, to correct an unsafe condition for certain Pacific Scientific Seat Restraint System Plastic Rotary Buckle Handles. According to EASA, Pacific Scientific reports several instances of cracked handles on certain buckles with a date of manufacture from November 2004 through May 2007. Testing on buckles with a cracked handle indicates that in some circumstances a load placed on the restraint system prevents a strap from releasing as intended when the buckle is rotated. EASA states that these circumstances happen when a passenger weighs more than 50 kg (approximately 110 lbs.) and an aircraft is upside down. The EASA AD also states that these circumstances are considered ''possible to take place for helicopters only and not for large aeroplanes.''

Further, EASA states that buckle part numbers 1111430–XX and 1111475–XX, manufactured from November 2004 through May 2007, are used in 7 part-numbered restraint systems, which are known to be installed on, but not limited to, Eurocopter France Model AS350, AS355, EC120, EC 130, and EC155 helicopters.

The proposed actions are intended to prevent a buckle from not releasing the restraint system strap in an emergency.

FAA's Determination

This product has been approved for operation in the United Kingdom and is approved for operation in the United States. Pursuant to our bilateral agreement with the United Kingdom, EASA, its technical representative, has notified the FAA of the situation described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of this same type design.

Related Service Information

Pacific Scientific has issued Service Bulletin 25–1111432, dated May 22, 2007 (SB). The SB specifies inspecting

each buckle, part number (P/N) 1111430–XX or 1111475–XX with a date of manufacture between November 2004 and May 2007, to identify whether the handle is one susceptible to cracking by checking the P/N on the reverse side of the buckle assembly against the P/N listed in Appendix 1 of the SB or by measuring the thickness of the handle vane. If the buckle is identified as a ''suspect'' buckle, the SB provides procedures for removing the buckle and replacing it with an acceptable buckle. Information in the SB also advises that buckles with a cracked handle should be removed from service immediately.

Proposed AD Requirements

This proposed AD would require, within 30 days, inspecting each buckle for a crack and replacing any cracked buckle with an airworthy buckle by complying with paragraph 9 of the SB. Also, within 6 months, this proposed AD would require inspecting the thickness of the buckle handle vane and replacing any buckle with a handle vane thickness of 0.125 inch or greater. Lastly, this proposed AD would prohibit installing an affected buckle on any helicopter or airplane.

Differences Between This Proposed AD and the EASA AD

The EASA AD applies to certain Eurocopter model helicopters only. Since the affected buckles may be installed in other aircraft resulting in the same unsafe condition, this proposed AD would also apply to those aircraft. We would not require you to return the unairworthy buckle assembly to the manufacturer, and this AD would not apply to ''spare'' parts that are not installed on an aircraft. Also, this AD would apply to buckle P/Ns 1111430 and 1111475, all dash numbers, and would not be dependent on the restraint P/Ns. This AD would not require an inspection for cracks ''before any flight'' for the 6 months until the affected buckles are replaced. Finally, the EASA AD identifies suspect parts by date of manufacture, and this AD would not.

Costs of Compliance

We estimate that this proposed AD would affect 1,435 restraint systems installed on aircraft of U.S. registry. We estimate that operators may incur the following costs in order to comply with this AD:

- A minimal cost and amount of time to inspect for an affected buckle.
- $43 in labor costs for 0.5 hour to replace any affected buckle at an estimated labor cost of $85 per work-hour.
- $250 for required parts to replace a buckle.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators would be $293 per restraint system or $420,455 for the fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska 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 proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pacific Scientific Aviation Services: Docket No. FAA–2003–0752; Directorate Identifier 2009–SW–44–AD.

(a) Applicability

This AD applies to Pacific Scientific rotary buckle assembly (buckle), part number (P/N) 1111430 or 1111475, all dash numbers, installed on but not limited to Cessna Aircraft Company, de Havilland, Inc. (TC currently held by Viking Air Limited), and Learjet Inc. model airplanes and Eurocopter France model helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a cracked rotary buckle handle, which could prevent a strap from releasing as intended when the buckle is rotated.

(c) 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.

(d) Comments Due Date

We must receive comments by November 4, 2013.

(e) Required Actions

(1) Within 30 days, inspect the buckle handle for a crack. If the buckle handle is cracked, before further flight, remove the buckle as depicted in Figure 5 and by following the Procedures, paragraph 9, of Pacific Scientific Service Bulletin (SB) 25–1111432, dated May 22, 2007, and replace it with an airworthy buckle, except you are not required to return the removed buckle to Pacific Scientific.

(2) Within 6 months, measure the thickness of the buckle handle vane as depicted in Figure 3 of the SB. If the handle vane thickness is 0.125 inch or greater, before further flight, remove the buckle from service and replace it with an airworthy buckle.

(3) Do not install a buckle or a restraint system with a buckle, P/N 1111430 or 1111475, all dash numbers, with a handle vane thickness of 0.125 inch or greater on any helicopter or airplane.

(f) Alternative Methods of Compliance (AMOC)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this

AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817–222–5110; email *robert.grant@faa.gov*.

(2) For operations conducted under a part 119 operating certificate or under 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) 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 AD No.2007—0256, dated September 19, 2007.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2500 Cabin Equipment/Furnishings.

Issued in Fort Worth, Texas, on August 22, 2013.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–21570 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0751; Directorate Identifier 2012–SW–051–AD]

RIN 2120–AA64

Airworthiness Directives; AgustaWestland S.p.A. (Type Certificate Formerly Held by Agusta S.p.A) (Agusta) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) for Agusta Model AB139 and AW139 helicopters. The existing AD currently requires establishing a revised life limit for each tail rotor blade (blade), updating the helicopter's historical records, repetitively inspecting each blade for a crack, and replacing certain blades. Since we issued that AD, the manufacturer has improved the design of the blades using different materials and established life limits for each newly-designed blade. This proposed AD would expand the applicability to include the newly-designed blades and establish their life limits. This proposed AD would also retain the requirement to inspect each blade for a crack and, if there is a crack, replace each blade with an airworthy blade. The proposed actions are intended to detect a crack in a blade to prevent failure of a blade and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by November 4, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov*. Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

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

For service information identified in this proposed AD, contact Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39–0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins*. 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.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *sharon.y.miles@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

On August 26, 2011, we issued Emergency AD (EAD) 2011–18–52 for the Agusta Model AB139 and AW139 helicopters. We published EAD 2011–18–52 as a final rule; request for comments in the **Federal Register** (77 FR 23109, April 18, 2012). EAD 2011–18–52 requires revising the life limits for each blade, part number (P/N) 3G6410A00131 and 4G6410A00131, updating the helicopter's historical records, repetitively inspecting each blade for a crack, and replacing certain blades. That action was prompted by a fatal accident involving an Agusta Model AW139 helicopter, which may have been caused by cracks in a blade. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, notified us of the unsafe condition and issued EASA EAD No. 2011–0156–E, dated August 25, 2011, to require repetitive inspections and reduce the life limit of the blades. This condition, if not detected and corrected, could result in failure of a blade and subsequent loss of control of the helicopter.

Actions Since Existing AD Was Issued

Since we issued EAD No. 2011–18–52, the manufacturer first developed two new blades with an improved

design and specified life limits and repetitive inspections for the blades. EASA issued AD No. 2012–0030, dated February 17, 2012, which superseded EASA EAD No. 2011–0156E, to add the new blades to the required actions. The manufacturer then developed two new blades with improved materials and specified new life limits and inspections for the blades. EASA then issued EASA AD No. 2012–0076, dated May 2, 2012, revised by EASA AD No. 2012–0076R1, dated July 13, 2012, to require the repetitive inspections and reduced life limits on the additional new blades.

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other helicopters of these same type designs.

Related Service Information

Agusta issued Mandatory Bollettino Tecnicos (BTs) No. 139–265, No. 139–285, No. 139–286, all Revision A, and all dated July 12, 2012, which specify a precautionary inspection for a crack, a life limit for the affected blades, and a ''quarantine'' of blades that have exceeded their life limit. The BTs also provide instructions for mixed usage of the affected blades. The BTs specify sending the damaged or cracked blade along with certain data to the manufacturer.

Proposed AD Requirements

This proposed AD would retain the inspection requirements for certain part-numbered blades and expand the applicability to include the newly-designed blades and establish life limits for those blades. The proposed AD would also require replacing any cracked blade or a blade that has reached its life limit.

Interim Action

We consider this proposed AD to be an interim action. If a final action is later identified, we might consider additional rulemaking.

Costs of Compliance

We estimate that this proposed AD would affect 93 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. It would take 1 work hour to inspect each blade for a crack at $85 per work hour or $7,905 for the fleet. If required, it would take 8 work hours to replace a blade, and required parts would cost $35,680, for total cost of $36,360.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska 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 proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–17020 (77 FR 23109, April 18, 2012); Docket No. FAA–2012–0409; Directorate Identifier 2011–SW–055–AD; and by adding the following new airworthiness directive (AD):

Agustawestland S.p.A. (Type Certificate Formerly Held by Augsta S.p.A) (Agusta): Docket No. FAA–2013–0751; Directorate Identifier 2012–SW–051–AD.

(a) Applicability

This AD applies to Model AB139 and AW139 helicopters with tail rotor blade (blade), part number (P/N) 3G6410A00131, 4G6410A00131, 3G6410A00132, 4G6410A00132, 3G6410A00133, or 4G6410A00133, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a blade. This condition could result in failure of a blade and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD No. 2011–18–52; Amendment 39–17020; Docket No. FAA–2012–0409; Directorate Identifier 2011–SW–055–AD.

(d) Comments Due Date

We must receive comments by November 4, 2013.

(e) 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.

(f) Required Actions

(1) Within 5 hours time-in-service (TIS), establish a life limit for each blade as follows, revise the Airworthiness Limitations section of the maintenance manual, and update the helicopter's historical records. If a blade's total number of cycles is unknown, determine the blade cycles by multiplying the blade's hours TIS by 4.

(i) For blade, P/N 3G6410A00131 or P/N 4G6410A00131: establish a life limit of 600 hours TIS or 1,500 cycles, whichever occurs first.

(ii) For blade, P/N 3G6410A00132 or P/N 4G6410A00132: establish a life limit of 1,200 hours TIS or 3,200 cycles, whichever comes first.

(iii) For blade, P/N 3G6410A00133 or P/N 4G6410A00133: establish a life limit of 10,000 cycles or 3 years since opening the sealed wrap, whichever comes first.

(2) Within 5 hours TIS, replace each blade that has reached or exceeded its life limit with an airworthy blade.

(3) Within 25 hours TIS, and thereafter at intervals not to exceed 25 hours TIS, using a mirror, a 5× or higher power magnifying glass, and a light source, or borescope, visually inspect each blade for a crack or damage that exceeds the limits of the applicable maintenance manual in the highlighted area depicted in Figure 1 of Agusta Mandatory Bollettino Tecnicos No. 139–265, Revision A, dated July 12, 2012; No. 139–285, Revision A, dated July 12, 2012; or No. 139–286, Revision A, dated July 12, 2012.

(4) If there is a crack, or if there is damage that exceeds the limits of the applicable maintenance manual, before further flight, replace the blade with an airworthy blade.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Sharon Miles, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *sharon.y.miles@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.

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2012–0076R1, dated July 13, 2012, which revises EASA AD No. 2012–0076, dated May 2, 2012, which can be found in the AD docket on the Internet at *http://www.regulations.gov.*

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6410 Tail Rotor Blades.

Issued in Fort Worth, Texas, on August 21, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–21587 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–111753–12]

RIN 1545–BL24

Debt That Is a Position in Personal Property That Is Part of a Straddle

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearings.

SUMMARY: This document contains proposed regulations relating to the application of the straddle rules to a debt instrument. The proposed regulations clarify that a taxpayer's obligation under a debt instrument can be a position in personal property that is part of a straddle. The proposed regulations primarily affect taxpayers that issue debt instruments that provide for one or more payments that reference the value of personal property or a position in personal property. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by November 4, 2013. Requests to speak and outlines of topics to be discussed at the public hearing scheduled for January 15, 2014, must be received by November 4, 2013.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–111753–12), Room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–111753–12), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–111753–12).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Mary Brewer, (202) 622–4695; concerning submissions of comments, the hearing and/or to be placed on the building access list to attend the hearing, Oluwafunmilayo Taylor, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Income Tax Regulations (26 CFR part 1) relating to section 1092(d). The temporary regulations provide that if a taxpayer is the obligor under a debt instrument one or more payments on which are linked to the value of personal property or a position with respect to personal property, then the taxpayer's obligation under the debt instrument is a position with respect to personal property and may be part of a straddle. The temporary regulations apply to straddles established on or after January 17, 2001. The text of the temporary regulations also serves as the text of these proposed regulations and is identical to the text of regulations originally proposed under REG–105801–00.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in the preamble under the **ADDRESSES** heading. The Treasury Department and the IRS welcome comments on this proposed regulation. All comments that are submitted by the public will be available at for public inspection and copying at *www.regulations.gov.* upon request.

A public hearing has been scheduled for January 15, 2014, beginning at 10 a.m. in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the

immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit written or electronic comments and an outline of the topics to be discussed and the time to be devoted to each topic (a signed original and eight (8) copies by November 4, 2013. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is Mary Brewer, Office of Associate Chief Counsel (Financial Institutions and Products). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding an entry in numerical order to read as follows:

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

Section 1.1092(d)–1 also issued under 26 U.S.C. 1092(b)(1). * * *

■ **Par. 2.** Section 1.1092(d)–1 is amended by revising paragraphs (d) and (e) to read as follows:

§ 1.1092(d)–1 Definitions and special rules.

* * * * *

(d) [The text of the proposed amendment to § 1.1092(d)–1(d) is the same as the text for § 1.1092(d)–1T(d) published elsewhere in this issue of the **Federal Register**].

(e) [The text of the proposed amendment to § 1.1092(d)–1(e) is the same as the text for § 1.1092(d)–1T(e) published elsewhere in this issue of the **Federal Register**].

Beth Tucker,

Deputy Commissioner for Operations Support.

[FR Doc. 2013–21541 Filed 9–4–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2013–0548]

RIN 1625–AA00

Safety Zone; 2013 Ironman 70.3 Miami, Biscayne Bay; Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard proposes to establish a safety zone on the waters of Biscayne Bay, east of Bayfront Park, in Miami, Florida during the 2013 Ironman 70.3 Miami, a triathlon. The Ironman 70.3 Miami is scheduled to take place on October 27, 2013. Approximately 2,500 participants are anticipated to participate in the swim portion of the event. No spectators are expected to be present during the event. The safety zone is necessary to provide for the safety of the participants, participant vessels, and general public on the navigable waters of the United States during the event. The safety zone would establish an area that will encompass the event area. Persons and vessels, except those participating in the event, will be prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Miami or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before October 21, 2013. Requests for public meetings must be received by the Coast Guard on or before October 7, 2013.

ADDRESSES: You may submit comments identified by docket number USCG–2013–0548 using any one of the following methods:

(1) Federal eRulemaking Portal: *http://www.regulations.gov*.

(2) Fax: 202–493–2251.

(3) Mail or Delivery: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer John K. Jennings, Sector Miami Prevention Department, Coast Guard; telephone (305) 535–4317, email *john.k.jennings@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Barbara, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the

docket number USCG–2013–0548 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2013–0548 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

Previously, temporary special local regulations regarding this maritime event have been published in the Code of Federal Regulations at 33 CFR 100. No final rule has been published in regards to this event.

C. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

The purpose of the rule is to provide for the safety of life on navigable waters of the United States during the Ironman 70.3 Miami.

D. Discussion of Proposed Rule

On October 27, 2013, Miami Tri Events is sponsoring the Ironman 70.3, a triathlon. The swim portion of the event will be held on the waters of Biscayne Bay, Miami, Florida. Approximately 2,500 participants are anticipated to participate in the event. No spectator vessels are expected during the event.

The proposed rule would establish a safety zone that will encompass certain waters of the Intracoastal Waterway and Biscayne Bay, Miami, Florida. The safety zone will be enforced from 6:30 a.m. until 10 a.m. on October 27, 2013. The safety zone will establish an area around the event where all persons and vessels, except those persons and vessels participating in the event, are prohibited from entering, transiting though, anchoring in, or remaining within. Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port Miami via telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the event area is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this proposed rule is not significant for the following reasons: (1) The safety zone will be enforced for only three and one half hours; (2) although persons and vessels will not be able to enter, transit through, anchor in, or remain within the event area without authorization from the Captain of the Port Miami or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the event area during the enforcement period if authorized by the Captain of the Port Miami or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

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 proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed ule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to enter, transit through, anchor in or remain within that portion of Intracoastal Waterway and Biscayne Bay encompassed within the safety zone from 6:30 a.m. until 10 a.m. on October 27, 2013. For the reasons discussed in the Regulatory Planning and Review section above, this proposed rule will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have

a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L.104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

This proposed rule is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 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. 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0548 to read as follows:

§ 165.T07–0548 Safety Zone; Ironman 70.3 Miami, Biscayne Bay; Miami, FL.

(a) *Regulated Area.* The following regulated area is a safety zone. All waters of Biscayne Bay located east of Bayfront Park and encompassed within the following points: starting at Point 1 in position 25°46′44″ N, 080°10′59″ W; thence southeast to Point 2 in position 25°46′24″ N, 080°10′44″ W; thence southwest to Point 3 in position 25°46′18″ N, 080°11′05″ W; thence north to Point 4 in position 25°46′33″ N, 080°11′05″ W; thence northeast back to origin. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Miami in the enforcement of the regulated area.

(c) *Regulations.*

(1) Non-participating persons and vessels may request authorization to enter, transit through, anchor in, or

remain within the regulated area by contacting the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

(2) The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule will be enforced from 6:30 a.m. until 10 a.m. on October 27, 2013.

Dated: August 9, 2013.

A.J. Gould,

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

[FR Doc. 2013–21624 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2012–0300; FRL–9900–66–Region8]

Approval and Promulgation of State Implementation Plans; Utah: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to partially approve and partially disapprove revisions to the Utah State Implementation Plan (SIP) relating to regulation of Greenhouse Gases (GHGs) under Utah's Prevention of Significant Deterioration (PSD) program and other SIP provisions. These revisions were submitted to EPA on April 14, 2011 by the Governor. The GHG-related SIP revisions are designed to align Utah's regulations with the GHG emission thresholds established in EPA's ''PSD and Title V Greenhouse Gas Tailoring Final Rule,'' which EPA issued by notice dated June 3, 2010. In today's action, EPA is proposing to approve the GHG (as it relates to the PSD program) revisions because the Agency has determined that this SIP revision, which is already adopted by Utah as a final effective rule, is in accordance with the Clean Air Act (CAA or Act) and EPA regulations regarding PSD permitting for GHGs.

DATES: Comments must be received on or before September 26, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2012–0300, by one of the following methods:

- *www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Email: ostendorf.jody@epa.gov*.
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Carl Daly, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop St., Denver, Colorado 80202–1129.
- *Hand Delivery:* Carl Daly, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop St., Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2011–0300. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an anonymous access system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA, without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*. For additional instructions on submitting comments, go to Section I. General Information of 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* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop St., 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: Jody Ostendorf, Air Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop St., Denver, Colorado 80202–1129, (303) 312–7814, *ostendorf.jody@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA.

Table of Contents

I. What action is EPA taking in this proposed rule?
II. Background for Our Proposed Action
III. Utah's Actions
IV. EPA's Analysis of Utah's Proposed SIP Revisions
V. Proposed Action
VI. Statutory and Executive Order Reviews

I. What action is EPA taking in this proposed rule?

In a letter dated April 14, 2011, the Governor of Utah submitted a request to EPA to approve revisions to the State's SIP and Title V program to incorporate recent rule amendments adopted by the Utah Air Quality Board on December 1, 2010. These adopted rules became effective in the Utah Administrative Code on January 1, 2011. These amendments establish thresholds for GHG emissions in Utah's PSD and Title V regulations at the same emissions thresholds and in the same time-frames as those specified by EPA in the ''PSD

and Title V Greenhouse Gas Tailoring; Final Rule'' (75 FR 31514 (June 3, 2010)), hereinafter referred to as the ''Tailoring Rule,'' ensuring that smaller GHG sources emitting less than these thresholds will not be subject to permitting requirements for GHGs that they emit. The requested amendments to the SIP will clarify the applicable thresholds in the Utah SIP, address the flaw discussed in the ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans Final Rule,'' 75 FR 82536 (December 30, 2010) (the ''PSD SIP Narrowing Rule''), and incorporate state rule changes adopted at the state level into the federally-approved SIP.

We are proposing to approve amendments to the following rules: R307–405–3 (Permits: Major Sources in Attainment or Unclassified Areas (PSD), Definitions); and R307–401–9 (Permit: New and Modified Sources, Small Source Exemption). We are not acting on the changes to R307–415–3 (Permits: Operating Permit Requirements, Definitions) and related definitions in R307–405–3 in this notice because approval of Title V program revisions is handled separately and because Title V is not part of the SIP. Additionally, consistent with our June 12, 2013 proposal (78 FR 35181), we are proposing to disapprove the changes to the following: R307–401–7 (Public Notice), which was effective in the Utah Administrative Code on December 1, 2010; and change to R307–401–9(b) and portions of (c) (Small Source Exemption), which were effective in the Utah Administrative Code on January 1, 2011. Finally, consistent with our final action on July 15, 2011 (76 FR 41712), we are proposing to disapprove R307–405–3(2)(a)(i) because it defines ''Minor Source Baseline Date'' in a manner inconsistent with the federal definition found at 40 CFR 52.21(b)(14).

II. Background for Our Proposed Action

Clean Air Act (CAA) section 110(a)(2)(C) requires states to develop and submit to EPA for approval into the state SIP preconstruction review and permitting programs applicable to certain new and modified stationary sources of air pollutants. There are three separate programs: Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NNSR), and Minor NSR. The PSD program is established in part C of title I of the CAA and applies in areas that meet the National Ambient Air Quality Standards (NAAQS)—''attainment areas''—as well as areas where there is insufficient information to determine if the area meets the NAAQS—''unclassifiable areas.'' The NNSR program is established in part D of title I of the CAA and applies in areas that are not in attainment of the NAAQS—''nonattainment areas.'' The Minor NSR program (1) addresses construction or modification activities that do not emit, or have the potential to emit, beyond certain major source thresholds and thus do not qualify as ''major'' and (2) applies regardless of the designation of the area in which a source is located. EPA regulations governing the criteria that states must satisfy for EPA approval of the NSR programs as part of the SIP are contained in 40 CFR 51.160—51.166.

PSD is implemented through the SIP system. In December 2010, EPA promulgated several rules to implement the new GHG PSD SIP program. Recognizing that some states had approved SIP PSD programs that did not apply PSD to GHGs, EPA issued a SIP Call and, for some of these states, a Federal Implementation Plan (FIP).[1] Recognizing that other states had approved SIP PSD programs that do apply PSD to GHGs, but that do so for sources that emit as little as 100 or 250 tons per year (tpy) of GHG, and that do not limit PSD applicability to GHGs to the higher thresholds in the Tailoring Rule, EPA issued the PSD SIP Narrowing Rule. Under that rule, EPA converted its previous full approval of the affected SIPs to a partial approval and partial disapproval, including Utah's, to the extent those SIPs covered GHG-emitting sources below the Tailoring Rule thresholds. EPA based its action primarily on the ''error correction'' provisions of CAA section 110(k)(6). Many of those states have since submitted SIP revisions that have established the Tailoring Rule thresholds, and EPA has approved those SIP revisions and rescinded partial disapprovals.

III. Utah's Actions

On April 14, 2011, Utah submitted a letter to EPA, in accordance with a request to all states from EPA in the Tailoring Rule, with confirmation that the State of Utah has the authority to regulate GHGs in its PSD program. The letter also confirmed Utah's intent to amend its air quality rules for the PSD program for GHGs to match the thresholds set in the Tailoring Rule. See the docket for this proposed rulemaking for a copy of Utah's letter. Utah has a current SIP-approved PSD program, and has most recently been approved by EPA to incorporate the 2002 NSR Reform revisions for PSD into its SIP. *See* 76 FR 41712 (July 15, 2011). As described in our July 15, 2011 notice of approval (with the exceptions noted in that notice and, as applicable, also explained in this notice), Utah's PSD program at that date met the general requirements of CAA section 110(a)(2)(C).

In the PSD SIP Narrowing Rule, published on December 30, 2010, EPA withdrew its approval of Utah's SIP (among other states' SIPs) to the extent that the SIP applies PSD permitting requirements to GHG emissions from sources emitting at levels below those set in the Tailoring Rule.[2] As a result, Utah's current approved SIP provides the state with authority to regulate GHGs, but only at and above the Tailoring Rule thresholds; and requires new and modified sources to receive a federal PSD permit based on GHG emissions only if they emit or have potential to emit at or above the Tailoring Rule thresholds.

The basis for proposing approval of this SIP revision is that limiting PSD applicability to GHG sources with the higher thresholds in the Tailoring Rule is consistent with the SIP provisions that require assurances of adequate resources. This revision addresses the flaw in the Utah SIP that led to the PSD SIP Narrowing Rule. Specifically, CAA section 110(a)(2)(E) includes as a requirement for SIP approval that states provide ''necessary assurances that the state . . . will have adequate personnel [and] funding . . . to carry out such [SIP].'' In the Tailoring Rule, EPA

[1] Specifically, by action dated December 13, 2010, EPA finalized a ''SIP Call'' that would require those states with SIPs that have approved PSD programs but do not authorize PSD permitting for GHGs to submit a SIP revision providing such authority. ''Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call,'' 75 FR 77698 (December 13, 2010). EPA made findings of failure to submit in some states which were unable to submit the required SIP revision by their deadlines, and finalized FIPs for such states. *See, e.g.* ''Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure To Submit State Implementation Plan Revisions Required for Greenhouse Gases,'' 75 FR 81874 (December 29, 2010); ''Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan,'' 75 FR 82246 (December 30, 2010). Because Utah's SIP already authorizes Utah to regulate GHGs once GHGs became subject to PSD requirements on January 2, 2011, Utah is not subject to the SIP Call or FIP.

[2] ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule.'' 75 FR 82536 (December 30, 2010).

established higher thresholds for PSD applicability to GHG-emitting sources, in part, because the states generally did not have adequate resources to apply PSD to GHG-emitting sources below the Tailoring Rule thresholds,[3] and no state, including Utah, asserted that it did have adequate resources to do so.[4] In the PSD SIP Narrowing Rule, EPA found that the affected states, including Utah, had a flaw in their SIP at the time they submitted their PSD programs, which was that the applicability of the PSD programs was potentially broader than the resources available to them under their SIP.[5] Accordingly, for each affected state, including Utah, EPA concluded that EPA's action in approving the SIP was in error, under CAA section 110(k)(6), and EPA rescinded its approval to the extent the PSD program applies to GHG-emitting sources below the Tailoring Rule thresholds.[6] EPA recommended that states adopt a SIP revision to incorporate the Tailoring Rule thresholds, thereby (i) assuring that under state law, only sources at or above the Tailoring Rule thresholds would be subject to PSD; and (ii) avoiding confusion under the federally approved SIP by clarifying that the SIP applies only to sources at or above the Tailoring Rule thresholds.[7]

Utah's April 14, 2011, SIP submission establishes thresholds for determining which stationary sources and modification projects become subject to permitting requirements for GHG emissions under Utah's PSD program. Specifically, the SIP revision includes changes—which are already effective in Utah's Administrative Code—revising R307–405–3 and R307–415–3 to incorporate changes to Title 40 of the Code of Federal Regulations that address GHG emissions from stationary sources, required by the May 13, 2010 EPA final rule. The amendments to R307–401–9 exclude sources from the requirement to obtain an Approval Order if their GHG emissions are below the thresholds established by EPA.

The changes to Utah's PSD program regulations are substantively the same as the federal provisions amended in EPA's Tailoring Rule.

IV. EPA's Analysis of Utah's Proposed SIP Revisions

Utah has adopted and submitted regulations that are substantively similar to the federal requirements for the permitting of GHG-emitting sources subject to PSD. We propose to conclude that the revisions are consistent with the requirements of 40 CFR 51.166, in particular requirements set out in EPA's final GHG Tailoring Rule, and that the revisions should be approved into Utah's SIP.

R307–401–9 (Small Source Exemption), was revised to exclude sources from the requirement to obtain an approval order if their GHG emissions are below the thresholds established by EPA, and adopted into the State rules (R307–401–9(5)). Therefore, preconstruction permits for GHGs are only required under the PSD permitting program, thus exempting minor sources from GHG permitting.

R307–405–3 (Definitions), was revised to amend the definition of ''subject to regulation'' to include ''greenhouse gases (GHGs)'' as defined in 40 CFR 86.1818–12(a). R307–405–3 was modified to establish thresholds for permitting of GHGs under the PSD program. Definitions for the terms ''GHGs'', ''emissions increase'' and ''tpy CO_2 equivalent emissions (CO_2e)'', were added to this rule. Applicability thresholds for several different types of permitting scenarios were also added. Therefore, we are proposing to approve the state's additions to R307–405–3(9) as they are consistent with the federal rule provisions in 40 CFR 51.166(b)(48).

We are proposing to approve R307–405–3(2)(e). This is a new rule that is not currently in the SIP. The rule explains that ''certain definitions or portions of definitions that apply to the equipment repair and replacement provisions are not incorporated into the SIP because these provisions were vacated by the D.C. Circuit Court of Appeals''. We are proposing to approve this rule as it is consistent with the federal definitions.

We are also proposing to approve R307–405–3(2)(f). This is a new rule and makes changes to the definition of ''Regulated NSR Pollutant'' in 40 CFR 52.21(b)(50). We are proposing to approve this rule, as the State's rule is consistent with the federal definition, which is now at 40 CFR 52.21(b)(49) and 40 CFR 51.166(b)(49).

There are six provisions in the R307–405–3 in the State submittal that are identical in rule number and language to the definitions we approved in our July 15, 2011 approval (76 FR 41712) and we are proposing to approve these definitions as resubmitted. These provisions include: R307–405–3(1) (adopting by reference the definitions in 40 CFR 52.21(b) with exceptions as noted in the rules); R307–405–3(2)(c) (definition of ''Reviewing Authority''); R307–405–3(2)(d) (definition of ''Administrator''); R307–405–3(4) (definition of ''Heat Input''); R307–405–3(7) (definition of ''Good Engineering Practice''); R307–405–3(8) (definition of ''Dispersion Technique'');

There are two definitions in the State submittal where the definition is the same as in the current SIP, but the current submittal contains a new rule number. We are proposing to approve the following definitions and rule numbers: R307–405–3(2)(a)(ii) (definition of ''Minor Source Baseline Date''), which is located in the current SIP at R307–405–3(3)(a)(ii); and R307–405–3(3) /(definition of ''Air Quality Related Values''), which is located in the current SIP at R307–405–3(2).

We are not acting on rule provisions related to the Title V program. There are two specific definitions we are not acting on: R307–405–3(5) (definition of ''Title V Permit'') and R307–405–3(6) (definition of ''Title V Operating Permit Program''). The State also submitted R307–415–3 (all the definitions for the Operating Permit Program). We are not acting on these definitions in this notice because approval of the Title V program revisions is handled separately and Title V is not part of the SIP.

Additionally, consistent with our June 12, 2013 proposal (78 FR 35181), we are proposing to disapprove the State's submittal of R307–401–7 (Permit: New and Modified Sources, Public Notice), which was effective in the Utah Administrative Code on December 1, 2010.[8]

Also consistent with our June 2013 proposal we are proposing to partially approve and partially disapprove R307–401–9 (Permit: New and Modified Sources, Small Source Exemption). We are proposing to approve R307–401–9(5), which excludes sources whose GHG emission are below established EPA thresholds for GHG from the requirement to obtain an Approval Order. However, we are proposing to disapprove paragraph (b) and the portions of paragraph (c) that reference paragraph (b). We are proposing to

[3] Tailoring Rule, 75 FR at 31517.

[4] PSD SIP Narrowing Rule, 75 FR at 82540.

[5] *Id.* at 82542.

[6] *Id.* at 82544.

[7] *Id.* at 82540.

[8] As we explained in our June 12, 2013 notice, R307–401–7 revised Utah's public notice procedures to allow for a 10-day public comment period for an approval or disapproval order issued under R307–401–8. The rule allows for the public comment period to be increased to 30 days under certain conditions. We note that the public comment period for an approval or disapproval order currently in Utah's federally approved SIP is 30 days. (See R307–1–3.1.3) Federal regulations for Public Availability of Information found at 40 CFR 51.161(b)(2) require at a minimum a 30-day public comment period for the permitting of a source, including minor source permits. In addition, the 30-day comment period is important to allow adequate opportunity for comment by other affected states, federal agencies, and the public.

disapprove R307–401–9(b) and the phrase ''or (b)'' in paragraph (c) because EPA lacks authority in an action on a SIP revision under CAA section 110 to approve provisions addressing hazardous air pollutants. Thus we are proposing to disapprove these specific provisions.

Finally, consistent with our final action on July 15, 2011 (76 FR 41712), we are proposing to disapprove R307–405–3(2)(a)(i) because it defines ''Minor Source Baseline Date'' in a manner inconsistent with the federal definition found at 40 CFR 52.21(b)(14).[9]

V. Proposed Action

Pursuant to section 110 of the CAA, EPA is proposing to approve Utah's April 14, 2011 revisions to the Utah SIP, relating to PSD requirements for GHG-emitting sources. Specifically, Utah's proposed SIP revisions establishes appropriate emission thresholds for determining PSD applicability to new and modified GHG-emitting sources in accordance with EPA's Tailoring Rule. EPA has made the preliminary determination that these rules that are included in the SIP submittal are approvable because they are in accordance with the CAA and EPA regulations regarding PSD permitting for GHGs.

We are proposing to approve changes to the following rules: R307–401–9(5) (Small Source Exemption), R307–405–3(9) (Definitions), R307–405–3(2)(e) and R307–405–3(2)(f). We are proposing to approve the following definitions and new rule numbers: R307–405–3(2)(a)(ii) (definition of ''Minor Source Baseline Date''), which is located in the current SIP at R307–405–3(3)(a)(ii); and R307–405–3(3) (definition of ''Air Quality Related Values''), which is located in the current SIP at R307–405–3(2).

For the reasons stated above, we are proposing to disapprove the State's submittal of R307–401–7 (New and Modified Sources, Public Notice), R307–401–9(b) and the phrase ''or (b)'' in paragraph (c) (Small Source Exemption, exemption for certain hazardous air pollutant sources), and R307–405–3(2)(a)(i) (Definition of ''Major Source Baseline Date'').

Finally, as stated above, we are not acting on rule provisions related to the Title V program because Title V is not part of the SIP (R307–405–3(5) (definition of ''Title V Permit'', R307–405–3(6) (definition of ''Title V Operating Permit Program''), R307–415–3 (Operating Permit Requirements, Definitions).

Once EPA finalizes approval of Utah's changes to its air quality regulations to incorporate appropriate thresholds for GHG permitting applicability into Utah's SIP, section 52.2323 of 40 CFR part 52, added in EPA's PSD SIP Narrowing Rule to codify the limitation of its approval of Utah's PSD SIP to exclude the applicability of PSD to GHG-emitting sources below the Tailoring Rule thresholds, will no longer be necessary. In this action, EPA is also proposing to amend section 52.2323 of 40 CFR part 52 to remove this unnecessary regulatory language.

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 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 CAA. Accordingly, this proposed action merely approves some state law as meeting federal requirements and disapproves other state law because it does not meet federal requirements; this proposed action does not impose additional requirements beyond those imposed by state law. For that reason, this proposed 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 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.

List of Subjects in 40 CFR Part 52

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

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

Dated: August 28, 2013.

Shaun L. McGrath,

Regional Administrator, Region 8.

[FR Doc. 2013–21611 Filed 9–4–13; 8:45 am]

BILLING CODE 6560–50–P

[9] As we explained in our 2011 notice, ''Utah has adopted a specific definition of ''Major Source Baseline Date,'' found at R307–405–3(3)(a)(i), in its revised PSD rule. This definition deviates from the definition found in 40 CFR 52.21(b)(14) and the corresponding requirement for state PSD programs at 51.166(b)(14). Utah's definition specifies that the major source baseline date for particulate matter 10 microns in diameter or less (PM[10]) is the ''date that EPA approves the PM[10] maintenance plan that was adopted by the Board on July 6, 2005'' for Davis, Salt Lake, Utah, and Weber Counties. The requirement for State programs at 40 CFR 51.166(b)(14) specifies January 6, 1975 as the major source baseline date for particulate matter, and the current EPA-approved SIP for Utah also specifies January 6, 1975 as the major source baseline date for PM–10 for the entire State (refer to Utah's SIP-approved rule R307–101–2 ''Definitions''). EPA is not aware of any authority for it to approve into a SIP a different major source baseline date other than January 6, 1975. Further, we note there is no provision in the CAA for using a different date if an area was in a legally designated non-attainment status on January 6, 1975. EPA is taking final action to disapprove Utah's definition of ''Major Source Baseline Date,'' and therefore, the current federally-approved definition found in R307–101–2 would continue to apply as a federally enforceable provision in lieu of the State-adopted version.'' 76 FR 41716

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 63

[EPA–HQ–OAR–2008–0708, FRL–9900–76–OA]

RIN 2060–AR90

National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; New Source Performance Standards for Stationary Internal Combustion Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of reconsideration of final rule; request for public comment.

SUMMARY: On January 30, 2013, the EPA finalized amendments to the national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines and the standards of performance for stationary internal combustion engines. Subsequently, the EPA received three petitions for reconsideration of the final rule. The EPA is announcing reconsideration of and requesting public comment on three issues raised in the petitions for reconsideration, as detailed in the Supplementary Information section of this notice of reconsideration. The EPA plans to issue a final decision on these issues as expeditiously as possible. The EPA is seeking comment only on the three issues. The EPA will not respond to any comments addressing any other issues or any other provisions of the final rule or any other rule. The EPA is not proposing any changes to its regulations in this notice of reconsideration.

DATES: *Comments.* Comments must be received on or before November 4, 2013, or 30 days after date of public hearing if later.

Public Hearing. If anyone contacts us requesting to speak at a public hearing by September 25, 2013, a public hearing will be held on October 7, 2013. If you are interested in attending the public hearing, contact Ms. Pamela Garrett at (919) 541–7966 to verify that a hearing will be held.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2008–0708, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–1741.
- *Mail:* Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of two copies. The EPA requests a separate copy also be sent to the contact person identified below (see **FOR FURTHER INFORMATION CONTACT**).
- *Hand Delivery:* Air and Radiation Docket and Information Center, U.S. EPA, Room 3334, 1301 Constitution Avenue 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: Direct your comments to Docket ID No. EPA–HQ–OAR–2008–0708. The EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line 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.

Public Hearing: If a public hearing is held, it will be held at the EPA's campus located at 109 T.W. Alexander Drive in Research Triangle Park, NC or an alternate site nearby.

Docket: All documents in the docket are listed in the *www.regulations.gov index.* The EPA also relies on documents in Docket ID Nos. EPA–HQ–OAR–2002–0059, EPA–HQ–OAR–2005–0029, EPA–HQ–OAR–2005–0030, and EPA–HQ–OAR–2010–0295, and incorporated those dockets into the record for this action. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Ms. Melanie King, Energy Strategies Group, Sector Policies and Programs Division (D243–01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2469; facsimile number: (919) 541–5450; email address: *king.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

Organization of this Document. The following outline is provided to aid in locating information in the preamble.

I. General Information
  A. What is the source of authority for the reconsideration action?
  B. What entities are potentially affected by the reconsideration action?
  C. What should I consider as I prepare my comments for the EPA?
II. Background
III. Discussion of the Issues Under Reconsideration
  A. Timing for Compliance With the ULSD Fuel Requirement for Emergency Engines
  B. Timing and Required Information for the Reporting Requirement for Emergency Engines
  C. Criteria for Operation for up to 50 Hours per Year for Non-Emergency Situations
IV. Solicitation of Public Comment and Participation
V. Statutory and Executive Order Reviews
  A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
  B. Paperwork Reduction Act
  C. Regulatory Flexibility Act
  D. Unfunded Mandates Reform Act
  E. Executive Order 13132: Federalism
  F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
  G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
  H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
  I. National Technology Transfer and Advancement Act

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

I. General Information

A. What is the source of authority for the reconsideration action?

The statutory authority for this action is provided by sections 112 and 307(d)(7)(B) of the Clean Air Act (CAA) as amended (42 U.S.C. 7412 and 7607(d)(7)(B)).

B. What entities are potentially affected by the reconsideration action?

Categories and entities potentially regulated by this action include:

Category	NAICS [1]	Examples of regulated entities
Any industry using a stationary reciprocating internal combustion engine.	2211	Electric power generation, transmission, or distribution.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. To determine whether your engine is regulated by this action, you should examine the applicability criteria in 40 CFR 63.6585, 40 CFR 60.4200, and 40 CFR 60.4230. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

C. What should I consider as I prepare my comments for the EPA?

Submitting CBI. Do not submit this information to the 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 the 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. Send or deliver information identified as CBI to only the following address: Ms. Melanie King, c/o OAQPS Document Control Officer (Room C404–02), U.S. EPA, Research Triangle Park, NC 27711, Attention Docket ID No. EPA–HQ–OAR–2008–0708.

Docket. The docket number for this notice of reconsideration is Docket ID No. EPA–HQ–OAR–2008–0708.

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of this notice of reconsideration will be posted on the WWW through the Technology Transfer Network Web site (TTN Web). Following signature, the EPA will post a copy of this notice of reconsideration on the TTN's policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control.

II. Background

On January 30, 2013, the EPA promulgated amendments to the national emission standards for hazardous air pollutants (NESHAP) for stationary reciprocating internal combustion engines (RICE) and the standards of performance (''NSPS'') for stationary internal combustion engines (ICE) (78 FR 6674). Following promulgation of the January 30, 2013, final rule, the EPA received three petitions for reconsideration pursuant to section 307(d)(7)(B) of the CAA. The EPA received a petition dated March 29, 2013, from Calpine Corporation and PSEG Power LLC. The EPA received a petition dated April 1, 2013, from the Delaware Department of Natural Resources and Environmental Control (DE DNREC). Finally, the EPA received a petition dated April 1, 2013, from Clean Air Council, Citizens for Pennsylvania's Future, Conservation Law Foundation, Environmental Defense Fund, Natural Resources Defense Council, Pace Energy and Climate Center, Sierra Club and West Harlem Environmental Action, Inc. (Clean Air Council *et al.*). The petitions are available for review in the rulemaking docket, see document numbers EPA–HQ–OAR–2008–0708–1505, EPA–HQ–OAR–2008–0708–1506 and EPA–HQ–OAR–2008–0708–1507. On June 28, 2013, the EPA issued letters to the petitioners granting reconsideration on three specific issues raised in the petitions for reconsideration and indicating that the agency would issue a **Federal Register** notice regarding the reconsideration process. This action requests comment on the three issues for which the EPA granted reconsideration.

III. Discussion of the Issues Under Reconsideration

The EPA finalized the NESHAP for several subcategories of existing stationary RICE on March 3, 2010, (75 FR 9648) and August 20, 2010 (75 FR 51570). The EPA received petitions for reconsideration and judicial review of the 2010 RICE NESHAP rulemakings. The EPA finalized amendments to the RICE NESHAP on January 30, 2013, (78 FR 6674) to address certain issues raised in the petitions for reconsideration and judicial review of the 2010 RICE NESHAP, and also revised the NSPS for stationary ICE for consistency with the RICE NESHAP.

The January 30, 2013, amendments established, among other things, fuel and reporting requirements for certain emergency engines used for emergency demand response and system reliability. The amendments also established conditions under which emergency engines could be used for up to 50 hours per calendar year in situations where the engine is dispatched by the local transmission and distribution system operator to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overload that could lead to the interruption of power supply in a local area or region. The EPA received petitions for reconsideration of certain aspects of these requirements, and granted reconsideration of the following three issues to provide an additional opportunity for public comment:

- Timing for compliance with the ultra low sulfur diesel (ULSD) fuel requirement for emergency compression ignition (CI) engines that operate or are contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 40 CFR 63.6640(f)(2)(ii) and (iii) (emergency demand response and deviations of voltage or frequency of 5 percent or more), or that operate for the purpose specified in 40 CFR 63.6640(f)(4)(ii) (local system reliability).

• Timing and required information for the reporting requirement for emergency engines that operate or are contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 40 CFR 63.6640(f)(2)(ii) and (iii), or that operate for the purpose specified in 40 CFR 63.6640(f)(4)(ii), and the timing and required information for the analogous reporting requirement in the ICE NSPS.

• Conditions in 40 CFR 60.4211(f)(3)(i), 60.4243(d)(3)(i) and 63.6640(f)(4)(ii) for operation for up to 50 hours per calendar year in non-emergency situations as part of a financial arrangement with another entity.

These issues are discussed in more detail in the following sections.

A. Timing for Compliance With the ULSD Fuel Requirement for Emergency Engines

The January 30, 2013, final rule included provisions that require existing stationary emergency CI RICE with a site rating of more than 100 brake horsepower (HP) and a displacement of less than 30 liters per cylinder that operate or are contractually obligated to be available for more than 15 hours per year (up to a maximum of 100 hours per year) for the purposes specified in 40 CFR 63.6640(f)(2)(ii) and (iii) (emergency demand response and deviations of voltage or frequency of 5 percent or more), or that operate for the purpose specified in 40 CFR 63.6640(f)(4)(ii) (local system reliability), to use diesel fuel meeting the specifications of 40 CFR 80.510(b) beginning January 1, 2015, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted. The specifications of 40 CFR 80.510(b) require that diesel fuel have a maximum sulfur content of 15 parts per million and either a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent; this fuel is referred to as ULSD fuel. The EPA included the ULSD fuel requirement in the final rule in response to public comments expressing concerns about the emissions from emergency engines. As indicated in the January 30, 2013, final rule, the EPA believes that requiring cleaner fuel for these stationary emergency CI engines will significantly limit or reduce the emissions of regulated air pollutants emitted from these engines, further protecting public health and the environment. Information provided to the EPA by commenters [1] showed that the use of ULSD will significantly reduce emissions of air toxics, including metallic hazardous air pollutants (HAP) (e.g., nickel, zinc, lead) and benzene.

The EPA added this fuel requirement beginning in January 2015, rather than upon initial implementation of the NESHAP for existing CI engines in May 2013, to provide sources with appropriate lead time to institute these new requirements and make any physical adjustments to engines (including fuel seals) and other facilities like tanks or other containment structures, as well as any needed adjustments to contracts and other business activities, that may be necessitated by these new requirements. If these sources had been required to comply with the ULSD fuel requirement by their May 3, 2013, initial compliance date, they would have had only three months of lead time between promulgation and compliance. Although the EPA does not have information specifying the percentage of existing stationary emergency CI engines currently using residual fuel oil or non-ULSD distillate fuel, the most recent U.S. Energy Information Administration data available for sales of distillate and residual fuel oil to end users [2] show that significant amounts of non-ULSD are still being purchased by end users that typically operate stationary combustion sources, including stationary emergency CI engines. For the reasons indicated above, the EPA determined that additional lead time was warranted for these engines.

The petitions for reconsideration from the DE DNREC and Clean Air Council *et al.* requested that the requirement to use ULSD fuel for certain emergency engines take effect beginning on the May 3, 2013, compliance date. The DE DNREC indicated in the petition that ULSD is already widely available and is likely the only diesel fuel available in most areas. The petition for reconsideration from Clean Air Council *et al.* disagreed with the EPA that significant lead time is needed for facilities to come into compliance with the ULSD fuel requirement and indicated that the EPA had offered no evidence that adjustments would be necessary to operate engines on ULSD.

The EPA does not agree with the petitioners that there was no evidence in the record that adjustments may be necessary. According to the memo in the rulemaking docket titled, ''Summary of Ultra Low Sulfur Diesel Issues with Stationary Internal Combustion Engines'' (document number EPA–HQ–OAR–2008–0708–0003), experience with the transition to ULSD for mobile CI engines showed that differences in the aromatic content of ULSD may require replacement of gaskets and seals to prevent fuel system leaks. Also, as discussed previously, information from the Energy Information Administration indicated that a significant percentage of diesel fuel being purchased is not ULSD. Thus, the record does reflect that significant lead time is necessary for facilities to come into compliance with the ULSD requirement.

In addition, because the EPA included the requirement to use ULSD in the final rule in response to comments, the EPA believed it was appropriate to provide regulated parties sufficient time to conform to it, and the EPA did not believe that the 3 months advocated by petitioners was appropriate given the record information described above. Therefore, the EPA does not at this time agree that delaying the start of the ULSD fuel requirement until 2015 is inappropriate.

However, in consideration of the fact that the public lacked the opportunity to comment on the timing of the ULSD fuel requirement, the EPA has granted reconsideration to provide an opportunity for public comment on the timing for compliance with the ULSD fuel requirement for emergency CI engines that operate or are contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 40 CFR 63.6640(f)(2)(ii) and (iii) (emergency demand response and deviations of voltage or frequency of 5 percent or more), or that operate for the purpose specified in 40 CFR 63.6640(f)(4)(ii) (local system reliability). The EPA specifically solicits comment on whether it would be reasonable to implement the requirement to use ULSD fuel earlier than January 1, 2015. The EPA requests comment on whether the use of ULSD is already widespread and whether facilities will need to make any physical adjustments to engines (including fuel seals) and other facilities like tanks or other containment structures, as well as any needed adjustments to contracts and other business activities, to comply with these new requirements.

B. Timing and Required Information for the Reporting Requirement for Emergency Engines

The January 30, 2013, final rule added a new provision to the RICE NESHAP that requires stationary emergency RICE

[1] See document number EPA–HQ–OAR–2008–0708–1459 in the rulemaking docket.

[2] U.S. Energy Information Administration. Distillate Fuel Oil and Kerosene Sales by End Use. Available at *http://www.eia.gov/dnav/pet/pet_cons_821use_dcu_nus_a.htm.*

with a site rating of more than 100 brake HP and a displacement of less than 30 liters per cylinder that operate or are contractually obligated to be available for more than 15 hours per year (up to a maximum of 100 hours per year) for the purposes specified in 40 CFR 63.6640(f)(2)(ii) and (iii) (emergency demand response and deviations of voltage or frequency of 5 percent or more), or that operate for the purpose specified in 40 CFR 63.6640(f)(4)(ii) (local system reliability), to report the following information annually to the EPA, beginning with operation during the 2015 calendar year:

- Company name and address where the engine is located.
- Date of the report and beginning and ending dates of the reporting period.
- Engine site rating and model year.
- Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.
- Hours operated for emergency demand response and deviations of voltage or frequency of 5 percent or greater below standard, including the date, start time, and end time for engine operation for those purposes.
- Number of hours the engine is contractually obligated to be available for emergency demand response and deviations of voltage or frequency of 5 percent or greater below standard.
- Hours spent for operation for local system reliability, including the date, start time and end time for engine operation for that purpose, the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.
- If there were no deviations from the fuel requirements (if any) that apply to the engine, a statement that there were no deviations from the fuel requirements during the reporting period.
- If there were deviations from the fuel requirements that apply to the engine (if any), information on the number, duration, and cause of deviations, and the corrective action taken.

A similar reporting requirement was also added to the ICE NSPS. This information is necessary to determine whether these engines are operating in compliance with the regulations and will assist the EPA and other interested stakeholders in assessing the impacts of the emissions from these engines. We included this reporting requirement in the final rule in response to public comments expressing concerns about the impacts of emissions from emergency engines. The EPA specified in the final rule that the first report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year. The EPA did not require reporting of operation prior to 2015 for two reasons: (1) To give the EPA time to develop the electronic reporting tool that facilities will use to submit this information and stakeholders will use to view the submitted information; and (2) to give facilities sufficient lead time to institute the necessary infrastructure to record and compile the information so that it can be submitted electronically to the EPA in the correct format. The petition for reconsideration from Clean Air Council *et al.* requested that the reporting requirement begin with the 2013 calendar year, with the first report due in early 2014. Alternatively, Clean Air Council *et al.* requested that if the first report is not submitted until 2016, the report should include information on operation in 2013 and 2014, in addition to the information for 2015 that is already required. The petitioners also requested that the report include the type and amount of diesel fuel used in the engine. The petitioners indicated that collecting this information would enhance the EPA's ability to assess the health impacts of the emissions from the engines.

The EPA does not believe the petitioners have provided sufficient justification for the revisions in lead time provided in their request, and the EPA continues to believe that a lead time until the 2015 calendar year is appropriate, for the reasons stated above. The EPA also does not agree with the petitioners that the report should include the type and amount of diesel fuel used in the engine, because of the burden that would place on affected facilities. The sulfur content of the fuel in the tanks would be changing over time as the existing higher sulfur fuel is replaced with ULSD, and a facility would have to periodically sample its fuel tanks in order to determine the current sulfur content of the fuel. Facilities may need to install equipment such as fuel flow meters in order to determine the amount of diesel fuel used in their engines.

However, in consideration of the fact that the public lacked the opportunity to comment on the timing and required information for the reporting requirement, the EPA has granted reconsideration to provide an opportunity for public comment on the timing and required information for the reporting requirement for emergency engines that operate or are contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 40 CFR 63.6640(f)(2)(ii) and (iii), or that operate for the purpose specified in 40 CFR 63.6640(f)(4)(ii). The EPA requests comment on whether owners and operators of these engines should be required to report operation for the period between the compliance date and January 2015, and when it would be reasonable to submit the report. The EPA also solicits comment on whether the rule should require reporting of the amount and type of diesel fuel used in the engine. The EPA requests information on whether such a requirement would place an unreasonable burden on affected facilities.

C. Criteria for Operation for Up to 50 Hours per Year for Non-Emergency Situations

The proposed amendments to the RICE NESHAP and ICE NSPS (June 7, 2012; 77 FR 33812) specified two situations under which emergency engines could be used for up to 100 hours per calendar year in non-emergency situations as part of a financial arrangement with another entity. The EPA proposed that owners and operators of stationary emergency engines could operate the engines when the Reliability Coordinator has declared an Energy Emergency Alert (EEA) Level 2 as defined in the North American Electric Reliability Corporation (NERC) Reliability Standard EOP–002–3, Capacity and Energy Emergencies, or during periods where there is a deviation of voltage or frequency of 5 percent or more below standard voltage or frequency. Public commenters indicated that the proposed EEA Level 2 and 5 percent voltage or frequency deviation triggers did not account for situations when the local balancing authority or transmission operator for the local electric system has determined that electric reliability is in jeopardy, and recommended that the EPA include additional situations where the local transmission and distribution system operator has determined that there are conditions that could lead to a blackout for the local area. The comments indicated that rural distribution lines are not configured in a typical grid pattern, but instead have distribution lines that can run well over 50 miles from a substation and regularly extend 15 miles or longer. During periods of exceptionally heavy stress within the region or sub-region, electricity from regional power generators may not be available because of transmission constraints, according to the

commenter. The comments indicated that in many cases, there may be only one transmission line that feeds the rural distribution system, and no alternative means to transmit power into the local system. In response to those comments and in recognition of the unique challenges faced by the local transmission and distribution system operators in rural areas, the revisions to the RICE NESHAP and ICE NSPS finalized on January 30, 2013, specified limited circumstances under which stationary emergency engines located at area sources of HAP could operate for up to 50 hours per year in non-emergency situations as part of a financial arrangement with another entity. The final amendments specified that up to 50 hours per calendar year can be used for non-emergency situations to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

- The engine is located at an area source of HAP;
- the engine is dispatched by the local balancing authority or local transmission and distribution system operator;
- the dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region;
- the dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines;
- the power is provided only to the facility itself or to support the local transmission and distribution system; and
- the owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine.

The EPA added these provisions to the final RICE NESHAP and ICE NSPS in response to public comments on situations where the local transmission and distribution system operator has determined that there are conditions that could lead to a blackout for the local area where the ready availability of emergency engines is critical to system reliability.

The petitions for reconsideration from Clean Air Council *et al.* and from Calpine and PSEG expressed concern that the conditions specified in the final rule for operation in non-emergency situations to supply power as part of a financial arrangement with another entity were too indistinct and expansive and would be difficult to enforce, which could lead to engines operating when there is no discernible threat to the grid. The petition from Calpine and PSEG expressed concern that the final rule did not provide any guidance for determining whether the dispatch of an engine is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region. The petition from Clean Air Council *et al.* recommended that the EPA more clearly delineate the situations under which the engines could run to ensure that the engines are only dispatched during genuine grid emergencies, while still allowing local grid operators to address legitimate reliability concerns. The petitions did not provide suggestions as to what criteria the petitioners believe would be appropriate.

Due to the public's inability to comment on this issue, the EPA has granted reconsideration of the conditions in 40 CFR 60.4211(f)(3)(i), 60.4243(d)(3)(i) and 63.6640(f)(4)(ii) for operation for up to 50 hours per calendar year in non-emergency situations as part of a financial arrangement with another entity, as well as the corresponding provisions in the ICE NSPS. The EPA welcomes comments on these provisions, including whether the provisions are necessary or appropriate and also whether the specific provisions delineating the situations where such use is permitted are appropriate as finalized or should be revised. If a commenter suggests revisions to the provisions, the commenter should provide detailed information supporting any such revision.

IV. Solicitation of Public Comment and Participation

The EPA seeks full public participation in arriving at its final decisions. At this time, the EPA is not proposing any specific revisions to the final RICE NESHAP or the ICE NSPS. However, the EPA requests public comment on the three issues under reconsideration. The EPA is seeking comment only on the three issues. The EPA will not respond to any comments addressing any other issues or any other provisions of the final rule or any other rule.

Specifically, the EPA requests comment on the timing for compliance with the ULSD fuel requirement for existing emergency CI engines that operate or are contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 40 CFR 63.6640(f)(2)(ii) and (iii) (emergency demand response and deviations of voltage or frequency of 5 percent or more, or that operate for the purpose specified in 40 CFR 63.6640(f)(4)(ii) (local system reliability). The EPA requests comment on whether affected engines should be required to comply with the ULSD fuel requirement earlier than January 1, 2015. In particular, the EPA invites comment on whether the lead time for a January 15, 2015, implementation date is unreasonably long, or conversely, if the lead time for an implementation date prior to January 1, 2015, would be unreasonably short.

The EPA requests comment on the timing and required information for the reporting requirement for emergency engines that operate or are contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 40 CFR 63.6640(f)(2)(ii) and (iii), or that operate for the purpose specified in 40 CFR 63.6640(f)(4)(ii), and the timing and required information for the analogous reporting requirement in the ICE NSPS. The EPA requests comment on whether the reporting should begin with operation in the 2015 calendar year, and whether the rule should require reporting of the amount and type of diesel fuel used in the engine.

Finally, the EPA requests comment on the conditions in 40 CFR 60.4211(f)(3)(i), 60.4243(d)(3)(i) and 63.6640(f)(4)(ii) for operation for up to 50 hours per calendar year in non-emergency situations as part of a financial arrangement with another entity. The EPA is particularly seeking comment on whether the criteria could be more clearly defined to eliminate any ambiguity regarding the situations under which engines can operate and to further limit the operation to situations where the reliability of the local system is threatened.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose any new information collection burden. The EPA is not proposing any new information collection activities (e.g., monitoring, reporting, recordkeeping) as part of this action. With this action, the EPA is seeking additional comments on three aspects of the final NESHAP and NSPS for stationary RICE (78 FR 6674, January 30, 2013). The Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. and has assigned OMB control number 2060–0548. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

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

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

After considering the economic impacts of this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action will not impose any new requirements. This action seeks comment on three aspects of the final NESHAP and NSPS for stationary RICE without proposing any changes to the rules. We continue to be interested in the potential impacts of this action on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

This action contains no federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for state, local, or tribal governments or the private sector. The action imposes no enforceable duty on any state, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action requests comment on three aspects of the final NESHAP and NSPS for stationary RICE without proposing any changes to the rules.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action seeks comment on three aspects of the final NESHAP and NSPS for stationary RICE without proposing any changes to the rule. Thus, Executive Order 13132 does not apply to this action.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is based solely on technology performance and not on health or safety risks.

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

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

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104–113, Section 12(d), 15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards (VCS) in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. The VCS are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by VCS bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency does not use available and applicable VCS.

This action does not involve technical standards. Therefore, the EPA did not consider the use of any VCS.

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

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This action seeks comment on three aspects of the final NESHAP and NSPS for stationary RICE without proposing any changes to the rule.

List of Subjects

40 CFR Part 60

Administrative practice and procedure, Air pollution control,

Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 63

Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 29, 2013.

Gina McCarthy,

Administrator.

[FR Doc. 2013–21626 Filed 9–4–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[MB Docket No. 11–154; DA 13–1785]

Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010

AGENCY: Federal Communications Commission.

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

SUMMARY: In this document, the Commission extends the deadline for filing comments and reply comments on the Commission's Further Notice of Proposed Rulemaking (FNPRM) in this proceeding, which was published in the **Federal Register** on July 2, 2013. The extension will allow consumers and industry to engage in collaborative dialogue on the issues raised in the FNPRM and will facilitate the development of a more complete record.

DATES: The comment and reply comment period for the proposed rule published July 2, 2013 (78 FR 39691) is extended. Submit comments on or before November 4, 2013, and submit reply comments on or before December 4, 2013.

ADDRESSES: You may submit reply comments, identified by MB Docket No. 11–154, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- Federal Communications Commission's Electronic Comment Filing System (ECFS) Web site: *http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432. For detailed instructions on submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of the Proposed Rule, 78 FR 39691.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* in MB Docket No. 11–154, DA 13–1785, adopted and released on August 20, 2013, which extends the comment and reply comment filing deadlines established in the FNPRM published under FCC No. 13–84 at 78 FR 39691, July 2, 2013. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., Room CY–A257, Washington, DC 20554. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW., Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Background

1. On June 14, 2013, the Commission released a Further Notice of Proposed Rulemaking (FNPRM) in MB Docket No. 11–154. The FNPRM set deadlines for filing comments and reply comments at 60 and 90 days, respectively, after publication of the FNPRM in the **Federal Register**. A summary of the FNPRM was published in the **Federal Register** on July 2, 2013. 78 FR 39691. Accordingly, the filing dates were established as September 3, 2013 for comments and September 30, 2013 for reply comments. On August 14, 2013, Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) *et al.* (collectively, Consumer Groups) filed a request to extend the comment deadline by 60 days and to extend the reply comment deadline by 30 days thereafter. Consumer Groups state that an extension is warranted because it will give consumers and consumer electronics industry members time to engage in a collaborative dialogue on the issues raised in the FNPRM before submitting comments and reply comments, and it will enable Consumer Groups to retain pro bono counsel to file comments and reply comments on their behalf. We grant the requested extension.

2. As set forth in Section 1.46 of the Commission's Rules, 47 CFR 1.46(a), the Commission's policy is that extensions of time for filing comments in rulemaking proceedings shall not be routinely granted. In the instant case, however, we find that granting an extension of the comment and reply comment periods will serve the public interest by allowing consumer and industry representatives additional time to engage in collaborative consideration of the FNPRM issues and by facilitating the development of a more complete record. Further, given that the Commission has temporarily extended the deadline for compliance with the closed captioning rules for DVD and Blu-ray players and has not adopted apparatus synchronization requirements, we find that the request for 60 additional days for filing comments, with 30 days thereafter for filing reply comments, would not impose a burden on industry.

Ordering Clauses

Pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and Sections 0.61, 0.283, and 1.46 of the Commission's rules, 47 CFR 0.61, 0.283, and 1.46, the Motion for Extension of Time filed by Telecommunications for the Deaf and Hard of Hearing, Inc. *et al.* is granted, the deadline to file comments in this proceeding is extended to November 4, 2013, and the deadline to file reply comments in this proceeding is extended to December 4, 2013.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

[FR Doc. 2013–21648 Filed 9–4–13; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R2–ES–2013–0056; FXES11130900000C2–134–FF09E32000]

RIN 1018–AY46

Endangered and Threatened Wildlife and Plants; Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of public comment period, and announcement of public hearing.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), recently published a proposal to revise the existing nonessential experimental population designation of the Mexican wolf (*Canis lupus baileyi*), and we announced the opening of a 90-day public comment period on the proposed revised rule, ending September 11, 2013. We now extend the public comment period to October 28, 2013. Comments previously submitted need not be resubmitted and will be fully considered in preparation of the final rule. We also announce a public hearing on our proposed revised rule.

DATES: *Written Comments:* The public comment period on the proposal to revise the nonessential experimental population of the Mexican wolf is extended to October 28, 2013. Please note comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date. If you are submitting your comments by hard copy, please mail them by October 28, 2013, to ensure that we receive them in time to give them full consideration.

Public Hearing: We will hold a public hearing on Friday, October 4, 2013, from 6 p.m. to 9 p.m., in Albuquerque, New Mexico.

ADDRESSES: *Written Comments:* You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Search for FWS–R2–ES–2013–0056, which is the docket number for this rulemaking. Please ensure you have found the correct document before submitting your comments. If your comments will fit in the provided comment box, please use this feature of *http://www.regulations.gov,* as it is most compatible with our comment review procedures. If you attach your comments as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel. Submissions of electronic comments on our proposal to remove the gray wolf from the List of Endangered and Threatened Wildlife (List) but to maintain endangered status for the Mexican wolf by listing it as a subspecies (*Canis lupus baileyi*), which also published in the **Federal Register** on June 13, 2013, should be submitted to Docket No. FWS–HQ–ES–2013–0073 using the method described above.

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2013–0056; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

(3) *At the public hearing:* Written comments will be accepted by Service personnel at the scheduled public hearing.

We will post all comments received on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

Public Hearing: We will hold a public hearing on the proposed revision to the nonessential experimental population of the Mexican wolf at the Embassy Suites, 1000 Woodward Place NE., Albuquerque, NM 87102; 505–245–7100. This public hearing will also cover our proposal to remove the gray wolf from the List of Endangered and Threatened Wildlife and maintain protections for the Mexican wolf (*Canis lupus baileyi*) by listing it as endangered (78 FR 35664).

FOR FURTHER INFORMATION CONTACT: Mexican Wolf Recovery Program, U.S. Fish and Wildlife Service, New Mexico Ecological Services Office, 2105 Osuna Road NE., Albuquerque, NM 87133; telephone 505–761–4704; facsimile 505–346–2542. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We are extending the comment period for 45 days on our proposed revision to the nonessential experimental population of the Mexican wolf that was published in the **Federal Register** on June 13, 2013 (78 FR 35719). For the types of information we are seeking public comments on, please see Information Requested section of the June 13, 2013 (78 FR 35719), proposed revision to the nonessential experimental population of the Mexican wolf. We will reopen the comment period on the proposed rule this winter in conjunction with a comment period on our draft environmental impact statement, Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*) and the Implementation of a Management Plan (78 FR 47268, August 5, 2013). At that time, additional public information meetings and public hearings will be held in conjunction with the public comment period on both the proposed rule and the draft environmental impact statement.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination. You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We request that you send comments only by the methods described in the **ADDRESSES** section.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as some of the supporting documentation we used in preparing the proposed rule, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0056, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, New Mexico Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT**).

We intend that any final action resulting from the proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, tribes, the scientific community, industry, or other interested parties concerning this proposed rule. We request that you make your comments as specific as

possible and explain the basis for them. In addition, please include sufficient information with your comments to allow us to authenticate any scientific or commercial data you reference or provide.

If you previously submitted comments or information on the proposed rule, please do not resubmit them. We will incorporate them into the public record as part of this comment period, and will fully consider them in the preparation of our final determination.

Public Hearing

We are holding a public hearing on the date listed in the **DATES** section at the location listed in the **ADDRESSES** section. The public hearings on the June 13, 2013 (78 FR 35664), proposal to remove the gray wolf from the List and maintain protections for the Mexican wolf by listing it as endangered are announced elsewhere in today's **Federal Register**.

The October 4, 2013, public hearing in Albuquerque, NM, will address both the June 13, 2013 (78 FR 35664) proposal to remove the gray wolf from the List and maintain protections for the Mexican wolf by listing it as endangered, as well as the June 13, 2013 (78 FR 35719), proposed revision to the nonessential experimental population of the Mexican wolf.

This public hearing will provide interested parties an opportunity to present verbal testimony (formal, oral comments) or written comments. A public hearing is not, however, an opportunity for dialogue with the Service or its contractors; it is a forum for accepting formal verbal testimony. Anyone wishing to make an oral statement at the public hearing for the record is encouraged to provide a written copy of their statement to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Speakers can sign up at the hearing if they desire to make an oral statement. Oral and written statements receive equal consideration. There are no limits on the length of written comments submitted to us.

Persons with disabilities needing reasonable accommodations to participate in the public hearing should contact the Mexican Wolf Recovery Program, New Mexico Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT**). Reasonable accommodation requests should be received at least 3 business days prior to the hearing to help ensure availability; at least 2 weeks prior notice is requested for American sign language or English as a second language interpreter needs.

Authors

The primary authors of this notice are the staff of the Mexican Wolf Recovery Program, U.S. Fish and Wildlife Service.

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: August 30, 2013.

Michael Bean,

Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2013–21665 Filed 9–4–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2013–0073; FXES11130900000C2–134–FF09E32000]

RIN 1018–AY00

Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (Canis lupus) From the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf (Canis lupus baileyi) by Listing It as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of public comment period, and announcement of public hearings.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), recently published a proposal to remove the gray wolf from the List of Endangered and Threatened Wildlife (List) but to maintain endangered status for the Mexican wolf by listing it as a subspecies (*Canis lupus baileyi*), and we announced the opening of a 90-day public comment period on the proposed action, ending September 11, 2013. We now extend the public comment period to October 28, 2013. We are extending the public comment period to allow all interested parties additional time to comment on the proposed rule. Comments previously submitted need not be resubmitted and will be fully considered in preparation of the final rule. We also announce three public hearings on our proposed rule.

DATES: *Written Comments:* The public comment period on the proposal to remove the gray wolf from the List of Endangered and Threatened Wildlife but to maintain endangered status for the Mexican wolf by listing it as a subspecies is extended to October 28, 2013. Please note comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date. If you are submitting your comments by hard copy, please mail them by October 28, 2013, to ensure that we receive them in time to give them full consideration.

Public Hearings: We will hold three public hearings on the following dates:

- September 30, 2013, from 6 p.m. to 8:30 p.m., in Washington, DC.
- October 2, 2013, from 6 p.m. to 8:30 p.m., in Sacramento, California.
- October 4, 2013, from 6 p.m. to 9 p.m., in Albuquerque, New Mexico.

ADDRESSES: *Written Comments:* You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Search for Docket No. FWS–HQ–ES–2013–0073, which is the docket number for this rulemaking. Please ensure you have found the correct document before submitting your comments. If your comments will fit in the provided comment box, please use this feature of *http://www.regulations.gov,* as it is most compatible with our comment review procedures. If you attach your comments as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel. Submissions of electronic comments on our Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf, which also published in the **Federal Register** on June 13, 2013, should be submitted to Docket No. FWS–R2–ES–2013–0056 using the method described above.

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–HQ–ES–2013–0073; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

(3) *At the public hearings:* Written comments will be accepted by Service personnel at any of the three scheduled public hearings.

We will post all comments we receive on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

Public Hearings: Public hearings will be held at:

• Department of the Interior, Auditorium, 1849 C Street NW., Washington, DC 20240; (202) 208–3100.

• Clarion Inn, Martinique Ball Room, 1401 Arden Way, Sacramento, CA 95815; (916) 922–8041.

• Embassy Suites, Sandia Room, 1000 Woodward Place NE., Albuquerque, NM 87102; (505) 245–7100. This public hearing will also cover the proposed revision to the nonessential experimental population of the Mexican wolf (78 FR 35719).

FOR FURTHER INFORMATION CONTACT: Headquarters Office, Ecological Services; telephone (703) 358–2171. Direct all questions or requests for additional information to: GRAY WOLF QUESTIONS, U.S. Fish and Wildlife Service, Headquarters Office, Ecological Services, 4401 North Fairfax Drive, Room 420, Arlington, VA 22203. Individuals who are hearing-impaired or speech-impaired may call the Federal Relay Service at 1–800–877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Public Comments

We are extending the public comment period for 45 days on our proposal to remove the gray wolf (*Canis lupus*) from the List of Endangered and Threatened Wildlife (List) and maintain protections for the Mexican wolf (*Canis lupus baileyi*) by listing it as endangered under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). That proposal was published in the **Federal Register** on June 13, 2013 (78 FR 35664). It is available online at *http://www.regulations.gov* under Docket No. FWS–HQ–ES–2013–0073 and at *http://www.gpo.gov/fdsys/pkg/FR-2013-06-13/pdf/2013-13982.pdf#page=2.*

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. In particular, we are seeking targeted information and comments on our proposed removal of *C. lupus* from the List of Endangered and Threatened Wildlife and addition of *C. l. baileyi* as an endangered subspecies. We also seek comment on the following categories of information.

(1) Biological, commercial trade, or other relevant information concerning our analysis of the current *C. lupus* listed entity and the adequacy of the approach taken in this analysis, with particular respect to our interpretation of the term ''population'' as it relates to the 1996 Policy Regarding the Recognition of Distinct Vertebrate Population Segments (DPS policy) (61 FR 4722, February 7, 1996) and specifically to gray wolves.

(2) Information concerning the genetics and taxonomy of the eastern wolf, *Canis lycaon.*

(3) Information concerning the status of the gray wolf in the Pacific Northwest United States and the following gray wolf subspecies: *Canis lupus nubilus, Canis lupus occidentalis,* and *C. l. baileyi,* including:

(a) Genetics and taxonomy;

(b) New information concerning range, distribution, population size, and population trends;

(c) New biological or other relevant data concerning any threat (or lack thereof) to these subspecies, their habitat, or both; and

(d) New information regarding conservation measures for these populations, their habitat, or both.

As this proposal is intended to replace our May 5, 2011, proposal to remove protections for *C. lupus* in all or portions of 29 eastern contiguous States (76 FR 26086), we ask that any comments previously submitted that may be relevant to the proposal presented in this rule be resubmitted at this time.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination. You may submit your comments and materials by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**. Verbal testimony may also be presented during the public hearings (see **DATES** and **ADDRESSES** sections).

We will post your entire comment—including your personal identifying information—on *http://www.regulations.gov.* If you provide personal identifying information, such as your street address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as some of the supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–HQ–ES–2013–0073, or by appointment, during normal business hours at U.S. Fish and Wildlife Service, Headquarters Office, Endangered Species Program, 4401 North Fairfax Drive, Room 420, Arlington, VA 22203.

Our final determination concerning the proposed action will take into consideration all written comments we receive during all comment periods, comments from peer reviewers, and comments received during the public hearings. The comments will be included in the public record for this rulemaking, and we will fully consider them in the preparation of our final determination.

If you previously submitted comments or information on this proposed rule, please do not resubmit them. We will incorporate them into the public record as part of this comment period, and will fully consider them in the preparation of our final determination.

Public Hearings

We are holding three public hearings on the dates listed in the **DATES** section at the locations listed in the **ADDRESSES** section. The public hearing on the June 13, 2013 (78 FR 35719), proposed revision to the nonessential experimental population of the Mexican wolf is announced elsewhere in today's **Federal Register**. The October 4, 2013, public hearing in Albuquerque, NM, will address both the June 13, 2013 (78 FR 35664), proposal to remove the gray wolf from the List and maintain protections for the Mexican wolf by listing it as endangered, as well as the June 13, 2013 (78 FR 35719), proposed revision to the nonessential experimental population of the Mexican wolf.

We are holding the public hearings to provide interested parties an opportunity to present verbal testimony (formal, oral comments) or written comments regarding the June 13, 2013 (78 FR 35664), proposal to remove the gray wolf from the List and maintain protections for the Mexican wolf by listing it as endangered. A public hearing is not, however, an opportunity for dialogue with the Service or its contractors; it is a forum for accepting formal verbal testimony. Anyone wishing to make an oral statement at the public hearings for the record is encouraged to provide a written copy of their statement to us at the hearings. In the event there is a large attendance, the time allotted for oral statements may be limited. Speakers can sign up at the hearings if they desire to make an oral statement. Oral and written statements receive equal consideration. There are no limits on the length of written comments submitted to us.

Persons with disabilities needing reasonable accommodations to participate in the public hearings should contact the Headquarters Office (see **FOR FURTHER INFORMATION CONTACT**). Reasonable accommodation requests should be received at least 3 business days prior to the hearing to help ensure availability; at least 2 weeks prior notice is requested for American-sign-language or English-as-a-second-language interpreter needs.

Authors

The primary authors of this notice are the Ecological Services staff of the Headquarters Office, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: August 30, 2013.

Rowan W. Gould,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2013–21664 Filed 9–4–13; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 78, No. 172
Thursday, September 5, 2013

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Document Number AMS–NOP–13–0049; NOP–13–04]

Notice of Meeting of the National Organic Standards Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, (5 U.S.C. App.), the Agricultural Marketing Service (AMS) is announcing an upcoming meeting of the National Organic Standards Board (NOSB). Written public comments are invited in advance of the meeting, and the meeting will include scheduled time for oral comments from the public.

DATES: The meeting will be held October 22–24, 2013, from 8 a.m. to 6 p.m. each day. The deadline to submit written public comments and sign up for oral public comments is Tuesday, October 1, 2013.

ADDRESSES: The meeting will take place at the Galt House Hotel, 140 North Fourth St., Louisville, KY 40202. (502) 589–5200. Information and instructions pertaining to the meeting are posted at the following web address: *http://www.ams.usda.gov/NOSBMeetings.*

FOR FURTHER INFORMATION CONTACT: For printed materials or additional information, write to Ms. Michelle Arsenault, Special Assistant, National Organic Standards Board, USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2648–So., Mail Stop 0268, Washington, DC 20250–0268; Phone: (202) 720–3252; Email: *nosb@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: The NOSB makes recommendations about whether a substance should be allowed or prohibited in organic production and/or handling, assists in the development of standards for organic production, and advises the Secretary on other aspects of the implementation of the Organic Foods Production Act (7 U.S.C. 6501–6522). The NOSB currently has seven subcommittees working on various aspects of the Organic Program. The subcommittees are: Compliance, Accreditation, and Certification; Crops; Handling; Livestock; Materials; Policy Development; and the ad hoc Genetically Modified Organisms (GMO). The primary purpose of NOSB meetings is to provide an opportunity for the organic community to give input on proposed NOSB recommendations and discussion items. The meetings also allow the NOSB to receive updates from the USDA National Organic Program (NOP) on issues pertaining to organic agriculture. The meeting will be open to the public. The meeting agenda, NOSB proposals and discussion documents, instructions for submitting and viewing public comments, and instructions for requesting a time slot for oral comments are available on the NOP Web site at *http://www.ams.usda.gov/NOSBMeetings.* The discussion documents and proposals encompass a wide range of topics, including: substances petitioned to the National List of Allowed and Prohibited Substances (National List), substances on the National List that require NOSB review before their 2015 sunset date, updates from working groups on technical issues, and amendments to the NOSB Policies and Procedures Manual.

Public Comments: Written public comments will be accepted through Tuesday, October 1, 2013 via *www.regulations.gov*. Comments received after that date may not be reviewed by the NOSB before the meeting. The NOP strongly prefers comments to be submitted electronically; however, written comments may also be submitted by Tuesday, October 1, 2013 via mail to Ms. Michelle Arsenault, Special Assistant, National Organic Standards Board, USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2648–S, Mail Stop 0268, Washington, DC 20250–0268. Instructions for viewing all comments are posted at *www.regulations.gov* and *http://www.ams.usda.gov/NOSBMeetings.*

The NOSB has scheduled time for oral comments from the public, and will accommodate as many individuals and organizations as possible during these sessions. Individuals and organizations wishing to make oral presentations at the meeting must pre-register to request one time slot by visiting *http://www.ams.usda.gov/NOSBMeetings* or by calling (202) 720–0081. The deadline to sign up for an oral public comment slot is Tuesday, October 1, 2013. All persons making oral presentations should also provide their comments in advance through the written comment process. Written submissions may contain supplemental information other than that presented in the oral presentation. Persons submitting written comments at the meeting are asked to provide two hard copies.

Meeting Accommodations: The meeting hotel is ADA Compliant, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this public meeting, please notify Michelle Arsenault at *michelle.arsenault@ams.usda.gov* or (202) 720–0081. Determinations for reasonable accommodation will be made on a case-by-case basis.

Dated: August 30, 2013.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2013–21563 Filed 9–4–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0073]

Notice of Request for Extension of Approval of an Information Collection; Credit Account Approval for Reimbursable Services

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

credit account approval for reimbursable services.

DATES: We will consider all comments that we receive on or before November 4, 2013.

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

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0073-0001*.

• *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0073, 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-2013-0073* 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 credit account approval for reimbursable services, contact Mrs. Kris Caraher, Accountant, Financial Management Division, APHIS, 4700 River Road Unit 55, Riverdale, MD 20737; (301) 851–2834. 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: Credit Account Approval for Reimbursable Services.

OMB Number: 0579–0055.

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

Abstract: The Animal and Plant Health Inspection Service (APHIS) provides the services of a Federal inspector to clear imported and exported agricultural commodities for animal and plant health purposes. These services are paid for by user fees during regular working hours. If an importer wishes to have shipments cleared at other hours, such services will usually be provided on a reimbursable overtime basis, unless already covered by a user fee. Exporters wishing cargo to be certified during nonworking hours may also utilize this procedure.

Many importers and exporters who require inspection services are repeat customers who request that APHIS bill them. The Agency needs to collect certain information to conduct a credit check on prospective applicants to ensure creditworthiness prior to extending credit services and to prepare billings. Also, the Debt Collection Improvement Act of 1996, as amended (31 U.S.C. 3332), requires that agencies collect tax identification numbers from all persons doing business with the Government for purposes of collecting delinquent debts. APHIS Form 192 (Application for Credit Account) is used to collect this information and must be completed before credit is extended.

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 0.25 hours per response.

Respondents: Importers, exporters, or brokers who wish to set up an account for billing of inspection services provided during nonworking hours.

Estimated annual number of respondents: 225.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 225.

Estimated total annual burden on respondents: 56 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 29th day of August 2013.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–21565 Filed 9–4–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0053]

Notice of Request for Extension of Approval of an Information Collection; Swine Health Protection

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 swine health protection program.

DATES: We will consider all comments that we receive on or before November 4, 2013.

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

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0053-0001*.

• *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0053, 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-2013-0053* 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 swine health protection program, contact Dr. David Pyburn, Swine Health Veterinarian, NCAHP, VS, APHIS, 210 Walnut St., Room 891, Des Moines, IA 50309; (515) 284–4122. 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: Swine Health Protection.

OMB Number: 0579–0065.

Type of Request: 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 U.S. Department of Agriculture is authorized, among other things, to prohibit or restrict the interstate movement of animals and animal products to prevent the dissemination within the United States of animal diseases and pests of livestock and to conduct programs to detect, control, and eradicate pests and disease of livestock.

The Swine Health Protection Act (the Act) prohibits the feeding of garbage to swine intended for interstate movement or foreign commerce or that substantially affect such commerce unless the garbage has been treated to kill disease organisms. Untreated garbage is one of the primary media through which numerous infectious and communicable diseases can be transmitted to swine. APHIS' regulations promulgated under the Act, which are located at 9 CFR part 166, require that garbage intended to be fed to swine must be treated at a facility that holds a valid permit to treat the garbage and must be treated in accordance with the regulations.

APHIS requires certain information in order to license (issue a permit to) a facility to operate and to monitor the facility for compliance with the regulations. APHIS collects this information from applications for a license to operate a garbage treatment facility, records of the destination and date of removal of all food waste or garbage from the treatment facility, and food waste reports. With this information, APHIS is able to carefully monitor garbage treatment facilities to ensure that they are meeting the requirements. In addition, other required information collection activities, include acknowledgement of receipt of the Act and regulations by applicants, request for cancellation of a license, notification of illness or death of animals, request for hearing, and inspection. The information provided by the combined activities is critical in preventing the interstate spread of various swine diseases and, therefore, plays a vital role in our swine health protection program.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities 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 0.88 hours per response.

Respondents: Owners/operators (licensees) of garbage treatment facilities, herd owners, food establishments, and State animal health authorities.

Estimated annual number of respondents: 2,110.

Estimated annual number of responses per respondent: 6.

Estimated annual number of responses: 12,897.

Estimated total annual burden on respondents: 11,333 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 29th day of August 2013.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–21559 Filed 9–4–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0067]

Notice of Request for Extension of Approval of an Information Collection; Importation of Emerald Ash Borer Host Material From Canada

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 for the importation of emerald ash borer host material from Canada to prevent the introduction and spread of emerald ash borer in the United States.

DATES: We will consider all comments that we receive on or before November 4, 2013.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0067-0001*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0067, 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-2013-0067* 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 the importation of emerald ash borer host material from Canada, contact Mr. John T. Jones, Trade Director, PIM, PHP, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737; (301) 851–2344. 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: Importation of Emerald Ash Borer Host Material From Canada.

OMB Number: 0579–0319.

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 to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States.

As authorized by the PPA, the Animal and Plant Health Inspection Service (APHIS) regulates the importation of plants for planting into the United States from certain parts of the world as provided in ''Subpart—Plants for Planting'' (7 CFR 319.37 through 319.37–14). This subpart restricts, among other things, the importation of living plants, plant parts, and seeds for propagation. In addition, APHIS regulates the importation of lumber and other wood articles as provided in ''Subpart–Logs, Lumber, and Other Wood Articles'' (7 CFR 319.40–1 through 319.40–11). This subpart lists requirements for the importation of various logs, lumber, and other unmanufactured wood products into the United States. Both subparts contain regulations that restrict or prohibit the importation of emerald ash borer (EAB) host material from Canada to prevent the introduction and spread of EAB into the United States. EAB (*Agrilus planipennis)* is a destructive wood-boring insect that attacks ash trees. These regulations involve information collection activities, including phytosanitary certificates, permit applications, and certificates of inspection.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities 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 0.6666 hours per response.

Respondents: Importers of plants for planting and logs, lumber, and other wood articles from Canada; and the Canadian Food Inspection Agency.

Estimated annual number of respondents: 6.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 6.

Estimated total annual burden on respondents: 4 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 29th day of August 2013.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–21585 Filed 9–4–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0060]

Notice of Request for Extension of Approval of an Information Collection; Brucellosis in Sheep, Goats, and Horses; Payment of Indemnity

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 for the payment of indemnity for sheep, goats, and horses destroyed because of brucellosis.

DATES: We will consider all comments that we receive on or before November 4, 2013.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0060-0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0060, 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-2013-0060* 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 the payment of indemnity for sheep, goats, and horses destroyed because of brucellosis, contact Dr. Debra Donch, Brucellosis Program Manager, National Animal Health Policy and Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737; (301) 851–3559. 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: Brucellosis in Sheep, Goats, and Horses; Payment of Indemnity.

OMB Number: 0579–0185.

Type of Request: 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 U.S. 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 animal diseases and pests and for eradicating such diseases when feasible.

Brucellosis is a contagious disease caused by bacteria of the genus *Brucella* that primarily affects cattle, bison, and swine. It causes the loss of young animals through spontaneous abortion or birth of weak offspring, reduced milk production, and infertility. The continued presence of brucellosis seriously threatens the health of other

animals. Sheep, goats, and horses are also susceptible to *B. abortus.* In horses, the disease is known as fistulous withers. A third strain of *Brucella, B. melitensis,* affects mainly goats and sheep.

The regulations in 9 CFR part 51 include an indemnity program for sheep, goats, and horses that may be destroyed because of brucellosis. This indemnity program, which is similar to our indemnity program for cattle and bison, is voluntary and is a crucial tool for encouraging owners of infected or exposed animals to destroy them as part of our ongoing program to eradicate brucellosis in the United States.

The indemnity program for the voluntary depopulation of sheep, goats, and horses infected with brucellosis involves the use of a number of information collection activities, including the completion of indemnity claims, recording of test results, obtaining a permit for the movement of restricted animals, submission of proof of destruction, requests for extension of certain program-related deadlines, and the use of official seals and animal identification associated with the information collection activities.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities 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 0.7272 hours per response.

Respondents: Eligible owners of sheep, goats, horses, and materials destroyed, and claimants incurring costs for which compensation might be sought under the brucellosis indemnity program; and program support personnel including accredited veterinarians and State veterinarians.

Estimated annual number of respondents: 3.

Estimated annual number of responses per respondent: 3.67.

Estimated annual number of responses: 11.

Estimated total annual burden on respondents: 8 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 29th day of August 2013.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–21586 Filed 9–4–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funds Availability for Section 514 Farm Labor Housing Loans and Section 516; Farm Labor Housing Grants for Off-farm Housing for Fiscal Year (FY) 2013

AGENCY: Rural Housing Service, USDA.

ACTION: Notice; correction.

SUMMARY: The Rural Housing Service is correcting a notice published on August 14, 2013, (78 FR 49460–49467). This action is taken to correct two ''submission deadline'' dates.

FOR FURTHER INFORMATION CONTACT: Mirna Reyes-Bible, Finance and Loan Analyst, Multi-Family Housing Preservation and Direct Loan Division, STOP 0781 (Room 1263–S), USDA Rural Development, 1400 Independence Avenue SW., Washington, DC 20250–0781, telephone: (202) 720–1753 (this is not a toll free number.), or via email: *Mirna.ReyesBible@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Correction

Accordingly, the Notice published August 14, 2013, (78 FR 49460–49467), is corrected as follows: On page 49461, the third column, under the heading ''A. Pre-Application Submission'', the sixth sentence is amended to read:

No pre-application will be accepted after 5 p.m., local time to the appropriate Rural Development State offices on September 13, 2013 unless date and time are extended by another Notice published in the **Federal Register**.

On page 49462, the second column, under the heading ''3. Hard Copy Submission to the Rural Development State Office.'', the third sentence is amended to read:

Hard copy pre-applications must be received by the submission deadline and no later than 5 p.m., local time, September 13, 2013.

Dated: August 23, 2013.

Richard A. Davis,

Acting Administrator, Rural Housing Service.

[FR Doc. 2013–21503 Filed 9–4–13; 8:45 am]

BILLING CODE 3410–XV–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Rhode Island Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Rhode Island Advisory Committee to the Commission will convene at 12:00 p.m. (ET) on Wednesday, September 18, 2013, at the Rhode Island Urban League, 246 Prairie Avenue, Providence, Rhode Island 02905. The purpose of the orientation meeting is to inform the newly appointed Committee members about the rules of operation of federal advisory committees and to select additional officers, as determined by the Committee. The purpose of the planning meeting is to discuss potential topics that the Committee may wish to study.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by Friday, October 18, 2013. Comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at 202–376–7533.

Persons needing accessibility services should contact the Eastern Regional Office at least 10 working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised

to go to the Commission's Web site, *www.usccr.gov*, or to contact the Eastern Regional Office at the above phone number, email or street address.

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

Dated: August 29, 2013.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2013–21516 Filed 9–4–13; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Current Population Survey, Annual Social and Economic Supplement

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

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

DATES: To ensure consideration, written comments must be submitted on or before November 4, 2013.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Aaron Cantu, U.S. Census Bureau, DSD/CPS HQ–7H108D, Washington, DC 20233–8400, (301) 763–3806 (or via the Internet at *aaron.benjamin.cantu@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance for the collection of data concerning the Annual Social and Economic Supplement (ASEC) to be conducted in conjunction with the February, March, and April Current Population Survey (CPS). The Census Bureau has conducted this supplement annually for over 50 years. The Census Bureau and the Bureau of Labor Statistics sponsor this supplement.

Information on work experience, personal income, noncash benefits, health insurance coverage, and migration is collected. The work experience items in the ASEC provide a unique measure of the dynamic nature of the labor force as viewed over a one-year period. These items produce statistics that show movements in and out of the labor force by measuring the number of periods of unemployment experienced by people, the number of different employers worked for during the year, the principal reasons for unemployment, and part-/full-time attachment to the labor force. We can make indirect measurements of discouraged workers and others with a casual attachment to the labor market.

The income data from the ASEC are used by social planners, economists, government officials, and market researchers to gauge the economic well-being of the country as a whole, and selected population groups of interest. Government planners and researchers use these data to monitor and evaluate the effectiveness of various assistance programs. Market researchers use these data to identify and isolate potential customers. Social planners use these data to forecast economic conditions and to identify special groups that seem to be especially sensitive to economic fluctuations. Economists use ASEC data to determine the effects of various economic forces, such as inflation, recession, recovery, and so on, and their differential effects on various population groups.

A prime statistic of interest is the classification of people in poverty and how this measurement has changed over time for various groups. Researchers evaluate ASEC income data not only to determine poverty levels but also to determine whether government programs are reaching eligible households.

The ASEC also contains questions related to: (1) Medical expenditures; (2) Presence and cost of a mortgage on property; (3) Child support payments; and (4) Amount of child care assistance received. These questions enable analysts and policymakers to obtain better estimates of family and household income, and more precisely gauge poverty status.

It has been more than 30 years since the last major redesign of the income questions of this questionnaire (1980), and the need to modernize this survey to take advantage of computer assisted interviewing (CAI) technologies has become more and more apparent. To this end, the redesigned 2014 ASEC questionnaire incorporates the following strategies:

- customization of income questions to fit specific demographic groups
- use of better targeted questions for certain income types that are currently not well reported

In addition, the CPS ASEC health insurance questions have measurement error due to both the reference period and timing of data collection. Qualitative research has shown that some respondents do not focus on the calendar year reference period, but rather report on their current insurance status. Quantitative studies have shown that those with more recent coverage are more likely to report accurately than those with coverage farther in the past. To that end, the redesigned ASEC questionnaire incorporates the following strategies:

- integrate questions on both current and past calendar year status
- ask recipiency and amounts separately

In addition to making improvements to the core set of questions on health insurance, in 2014 the Patient Protection and Affordable Care Act (PPACA) is set to go into effect. One of the main features of the PPACA is the ''Health Insurance Exchange.'' These are joint federal-state partnerships designed to create a marketplace of private health insurance options for individuals and small businesses. While these Exchanges are still in development and states have broad flexibility in designing the programs, the redesigned ASEC questionnaire puts a viable methodology in place, when the PPACA goes into effect, to measure Exchange participation and to measure types of health coverage in general in the post-reform era.

Lastly, the point-in-time health insurance questions lend themselves to additional questions concerning whether the current employer offered the respondent health insurance coverage. Although this set of questions is new to the CPS ASEC, it has been in CPS production in the Contingent Worker Supplement (CWS). The CWS was fielded in February of 1995, 1997, 1999, 2001 and 2005.

The ASEC 2014 data collection instrument will have a split-design structure, with two separate treatments for the income-related section. Only the income questions will have separate treatments; other sections will have only one treatment. Five-eighths (5/8) of the sample will have income questions from the ''traditional'' design, while three-eighths (3/8) will have income questions

from the ''redesigned'' ASEC. This split-design will enable Census Bureau analysts to create a ''cross-walk'' when analyzing the effects of the redesigned ASEC on income and poverty estimates.

The U.S. Census Bureau continues to follow the 1999 mandate from Congress regarding passage of the State Children's Health Insurance Program (SCHIP), or Title XXI. The mandate increased the sample size for the CPS, and specifically the ASEC, to a level achieving estimates that are more reliable for the number of individuals participating in this program at the state level. Since 2000, the ASEC is conducted in February, March, and April, rather than only in March, to achieve the increase in sample size.

II. Method of Collection

The ASEC information will be collected by both personal visit and telephone interviews in conjunction with the regular February, March and April CPS interviewing. All interviews are conducted using computer-assisted interviewing.

III. Data

OMB Control Number: 0607–0354.

Form Number: There are no forms. We conduct all interviewing on computers.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 78,000.

Estimated Time per Response: 25 minutes.

Estimated Total Annual Burden Hours: 32,500.

Estimated Total Annual Cost: There are no costs to the respondents other than their time to answer the CPS questions.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182; and Title 29, United States Code, Sections 1–9.

IV. Request for Comments

Comments are invited on: (A) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (B) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (C) Ways to enhance the quality, utility, and clarity of the information to be collected; and (D) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 29, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–21538 Filed 9–4–13; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–81–2013]

Foreign-Trade Zone (FTZ) 7—Mayaguez, Puerto Rico; Notification of Proposed Production Activity; Puma Energy Caribe, LLC (Biodiesel Blending); Bayamon, Puerto Rico

Puma Energy Caribe, LLC (Puma Energy) submitted a notification of proposed production activity to the FTZ Board for its facility in Bayamon, Puerto Rico within Subzone 7F. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on August 26, 2013.

Puma Energy already has authority to conduct certain standard refinery operations involving crude oil and petroleum products within Subzone 7F. The current request would add the blending of biodiesel to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Puma Energy from customs duty payments on the foreign status component used in export production. On its domestic sales, Puma Energy would be able to choose the duty rates during customs entry procedures that apply to renewable diesel blends (duty rate—10.5¢/barrel) for the foreign status inputs noted below and in the existing scope of authority. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The component sourced from abroad is: Fatty acid methyl ester meeting the specification of biodiesel (B100) (duty rate—4.6%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 15, 2013.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: August 27, 2013.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–21638 Filed 9–4–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 130823751–3751–01]

Effects of Foreign Policy-Based Export Controls

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Request for comments.

SUMMARY: BIS is seeking public comments on the effect of existing foreign policy-based export controls in the Export Administration Regulations. BIS is requesting public comments to conduct consultations with U.S. industries. Section 6 of the Export Administration Act (EAA) requires BIS to consult with industry on the effect of such controls and to report the results of the consultations to Congress. Comments from all interested persons are welcome. All comments will be made available for public inspection and copying and included in a report to be submitted to Congress.

DATES: Comments must be received by October 7, 2013.

ADDRESSES: Comments on this rule may be submitted to the Federal e-Rulemaking portal (*www.regulations.gov*). The regulations.gov ID for this rule is: BIS–2013–0019. Comments may also be sent by email to *publiccomments@bis.doc.gov* or on paper to Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, 14th Street & Pennsylvania Avenue NW., Room 2099B, Washington, DC 20230. Include the phrase ''FPBEC

Comment'' in the subject line of the email message or on the envelope if submitting comments on paper. All comments must be in writing (either submitted to regulations.gov, by email or on paper). All comments, including personal identifying information (e.g., name, address) voluntarily submitted by the commenter, will be a matter of public record and will be available for public inspection and copying. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Tracy L. Patts, Foreign Policy Division, Office of Nonproliferation Controls and Treaty Compliance, Bureau of Industry and Security, telephone 202–482–6389. The current Annual Foreign Policy Report to the Congress is available at *http://www.bis.doc.gov/index.php/about-bis/newsroom/archives/27-about-bis/502-foreign-policy-reports,* and copies may also be requested by calling the Office of Nonproliferation Controls and Treaty Compliance at the number listed above.

SUPPLEMENTARY INFORMATION: Foreign policy-based controls in the Export Administration Regulations (EAR) are implemented pursuant to section 6 of the Export Administration Act of 1979, as amended, (50 U.S.C. app. §§ 2401–2420 (2000)) (EAA). The current foreign policy-based export controls maintained by the Bureau of Industry and Security (BIS) are set forth in the EAR (15 CFR parts 730–774), including in parts 742 (CCL Based Controls), 744 (End-User and End-Use Based Controls) and 746 (Embargoes and Other Special Controls). These controls apply to a range of countries, items, activities and persons, including:

- Entities acting contrary to the national security or foreign policy interests of the United States (§ 744.11);
- Certain general purpose microprocessors for ''military end-uses'' and ''military end-users'' (§ 744.17);
- Significant items (SI);
- Hot section technology for the development, production, or overhaul of commercial aircraft engines, components, and systems (§ 742.14);
- Encryption items (§ 742.15);
- Crime control and detection items (§ 742.7);
- Specially designed implements of torture (§ 742.11);
- Certain firearms and related items based on the Organization of American States Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Munitions included within the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (§ 742.17);
- Regional stability items (§ 742.6);
- Equipment and related technical data used in the design, development, production, or use of certain rocket systems and unmanned air vehicles (§§ 742.5 and 744.3);
- Chemical precursors and biological agents, associated equipment, technical data, and software related to the production of chemical and biological agents (§§ 742.2 and 744.4) and various chemicals included on the list of those chemicals controlled pursuant to the Chemical Weapons Convention (§ 742.18);
- Communication intercepting devices, software and technology (§ 742.13);
- Nuclear propulsion (§ 744.5);
- Aircraft and vessels (§ 744.7);
- Restrictions on exports and reexports to certain persons designated as proliferators of weapons of mass destruction (§ 744.8);
- Certain cameras to be used by military end-users or incorporated into a military commodity (§ 744.9);
- Countries designated as Supporters of Acts of International Terrorism (§§ 742.8, 742.9, 742.10, 742.19, 746.2, 746.4, 746.7, and 746.9);
- Certain entities in Russia (§ 744.10);
- Individual terrorists and terrorist organizations (§§ 744.12, 744.13 and 744.14);
- Certain persons designated by Executive Order 13315 (''Blocking Property of the Former Iraqi Regime, Its Senior Officials and Their Family Members'') (§ 744.18);
- Certain sanctioned entities (§ 744.20);
- Embargoed countries (Part 746); and
- U.N. arms embargoes (§ 746.1).

In addition, the EAR impose foreign policy-based export controls on certain nuclear-related commodities, technology, end-uses and end-users (§§ 742.3 and 744.2), in part, implementing section 309(c) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2139a).

Under the provisions of section 6 of the EAA, export controls maintained for foreign policy purposes require annual extension. Section 6 of the EAA requires a report to Congress when foreign policy-based export controls are extended. The EAA expired on August 20, 2001. Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), which has been extended by successive Presidential Notices, the most recent being that of August 8, 2013 (78 FR 49105 (Aug. 12, 2013)), continues the EAR and, to the extent permitted by law, the provisions of the EAA, in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.* (2000) (2006 & Supp. IV 2010)). The Department of Commerce, as appropriate, follows the provisions of section 6 of the EAA by reviewing its foreign policy-based export controls, conducting consultations with industry through public comments on such controls, and preparing a report to be submitted to Congress. In January 2013, the Secretary of Commerce, on the recommendation of the Secretary of State, extended for one year all foreign policy-based export controls then in effect. BIS is now soliciting public comment on the effects of extending the existing foreign policy-based export controls from January 2014 to January 2015. Among the criteria considered in determining whether to extend U.S. foreign policy-based export controls are the following:

1. The likelihood that such controls will achieve their intended foreign policy purposes, in light of other factors, including the availability from other countries of the goods, software or technology proposed for such controls;

2. Whether the foreign policy objective of such controls can be achieved through negotiations or other alternative means;

3. The compatibility of the controls with the foreign policy objectives of the United States and with the overall U.S. policy toward the country subject to the controls;

4. Whether the reaction of other countries to the extension of such controls is not likely to render the controls ineffective in achieving the intended foreign policy objective or be counterproductive to U.S. foreign policy interests;

5. The comparative benefits to U.S. foreign policy objectives versus the effect of the controls on the export performance of the United States, the competitive position of the United States in the international economy, the international reputation of the United States as a supplier of goods and technology; and

6. The ability of the United States to effectively enforce the controls.

BIS is particularly interested in receiving comments on the economic impact of proliferation controls. BIS is also interested in industry information relating to the following:

1. Information on the effect of foreign policy-based export controls on sales of U.S. products to third countries (*i.e.,* those countries not targeted by

sanctions), including the views of foreign purchasers or prospective customers regarding U.S. foreign policy-based export controls.

2. Information on controls maintained by U.S. trade partners. For example, to what extent do U.S. trade partners have similar controls on goods and technology on a worldwide basis or to specific destinations?

3. Information on licensing policies or practices by our foreign trade partners that are similar to U.S. foreign policy based export controls, including license review criteria, use of conditions, and requirements for pre- and post-shipment verifications (preferably supported by examples of approvals, denials and foreign regulations).

4. Suggestions for bringing foreign policy-based export controls more into line with multilateral practice.

5. Comments or suggestions to make multilateral controls more effective.

6. Information that illustrates the effect of foreign policy-based export controls on trade or acquisitions by intended targets of the controls.

7. Data or other information on the effect of foreign policy-based export controls on overall trade at the level of individual industrial sectors.

8. Suggestions for measuring the effect of foreign policy-based export controls on trade.

9. Information on the use of foreign policy-based export controls on targeted countries, entities, or individuals. BIS is also interested in comments relating generally to the extension or revision of existing foreign policy-based export controls.

Parties submitting comments are asked to be as specific as possible. All comments received before the close of the comment period will be considered by BIS in reviewing the controls and in developing the report to Congress. All comments received in response to this notice will be displayed on BIS's Freedom of Information Act (FOIA) Web site at *http://efoia.bis.doc.gov/* and on the Federal e-Rulemaking portal at *www.Regulations.gov*. All comments will also be included in a report to Congress, as required by section 6 of the EAA, which directs that BIS report to Congress the results of its consultations with industry on the effects of foreign policy-based controls.

Dated: August 28, 2013.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2013–21577 Filed 9–4–13; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

Pacific Northwest National Laboratory, et al.: Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscope

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 13–016. *Applicant:* Pacific Northwest National Laboratory, Richland, WA 99352. *Instrument:* Electron Microscope. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 78 FR 34990, June 11, 2013.

Docket Number: 13–018. *Applicant:* The Scripps Institute, La Jolla, CA 92037. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* See notice at 78 FR 34990, June 11, 2013.

Docket Number: 13–021. *Applicant:* University of Massachusetts Amherst, Amherst, MA 01003. *Instrument:* Electron Microscope. *Manufacturer:* JEOL Ltd, Japan. *Intended Use:* See notice at 78 FR 37206–07, June 20, 2013.

Docket Number: 13–022. *Applicant:* University of Utah, Salt Lake City, UT 84132. *Instrument:* Electron Microscope. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 78 FR 34990–91, June 11, 2013.

Docket Number: 13–024. *Applicant:* University of Pennsylvania, Biomedical Research Building, Philadelphia, PA 19104. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* See notice at 78 FR 34990–91, June 11, 2013.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States at the time the instrument was ordered. *Reasons:* Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: August 27, 2013.

Richard Herring,

Acting Director, Subsidies Enforcement Office, Import Administration.

[FR Doc. 2013–21641 Filed 9–4–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–938]

Citric Acid and Certain Citrate Salts From the People's Republic of China: Notice of Partial Rescission of Countervailing Duty Administrative Review

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

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

FOR FURTHER INFORMATION CONTACT: Patricia M. Tran or Raquel Silva, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1503 or (202) 482–6475, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 2013, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the countervailing duty (CVD) order on citric acid and certain citrate salts from the People's Republic of China (PRC) covering the period of January 1, 2012, through December 31, 2012.[1] The Department received a timely request for a CVD administrative review from Petitioners [2] for RZBC Group Co., Ltd., RZBC Co., Ltd., RZBC Import & Export Co., Ltd., and RZBC (Juxian) Co., Ltd. (collectively, RZBC). The Department also received timely requests from RZBC and Laiwu Taihe Biochemistry Co., Ltd. (Laiwu) for a CVD administrative review of themselves. On June 28, 2013, the Department published the notice of initiation of this CVD administrative review with respect to the two companies.[3] On July 31, 2013, Laiwu

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 78 FR 25423 (May 1, 2013).

[2] Archer Daniels Midland Company, Cargill, Incorporated, and Tate & Lyle Ingredients Americas LLC (collectively, Petitioners).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and*

Continued

withdrew its request for an administrative review.

Rescission, in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Laiwu's withdrawal was submitted within the 90-day period and, thus, is timely. Because Laiwu's withdrawal request was timely and no other party requested a review of Laiwu, the Department is rescinding this review with respect to Laiwu, in accordance with 19 CFR 351.213(d)(1). The Department will continue to conduct the CVD administrative review of RZBC.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess CVDs on all appropriate entries. Laiwu shall be assessed CVDs at rates equal to the cash deposit of estimated CVDs required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2012, through December 31, 2012, in accordance with 19 CFR 351.212(c)(1)(i).

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification Regarding Administrative Protective Orders

This notice serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Request for Revocation in Part, 78 FR 38924 (June 28, 2013).

Dated: August 29, 2013.

Gary Taverman,

Senior Advisor for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–21645 Filed 9–4–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 130402311–3311–01]

Announcing Approval of Federal Information Processing Standard (FIPS) Publication 201–2, Personal Identity Verification (PIV) of Federal Employees and Contractors

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: This notice announces the Secretary of Commerce's approval of Federal Information Processing Standard (FIPS) Publication 201–2, Personal Identity Verification (PIV) of Federal Employees and Contractors. FIPS 201–2 includes clarifications to existing text, additional text in cases where there were ambiguities, adaptation to changes in the environment since the publication of FIPS 201–1, and specific changes requested by Federal agencies and implementers.

DATES: FIPS 201–2 is effective on September 5, 2013.

ADDRESSES: FIPS 201–2 is available electronically from the NIST Web site at: *http://csrc.nist.gov/publications/PubsFIPS.html.* Comments that were received on the proposed changes will also be published electronically at *http://csrc.nist.gov/groups/SNS/piv/index.html.*

FOR FURTHER INFORMATION CONTACT: Hildegard Ferraiolo, (301) 975–6972, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8930, Gaithersburg, MD 20899–8930, email: *hildegard.ferraiolo@nist.gov,* or David Cooper, (301) 975–3194, *david.cooper@nist.gov.*

SUPPLEMENTARY INFORMATION: FIPS 201 was issued on April 8, 2005 (70 FR 17975) in response to Homeland Security Presidential Directive 12 (HSPD–12), and in accordance with NIST policy was due for review in 2010. In consideration of technological advancements over the last five years and specific requests for changes from United States Government (USG) stakeholders, NIST determined that a revision of FIPS 201–1 (version in effect) was warranted. NIST received numerous change requests, some of which, after analysis and coordination with the Office of Management and Budget (OMB) and USG stakeholders, were incorporated in a proposed draft of FIPS 201–2 (''2011 Draft''). Other change requests incorporated in the 2011 Draft resulted from the 2010 Business Requirements Meeting held at NIST. The meeting focused on business requirements of federal departments and agencies. On March 8, 2011, a notice was published in the **Federal Register** (76 FR 12712), soliciting public comments on the 2011 Draft. During the public comment period, a public workshop was held at NIST on April 18–19, 2011, in order to present the 2011 Draft. Comments and questions regarding the 2011 Draft were submitted by 46 entities, composed of 25 U.S. federal government organizations, two state government organizations, one foreign government organization, 16 private sector organizations, and two private individuals. NIST made significant changes to the 2011 Draft based on the public comments received.

On July 9, 2012, NIST published a notice in the **Federal Register** (77 FR 40338) announcing the Revised Draft FIPS 201–2 (''2012 Revised Draft''), which incorporated the changes from the 2011 Draft, based on the received public comments, and solicited comments on the revised draft standard. Comments and questions on the 2012 Revised Draft were submitted by 36 entities, composed of 16 U.S. federal government organizations, 19 private sector organizations, and one private individual. All comments received in response to both **Federal Register** notices have been made available by NIST at *http://csrc.nist.gov.* None of the commenters opposed the approval of a revised standard. Many commenters asked for clarification of the text of the standard and/or recommended editorial and/or formatting changes. Other commenters suggested modifying the requirements and asked questions concerning the implementation of the standard. All of the suggestions, questions, and recommendations within the scope of this FIPS were carefully reviewed, and changes were made to the standard, where appropriate. Some commenters submitted questions or raised issues that were related but outside the scope of this FIPS. Comments that were outside the scope of this FIPS, but that were within the scope of one of the related Special Publications, were deferred for later consideration in the context of the revisions to the Special Publications.

The disposition of each comment that was received has been provided along with the comments at *http://csrc.nist.gov.*

The following is a summary and analysis of the comments received during the public comment period, and NIST's responses to them, including the interests, concerns, recommendations, and issues considered in the development of FIPS 201–2:

Comment: Four commenters questioned the concept of backward compatibility as described in Section 1.3, Change Management, of the 2012 Revised Draft. They suggested that the Change Management section should not be restricted to the effects of changes to the Standard on PIV Cards but also address the effects of change to PIV systems and sub-components. Other commenters questioned whether any change to the Standard could be considered backward compatible.

Response: The Change Management section provides change management principles and guidelines to implementers of relying systems to manage newly introduced changes and modifications to the previous version of this Standard. In this context, changes to the Standard that do not necessitate changes to existing relying systems are considered to be backward compatible.

Comment: Two Federal agencies were concerned about their ability to implement the Standard with the indicated implementation schedule specified in the Standard.

Response: Issues concerning the Standard's implementation schedule have been referred to OMB.

Comment: Three commenters proposed that the procedures for PIV Card renewal and reissuance be combined.

Response: The Standard combines the two sections on PIV Card renewal and reissuance into one section called ''Reissuance.'' It addresses all instances in which a new PIV Card is issued to an existing cardholder without repeating the entire identity proofing and registration process.

Comment: Two commenters proposed adding a PIV-Interoperable (PIV–I) Card as a valid identity source document.

Response: The Standard does not list a PIV–I Card as an acceptable form of identity source documentation because it is not guaranteed to be a Federal or State government issued form of identification.

Comment: One commenter requested that the Standard prohibit the long-term storage of biometric data.

Response: FIPS 201–2 does not require the long-term storage of biometric data. However, PIV Card maintenance processes, such as reissuance, may be performed more efficiently if biometric data is maintained. Efficiency is a stated goal of HSPD–12.

Comment: The 2012 Revised Draft states that if the biometric data for the background investigation and the biometric data for the PIV Card are collected on separate occasions, then during the second visit, a one-to-one biometric match of the applicant must be performed against the biometric data collected during the first visit. One commenter requested to remove the requirement for the one-to-one biometric match during the second visit, and that any requirements for one-to-one biometric matches begin after the biometric data for the PIV Card has been collected.

Response: In order to satisfy the control objectives of HSPD–12, it is necessary to verify that the biometric data for the background investigation was collected from the person to whom the PIV Card will be issued. A one-to-one biometric comparison is therefore required.

Comment: The 2012 Revised Draft imposes requirements to revoke the PIV Card under certain circumstances. Two commenters noted that the Standard should be more specific about the process for PIV Card revocation. One commenter also requested that the requirement to revoke the PIV Authentication and Card Authentication certificates during PIV Card termination be eliminated when the PIV Card is terminated for benign reasons.

Response: The text has been reorganized to clearly indicate the steps required to revoke a PIV Card. These steps include collecting and destroying the PIV card, if possible, and updating any databases maintained by the PIV Card issuer to reflect the change in status. Additionally, the requirements for certificate revocation during PIV Card termination have been relaxed. At PIV Card termination, revocation of the PIV Authentication and Card Authentication certificates is limited to cases where the PIV Card cannot be collected and destroyed.

Comment: One commenter indicated that a PIV derived credential on a mobile device should be revoked when the PIV Card's PIV Authentication certificate is revoked or expires.

Response: The PIV Authentication certificate on a PIV Card is revoked when the PIV Card is lost or stolen. If the cardholder is eligible for a replacement PIV Card, the revocation of the derived credential would preclude the cardholder from using the derived credential to gain logical access to federally controlled information systems as an interim measure while waiting for a new PIV Card to be issued. Nothing in the Standard, however, prevents an agency from requiring its derived credential issuer to revoke a derived credential when the PIV Authentication certificate is revoked or expires.

Comment: The Standard includes a new feature to remotely reset the PIV Card's Personal Identification Number (PIN). One commenter suggested that the requirement to perform a biometric match as part of a remote PIN reset is too restrictive and should be removed.

Response: Removing the requirement to perform a biometric match from the remote PIN reset procedure would weaken the multi-factor authentication provided by the PIV Card. A biometric match is therefore required for all PIN reset procedures, regardless of whether the reset is performed in-person at an issuer's facility, at an unattended issuer-operated kiosk, or remotely from a general computing platform.

Comment: After publication of the Standard, SP 800–104, *A Scheme for PIV Visual Card Topography,* will be withdrawn, since all information of the Special Publication has been incorporated in the Standard. One commenter requested that the visual color scheme requirement from Special Publication 800–104, be made optional in FIPS 201–2 so that Federal departments and agencies with a need to distinguish between U.S. citizens and foreign nationals could use the color scheme on the PIV Card of their employees and contractors, while other Federal departments and agencies without the need to visually distinguish between U.S. citizens and foreign nationals could issue PIV Cards without the distinction.

Response: The color scheme will remain mandatory in FIPS 201–2 because departments and agencies are required to accept PIV Cards issued by other Federal agencies, as directed by HSPD–12. Departments and agencies with a need to visually identify foreign nationals need the color scheme to be present on all PIV Cards, not just the PIV Cards that they issue.

Comment: Two commenters requested that a fourth category be added to the PIV Card's visual color scheme for employee affiliation or that the category for ''contractor'' be changed to ''non-government employee.''

Response: HSPD–12 establishes the scope for the Standard as ''forms of identification issued by the Federal Government to its employees and contractors (including contractor employees).'' With the scope established in HSPD–12, it would not be

appropriate for the Standard to address employee affiliation color-codes other than employees and contractors.

Comment: Two commenters requested that the optional tactile markers on the PIV Card be more precisely defined.

Response: The two zones that are specified for tactile markers are intended to provide optional placement of orientation markers as a possible response to achieve Section 508 compliance. The implementation of tactile markers on PIV Cards should be coordinated with card manufacturers/vendors.

Comment: Three commenters expressed concern that the PIV Card's fingerprint reference data used for on-card biometric authentication and the PIV Card's fingerprint reference data used for off-card biometric authentication should not originate from the same anatomical fingers. The commenters noted that an attacker may maliciously obtain the PIV Card's fingerprint reference data during an off-card biometric authentication event. With the harvested reference data and with a malware injected computing platform, other attacks can be staged to target applications that use the on-card authentication mechanisms.

Response: Section 4.4.4 of the Standard stresses the need for general good practices to mitigate malicious code threats. In addition to general good practice, the Standard allows the fingerprint reference data to originate from a different finger. Additionally, NIST Special Publication 800–76–2 will clarify the usability versus security trade off associated with a possible confusion about which finger to present at an authentication event.

Comment: Four commenters noted that 2012 Revised Draft allows for use of the electronic facial image as an option for authentication in operator-attended PIV Card issuance and reissuance processes but does not extend its use as an authentication mechanism in physical access control environments.

Response: Comparison of electronic facial images depends on carefully controlled environments with controls to camera height and lighting. These controls are not consistently found in general purpose physical access control environments. This Standard therefore limits facial recognition as a cost-efficient and optional authentication mechanism for PIV Card issuance, reissuance and verification data reset processes where the environment is controllable. FIPS 201–2 offers fingerprint biometric and iris recognition for general-purpose physical access control environments, as both mechanisms provide better accuracy, security, and speed.

Comment: Technical issues were raised by three commenters concerning the need for a person identifier to be present on the PIV Card. The commenters stated that without a person identifier, access control systems are required to re-provision cardholders each time a cardholder replaces his or her card. A person identifier, however, alleviates re-provisioning by providing a persistent identifier for the access control systems to recognize a cardholder with a new PIV Card.

Response: An optional person identifier will be proposed in the Standard's associated publication, Special Publication 800–73.

Comment: Issues were raised by two commenters about the PIV Card's cryptographic keys that are used in authentication and digital signatures. The commenters pointed out that a PIV Card issuer should have the flexibility to generate the PIV Authentication key, the Card Authentication key, and Digital Signature key off-card.

Response: Because the authentication mechanism used with the asymmetric Card Authentication key provides only some confidence in the cardholder's identity, off-card generation and import of this key, is allowed by the Standard. For the PIV Authentication key and Digital Signature key, however, on-card generation of the keys remains a requirement because an off-card generation of these keys adversely affects the perceived level of assurance in the cardholder's identity.

Comment: Three commenters requested that the PIV Card's secure messaging feature and its virtual contact interface be made mandatory as soon as possible for the many beneficial features that they enable.

Response: While there has been significant demand for the inclusion of secure messaging and the virtual contact interface in the Standard, some Federal departments and agencies have expressed concerns about the risks of adopting this technology. Therefore, it is appropriate to allow individual agencies to make a risk-based decision as to whether to include these technologies in their PIV Cards.

Comment: Two commenters requested that specific requirements for the public key infrastructure (PKI) be addressed in the ''X.509 Certificate Policy For The U.S. Federal Common Policy Framework'' rather than in the Standard, in order to allow for the requirements to be modified to accommodate new and emerging technologies.

Response: As the scope of the Common Policy is not limited to PIV Cards, the Standard needs to include information about which certificate policies may be used to issue the different types of certificates needed for PIV Cards, as well as other PIV-specific information. Care has been taken to ensure that any PKI-related requirements specified in FIPS 201–2 are unlikely to change before the next revision of the Standard.

Comment: Three commenters requested that the Standard either allow or require the use of a content signing-specific certificate policy Object Identifier (OID) in certificates issued to entities that sign data objects on PIV Cards.

Response: Sections 4.2.1 and 4.2.3.2 now require that after a transition period, certificates used to sign data objects on PIV Cards shall assert a content signing-specific policy OID from the ''X.509 Certificate Policy For The U.S. Federal Common Policy Framework.''

Comment: Three commenters noted that the 2012 Revised Draft describes authentication mechanisms that utilize the PIV Card and requested that the Standard indicate that agencies may choose to use other authentication mechanisms that are not applicable to the Standard.

Response: OMB has oversight of agency implementation of the Standard. Thus, it is not suitable for FIPS 201–2 to indicate that agencies are permitted to implement authentication mechanisms other than those described in FIPS 201–2.

Comment: The 2012 Revised Draft lowers the assurance level of the Cardholder Unique Identifier (CHUID) authentication mechanism from some confidence in the identity of the cardholder to little or no confidence, and deprecates its use. Two commenters indicated that Federal departments and agencies have been working to enable their physical access control systems to use the CHUID authentication mechanism and suggested that the authentication mechanism should continue to be described as providing some confidence, and its use should not be deprecated.

Response: In order for an authentication mechanism to provide some confidence in the identity of the cardholder, it would have to align with the requirements comparable to those specified for E-Authentication Level 2 of NIST Special Publication 800–63–1. The CHUID authentication mechanism does not satisfy these requirements. It is, therefore, appropriate to describe the authentication mechanism as providing

little or no confidence in the identity of the cardholder and to deprecate its use in authentication events.

Revised FIPS 201–2 is available electronically from the NIST Web site at: *http://csrc.nist.gov/publications/PubsFIPS.html*.

Authority: In accordance with the Information Technology Management Reform Act of 1996 (Pub. L. 104–106) and the Federal Information Security Management Act (FISMA) of 2002 (Pub. L. 107–347), the Secretary of Commerce is authorized to approve Federal Information Processing Standards (FIPS). Homeland Security Presidential Directive (HSPD) 12, entitled ''Policy for a Common Identification Standard for Federal Employees and Contractors,'' dated August 27, 2004, directed the Secretary of Commerce to promulgate, by February 27, 2005, ''. . . a Federal Standard for secure and reliable forms of identification (the 'Standard'). . . .,'' and further directed that the Secretary of Commerce ''shall periodically review the Standard and update the Standard as appropriate in consultation with the affected agencies.''

E.O. 12866: This notice has been determined not to be significant for the purposes of E.O. 12866.

Dated: August 28, 2013.

Willie E. May,

Associate Director for Laboratory Programs.

[FR Doc. 2013–21491 Filed 9–4–13; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC848

Fisheries of the Exclusive Economic Zone Off Alaska; American Fisheries Act, Amendment 80 Program, Western Alaska Community Development Quota Program, Freezer Longline Cooperative; Public Workshop

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

ACTION: Notice of public workshop.

SUMMARY: NMFS announces a workshop to solicit input from participants in the pollock fishery in the Bering Sea authorized under the American Fisheries Act (AFA), the Aleutian Islands pollock fishery, the Amendment 80 trawl fisheries in the Bering Sea and Aleutian Islands, the Western Alaska Community Development Quota (CDQ) Program, and the hook-and-line catcher/processor (freezer longline) Pacific cod fishery in the Bering Sea and Aleutian Islands. The workshop will address: (1) The applicability of cost recovery fees mandated under section 304(d)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to the AFA, Aleutian Islands pollock fishery, Amendment 80 Program, CDQ Program, and the freezer longline Pacific cod fishery in the Bering Sea and Aleutian Islands; (2) an overview of the potential impacts of cost recovery programs; and (3) an overview of proposed regulatory approaches to implement cost recovery programs. The meeting is open to the public, but NMFS is particularly seeking participation by people who are knowledgeable about the AFA, Aleutian Islands pollock fishery, Amendment 80, CDQ Program, and the freezer longline Pacific cod fishery in the Bering Sea and Aleutian Islands and who can discuss with NMFS the potential impacts of cost recovery programs and proposed regulatory approaches.

DATES: The workshop will be held on Friday, September 20, 2013, from 9 a.m. to 12 p.m. Pacific daylight savings time.

ADDRESSES: The workshop will be held at the Nordby Conference Center, 3919 18th Avenue, Fishermen's Terminal, Seattle, WA 98199.

FOR FURTHER INFORMATION CONTACT: Darrell Brannan, 352–562–4388, or Glenn Merrill, 907–586–7228.

SUPPLEMENTARY INFORMATION: The meeting will address several issues regarding the proposed cost recovery fee that are of interest to stakeholders and will provide an opportunity for those individuals to comment. Issues to be addressed include:

- Why the cost recovery fee would be implemented and under what authority;
- Why these fisheries would be included in the proposed program and not others;
- How costs would be determined, how they would be used, and what they are estimated to be, given current information;
- What landings would be subject to a cost recovery fee;
- How the standard ex-vessel price would be determined for each species subject to the fee;
- Who would be responsible for payment of the fee liability;
- The timeframe for implementation; and
- The role of the North Pacific Fishery Management Council (Council) in this process.

NMFS plans to present a draft analysis of the potential effects of cost recovery fee programs to the Council at its meeting scheduled from September 30 through October 8 in Anchorage, AK. The workshop will provide stakeholders information before the Council meeting so that they have the opportunity to present any concerns to the Council and NMFS. Input from the public received at these workshops and the Council will help inform NMFS as it prepares proposed regulations pursuant to section 305(d) of the Magnuson-Stevens Act.

This meeting is open to the public, but NMFS is particularly seeking participation by people who are knowledgeable about the AFA, Aleutian Islands pollock fishery, Amendment 80 Program, CDQ Program, and the freezer longline Pacific cod fishery in the Bering Sea and Aleutian Islands.

Special Accommodations

The meeting will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Glenn Merrill, 907–586–7228, at least 10 workdays prior to the meeting date.

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

Dated: August 30, 2013.

Kelly Denit,

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

[FR Doc. 2013–21617 Filed 9–4–13; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER FINANCIAL PROTECTION BUREAU

Consumer Advisory Board meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the announcement of a public meeting of the Consumer Advisory Board (''CAB'' or ''Board'') of the Consumer Financial Protection Bureau (Bureau). The notice also describes the functions of the Board. Notice of the meeting is permitted by section 5 of the CAB Charter and is intended to notify the public of this meeting. Specifically: Section X of the CAB Charter states:

(1) Each meeting of the Board shall be open to public observation, to the extent that a facility is available to accommodate the public, unless the Bureau, in accordance with paragraph (4) of this section, determines that the meeting shall be closed. The Bureau also will make reasonable efforts to make the meetings available to the public through live web streaming. (2) Notice of the time, place and purpose of each meeting, as well as a summary of the proposed agenda, shall be published in the **Federal Register** not more than 45

or less than 15 days prior to the scheduled meeting date. Shorter notice may be given when the Bureau determines that the Board's business so requires; in such event, the public will be given notice at the earliest practicable time. (3) Minutes of meetings, records, reports, studies, and agenda of the Board shall be posted on the Bureau's Web site (*www.consumerfinance.gov*). (4) The Bureau may close to the public a portion of any meeting, for confidential discussion. If the Bureau closes a meeting or any portion of a meeting, the Bureau will issue, at least annually, a summary of the Board's activities during such closed meetings or portions of meetings.

DATES: The meeting date is Wednesday, September 18, 2013, 11:00 a.m. to 1:00 p.m. Central Standard Time.

ADDRESSES: The meeting location is Auditorium, Mississippi Valley State University, 14000 Highway 82 West, Itta Bena, MS 38941.

FOR FURTHER INFORMATION CONTACT: Delicia Hand, Staff Director, Consumer Advisory Board & Councils, External Affairs, 1700 G Street NW., Washington, DC 20552; telephone: 202–435–9348; *CAB@CFPB.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'') provides: ''The Director shall establish a Consumer Advisory Board to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' 12 U.S.C. 5494.

(a) The purpose of the Board is outlined in *Section 1014(a) of the Dodd-Frank Act,* which States that the Board shall ''advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws'' and ''provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' (b) To carry out the Board's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The Board will generally serve as a vehicle for market intelligence and expertise for the Bureau. Its objectives will include identifying and assessing the impact on consumers and other market participants of new, emerging, and changing products, practices, or services. (c) The Board will also be available to advise and consult with the Director and the Bureau on other matters related to the Bureau's functions under the Dodd-Frank Act.

II. Agenda

The Consumer Advisory Board will discuss access to credit, information and financial resources.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. CFPB will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Individuals who wish to attend the Consumer Advisory Board meeting must RSVP to *cfpb.events@cfpb.gov* by noon EST, Tuesday, September 10, 2013. Members of the public must RSVP by the due date and must include ''CAB'' in the subject line of the RSVP.

An opportunity for public comment is available throughout the day on Wednesday, September 18, 2013, from 10:00 a.m. to 1:00 p.m., CST. Individuals who wish to provide comments will be allotted one minute to speak. Citizens may also submit written comments to Julian Alcazar, Consumer Advisory Board & Councils, Consumer Financial Protection Bureau, 1700 G Street NW., Room 6108E–A Washington, DC 20552, or by email at *CAB@cfpb.gov* by Tuesday, September 10, 2013.

III. Availability

The Board's agenda will be available to the public starting September 3, 2013 via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

This meeting will be webcast live and a transcript will be available after the meeting on the CFPB's Web site: *consumerfinance.gov.*

Dated: August 23, 2013.

Christopher D'Angelo,

Chief of Staff, Consumer Financial Protection Bureau.

[FR Doc. 2013–21647 Filed 9–4–13; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Privacy Act of 1974, as Amended

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of a Revised Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection, hereinto referred to as the Consumer Financial Protection Bureau (CFPB or Bureau), gives notice of the establishment of a revised Privacy Act System of Records.

DATES: Comments must be received no later than October 7, 2013. The new system of records will be effective October 15, 2013, unless the comments received result in a contrary determination.

ADDRESSES: You may submit comments by any of the following methods:

- *Electronic: privacy@cfpb.gov.*
- *Mail/Hand Delivery/Courier:* Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552 on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435–7220. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552, (202) 435–7220.

SUPPLEMENTARY INFORMATION: The CFPB revises its Privacy Act System of Records Notice (SORN) ''CFPB.007—CFPB Directory Database.'' In revising this SORN, the CFPB modifies the notification procedures for individuals seeking access to records maintained in this system; modifies the system location, system manager(s) and address; modifies the categories of records to reflect the present status of the information contained in this system; consolidates two routine uses (previously routine uses 6 and 7) which include the disclosure of personally identifiable information (PII) from the system to the U.S. Department of Justice

(DOJ) for its use in providing legal advice to the CFPB or in representing the CFPB in a legal proceeding; and modifies the record sources and retrievability for the system to better align with the categories of records included in the system. Additionally, several non-substantive changes were made to the categories of records and the categories of individuals in the system.

The report of the revised system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated November 30, 2000,[1] and the Privacy Act, 5 U.S.C. 552a(r).

The revised system of records entitled ''CFPB.007—CFPB Directory Database'' is published in its entirety below.

Dated: August 28, 2013.

Claire Stapleton,

Chief Privacy Officer, Bureau of Consumer Financial Protection.

CFPB.007

SYSTEM NAME:

CFPB Directory Database.

SYSTEM LOCATION:

Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are: (1) Individuals who directly, indirectly, or acting through or in concert with one or more other individuals, own or control an entity offering or providing, or materially assisting in the offering or provision of, consumer financial products or services (collectively, ''covered persons'' and ''service providers''); (2) current and former directors, officers, employees, shareholders, agents, and independent contractors of such entities; (3) other related persons, as necessary, including without limitation, persons who have personal financial arrangements with covered persons, representatives or counsel of covered persons or related persons; and (4) individuals who provide information on covered persons or entities such as employees of state attorneys general offices. Information contained in the CFPB Directory Database is subject to the Privacy Act only to the extent that it concerns individuals; information pertaining to corporations and other business entities and aggregate, non-identifiable information is not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system may contain, without limitation, the following types of PII: Name, address, email address, phone number, and employment status. Additionally, records may contain information relating to the business activities and transactions of covered persons and entities and their associated persons. Other information may include without limitation: Name, location, charter number, charter type, and date of last examination of each entity and the types of financial products offered by each organization.

Information contained in the CFPB Directory Database will be collected from a variety of sources, including, without limitation: (1) The individuals who own, control, or work for covered persons or service providers; (2) existing databases maintained by other Federal and state regulatory associations, agencies, and related entities; (3) third-parties with relevant information about covered persons or services providers; and (4) information generated by CFPB employees. Whenever practicable, the CFPB will collect information about an individual directly from that individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 111–203, Title X, Sections 1011, 1012, 1021, codified at 12 U.S.C. 5491, 5492, 5511.

PURPOSE(S):

The information in the system is being collected to create an agency-wide repository of identifying and registration information concerning entities and their affiliates offering or providing, or materially assisting in the offering or provision of, consumer financial products or services. By ensuring the use of consistent information across the agency, the CFPB Directory Database will enable the CFPB to carry out its supervisory, enforcement, and regulatory authorities in an efficient and effective manner.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed, consistent with the CFPB's Disclosure of Records and Information Rules, promulgated at 12 CFR part 1070 *et seq.,* to:

(1) Appropriate agencies, entities, and persons when: (a) The CFPB suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the CFPB has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the CFPB 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 CFPB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(2) Another federal or state agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(3) The Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;

(4) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of the CFPB or Federal Government and who have a need to access the information in the performance of their duties or activities;

(6) The DOJ for its use in providing legal advice to the CFPB or in representing the CFPB in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the CFPB to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest:

(a) The CFPB;

(b) Any employee of the CFPB in his or her official capacity;

[1] Although pursuant to Section 1017(a)(4)E of the Consumer Financial Protection Act, Public Law 111–203, the CFPB is not required to comply with OMB-issued guidance, it voluntarily follows OMB privacy-related guidance as a best practice and to facilitate cooperation and collaboration with other agencies.

(c) Any employee of the CFPB in his or her individual capacity where DOJ has agreed to represent the employee; or

(d) The United States, where the CFPB determines that litigation is likely to affect the CFPB or any of its components;

(7) A court, magistrate, or administrative tribunal in the course of an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(8) Appropriate agencies, entities, and persons, including but not limited to potential expert witnesses or witnesses in the course of investigations, to the extent necessary to secure information relevant to the investigation; and

(9) Appropriate federal, state, local, foreign, tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order, policy or license.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Records are retrievable by a variety of fields including, without limitation, the individual's name, address, email address, phone number, or by some combination thereof.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

RETENTION AND DISPOSAL:

The CFPB will manage all computer and paper files in the system as permanent records until the disposition schedule for these records is approved by the National Archives and Records Administration, at which time, the CFPB will dispose of such files in accordance with the schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Consumer Financial Protection Bureau, Chief Information Officer, 1700 G Street NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing in the CFPB's Disclosure of Records and Information Rules, promulgated at 12 CFR part 1070 *et seq.* Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in the CFPB Directory Database will be collected from a variety of sources, including, without limitation: (1) The individuals who own, control, or work for covered persons or service providers; (2) existing databases maintained by other Federal and state regulatory associations, agencies, and related entities; (3) third-parties with relevant information about covered persons or services providers; and (4) information generated by CFPB employees. Whenever practicable, the CFPB will collect information about an individual directly from that individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2013–21488 Filed 9–4–13; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0189]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 4, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information. Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please contact the Office of the Under Secretary of Defense for Personnel and Readiness, Mr. Eddy Mentzer at (571) 372–0857.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense Child Development Program (CDP); DD X656; OMB Control Number 0704–TBD.

Needs and Uses: The information collection requirement is necessary for respondents (non-Federal applicants) to apply for employment.

Affected Public: Individuals or households.

Annual Burden Hours: 832.
Number of Respondents: 5,000.
Responses per Respondent: 1.
Average Burden per Response: 10 minutes.
Frequency: On occasion.

The information from the DD X656 is used to annotate employees understanding of the background check requirements and obtain information in regards to any criminal history that might prevent an individual from being employed in a CDP.

Dated: August 30, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–21582 Filed 9–4–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0185]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 4, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information. Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please contact the Office of the Under Secretary of Defense for Personnel and Readiness, Mr. Eddy Mentzer at (571) 372–0857.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense Child Development Program (CDP); DD 2652, DD 2606; OMB Control Number 0704–TBD.

Needs and Uses: The information collection requirement is necessary for program planning and management purposes. Respondents include non-federal customers (generally contractors) enrolling their children in the DoD CDP.

Affected Public: Individuals or households.

Annual Burden Hours: 832.
Number of Respondents: 5,000.
Responses per Respondent: 1.
Average Burden per Response: 10 minutes.
Frequency: On occasion.

The information from the DD 2606 is used to place applicants into programs or onto waiting lists for child development program services. It is also used to assist management in the determination in the effectiveness of present and projection of future program requirements. The information in DD 2652 is used to apply child care fee subsidies for families enrolled in the DoD CDP.

Dated: August 30, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–21581 Filed 9–4–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0188]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 4, 2013

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Department of Defense Human Resources Activity

(DHRA), Policy and Program Support Office, 4800 Mark Center Drive, Alexandria, VA 22350–4000, ATTN: Mr. Sam Yousef, or call 571–372–1939.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Declaration/Dissolution of a Same-Sex Domestic Partnership for DEERS Enrollment; DD x653 and DD x654; OMB Control Number 0704–TBD.

Needs and Uses: Benefits shall be extended to same-sex domestic partners and, where applicable, children of same-sex domestic partners, once the DoD civilian and his/her same-sex domestic partner have signed a declaration attesting to the existence of their committed relationship. Notification, by a signed dissolution, must be made not later than 30 days after (a) the date of dissolution of the same-sex domestic partnership, or (b) the date the partnership no longer meets the eligibility requirements.

Affected Public: Same-sex domestic partners and their dependents of DoD civilians.

Title: Declaration of a Same-Sex Domestic Partnership for DEERS Enrollment.

Annual Burden Hours: 264 hours.

Number of Respondents: 7,900.

Responses per Respondent: 1.

Average Burden per Response: 2 minutes.

Frequency: On occasion.

Title: Dissolution of a Same-Sex Domestic Partnership for DEERS Enrollment.

Annual Burden Hours: 12 hours.

Number of Respondents: 350.

Responses per Respondent: 1.

Average Burden per Response: 2 minutes.

Frequency: On occasion.

The Department of Defense has identified family member and dependent benefits that may lawfully be provided to same-sex domestic partners and their children through modifications to DoD policies and regulations. These benefits will be provided once the DoD civilian and his/her same-sex domestic partner have signed a declaration attesting to the existence of their committed relationship, and the benefits will cease upon dissolution of their committed relationship. Notification must be made no later than 30 days after (a) the date of dissolution of the same-sex domestic partnership, or (b) the date the partnership no longer meets the eligibility requirements.

Dated: August 29, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–21502 Filed 9–4–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

National Security Education Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Defense Language and National Security Education Office (DLNSEO), Office of the Secretary, DoD.

ACTION: Meeting notice.

The Department of Defense is publishing this notice to announce that the following Federal advisory committee working group meeting of the National Security Education Board will take place.

DATES: Monday, September 23, 2013, from 1:00 p.m. to 4:30 p.m.

ADDRESSES: The Washington Court Hotel on Capitol Hill, 525 New Jersey Avenue NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Alison Patz, telephone (703) 696–1991, *Alison.m.patz.civ@mail.mil,* fax (703) 696–5667.

SUPPLEMENTARY INFORMATION: This notice is provided 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.

Purpose of the Meeting: The purpose of the meeting is to review and make recommendations to the Secretary of Defense concerning requirements established by the David L. Boren National Security Education Act, Title VII of Public Law 102–183, as amended.

Agenda:

1:00 p.m.—Annual Ethics Briefing.
1:30 p.m.—Welcome and Opening Remarks.
1:45 p.m.—Identifying End-Users.
2:30 p.m.—Capacity Needs of End-Users.
3:15 p.m.—NSEP Resources.
3:45 p.m.—Communications Strategy.
4:30 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. Seating is on a first-come basis.

Committee's Point of Contact: Alison Patz, Alternate Designated Federal Official, (703) 696–1991, *Alison.m.patz.civ@mail.mil.*

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and sections 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Department of Defense National Security Education Board about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of the planned meeting.

All written statements shall be submitted to the Designated Federal Official for the National Security Education Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Official can be obtained from the GSA's FACA Database—*http://facasms.fido.gov/.* Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Official at the email address listed in **FOR FURTHER INFORMATION CONTACT** at least five calendar days prior to the meeting that is the subject of this notice. Written statements received after this date may not be provided to or considered by the National Security Education Board until its next meeting.

The Designated Federal Official will review all timely submissions with the National Security Education Board and ensure they are provided to all members of the National Security Education Board before the meeting that is the subject of this notice.

Dated: August 29, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–21508 Filed 9–4–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Academy Board of Visitors Notice of Meeting

AGENCY: U.S. Air Force Academy Board of Visitors, DOD.

SUMMARY: In accordance with 10 U.S.C. 9355, the U.S. Air Force Academy (USAFA) Board of Visitors (BoV) will hold a meeting in Harmon Hall, United States Air Force Academy, in Colorado Springs CO on October 10–11, 2013. The meeting will begin at 9:30 a.m. The purpose of this meeting is to review morale and discipline, social climate, curriculum, instruction, infrastructure, fiscal affairs, academic methods, and

other matters relating to the Academy. Specific topics for this meeting include a Superintendent's Update; a USAFA Non-profit Financial Support Briefing; a classroom visit and a tour of the Center for Character and Leadership Development. In accordance with 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, one session of this meeting shall be closed to the public because it involve matters covered by subsection (c)(6) of 5 U.S.C. 552b. Public attendance at the open portions of this USAFA BoV meeting shall be accommodated on a first-come, first-served basis up to the reasonable and safe capacity of the meeting room. In addition, any member of the public wishing to provide input to the USAFA BoV should submit a written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements must address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and provide any necessary background information. Written statements can be submitted to the Designated Federal Officer (DFO) at the Air Force address detailed below at any time. However, if a written statement is not received at least 10 calendar days before the first day of the meeting which is the subject of this notice, then it may not be provided to or considered by the BoV until its next open meeting. The DFO will review all timely submissions with the BoV Chairman and ensure they are provided to members of the BoV before the meeting that is the subject of this notice. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during the open portions of this BoV meeting shall be made available upon request.

If after review of timely submitted written comments and the BoV Chairman and DFO deem appropriate, they may choose to invite the submitter of the written comments to orally present the issue during an open portion of the BoV meeting that is the subject of this notice. Members of the BoV may also petition the Chairman to allow specific personnel to make oral presentations before the BoV. In accordance with 41 CFR 102–3.140(d), any oral presentations before the BoV shall be in accordance with agency guidelines provided pursuant to a written invitation and this paragraph. Direct questioning of BoV members or meeting participants by the public is not permitted except with the approval of the DFO and Chairman.

FOR FURTHER INFORMATION CONTACT: For additional information or to attend this BoV meeting, contact Maj Mark Cipolla, Accessions and Training Division, AF/A1PT, 1040 Air Force Pentagon, Washington, DC 20330, (703) 695–4066.

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. 2013–21550 Filed 9–4–13; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement for EA–18G Growler Airfield Operations at Naval Air Station Whidbey Island, Washington and To Announce Public Scoping Meetings

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality regulations (40 Code of Federal Regulations parts 1500–1508), the Department of the Navy (DoN) announces its intent to prepare an Environmental Impact Statement (EIS) for EA–18G Growler airfield operations at Naval Air Station (NAS) Whidbey Island, Washington. The EIS will evaluate the potential environmental effects associated with the introduction of two additional EA–18G Growler expeditionary squadrons (10 aircraft) and the addition of three EA–18G Growler aircraft to the Fleet Replacement Squadron (FRS) when added to baseline conditions, including ongoing EA–18G Growler airfield operations, at NAS Whidbey Island's Ault Field and Outlying Landing Field (OLF) Coupeville.

DATES: *Dates and Addresses:* Three open house information sessions will be held between 4:00 p.m. and 8:00 p.m. on:

1. Tuesday, December 3, 2013, at Coupeville High School Commons Area, 501 South Main Street, Coupeville, Washington 98239.

2. Wednesday, December 4, 2013, at Oak Harbor High School Student Union Building, 1 Wildcat Way, Oak Harbor, Washington 98277.

3. Thursday, December 5, 2013, at Anacortes Middle School Cafeteria, 2202 M Avenue, Anacortes, Washington 98221.

Each of the three open house information sessions will be informal and consist of information stations staffed by DoN representatives.

FOR FURTHER INFORMATION CONTACT: EA–18G EIS Project Manager (Code EV21/SS); Naval Facilities Engineering Command (NAVFAC) Atlantic, 6506 Hampton Boulevard, Norfolk, Virginia 23508.

SUPPLEMENTARY INFORMATION: NAS Whidbey Island is the home of all Navy tactical electronic attack (VAQ) squadrons flying the EA–6B Prowler and EA–18G Growler. In 2005 and 2012, the DoN prepared environmental analyses pursuant to NEPA for the replacement of the EA–6B Prowler aircraft with the newer EA–18G Growler aircraft at NAS Whidbey Island. The 2005 Environmental Assessment (EA) evaluated the environmental consequences of transitioning fleet squadrons and the FRS from the EA–6B to the EA–18G aircraft. The 2012 EA evaluated the environmental consequences of retaining and transitioning the three expeditionary squadrons currently home based at NAS Whidbey Island from EA–6B to EA–18G aircraft and the relocation of a reserve expeditionary squadron from Joint Base Andrews, Maryland.

To meet current and future requirements, the DoN proposes to: (1) Continue and increase the existing VAQ airfield operations at NAS Whidbey Island complex, which includes Ault Field and OLF Coupeville; (2) Add two new Expeditionary VAQ squadrons (10 additional aircraft) and augment the VAQ FRS (3 additional aircraft) to support an expanded expeditionary Department of Defense (DoD) mission (total increase of 13 aircraft); (3) Construct and renovate facilities at Ault Field over a three-year period to accommodate additional aircraft; and (4) Station up to 860 additional personnel at and relocate approximately 2,150 family members to NAS Whidbey Island and surrounding community.

The purpose of the proposed action is to sustain the Navy's electronic attack aircraft capabilities at NAS Whidbey Island. The proposed action is needed to maintain electronic attack operational readiness to support national defense requirements under Title 10 United States Code Part 5062. The VAQ community of personnel, aircraft, equipment and mission related Navy functions have been performed almost entirely at NAS Whidbey Island since 1971. With the disestablishment of U.S. Marine Corps capabilities, the DoD Expeditionary VAQ mission is single-sited at NAS Whidbey Island which

maximizes operational capabilities and efficiencies without duplicating facilities and functions at another location.

In addition to the No Action Alternative, this EIS will assess the potential environmental effects of action alternatives to be developed by DoN for different operational scenarios.

The environmental analysis in the EIS will focus on several aspects of the proposed action: Aircraft operations at Ault Field and OLF Coupeville; facility construction; and personnel changes. Resource areas to be addressed in the EIS will include, but not be limited to: Air quality, noise, land use, socioeconomics, natural resources, biological resources, cultural resources, and safety and environmental hazards. The analysis will evaluate direct and indirect impacts, and will account for cumulative impacts from other relevant activities near the installation. Relevant and reasonable measures that could avoid or mitigate environmental effects will also be analyzed. Additionally, the DoN will undertake any consultation applicable by law and regulation. No decision will be made to implement any alternative until the EIS process is completed and a Record of Decision is signed by the Assistant Secretary of the Navy (Energy, Installations and Environment) or designee.

The scoping process will be used to identify community concerns and local issues to be addressed in the EIS. Federal agencies, state agencies, local agencies, Native American Indian Tribes and Nations, the public, and interested persons are encouraged to provide comments to the DoN to identify specific issues or topics of environmental concern that the commenter believes the DoN should consider. All comments provided orally or in writing at the scoping meetings or by mail during the scoping period will receive the same consideration during EIS preparation. All comments must be postmarked no later than January 3, 2014.

To be included on the DoN's mailing list for the EIS (or to receive a copy of the Draft EIS, when released), a written request should be submitted to: EA–18G EIS Project Manager (Code EV21/SS); Naval Facilities Engineering Command (NAVFAC) Atlantic, 6506 Hampton Blvd., Norfolk, VA 23508.

August 29, 2013.

P.A. Richelmi,

Lieutenant, Office of the Judge Advocate General, U. S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 2013–21483 Filed 9–4–13; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0085]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Race to the Top—Early Learning Challenge Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), 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 new information collection.

DATES: Interested persons are invited to submit comments on or before October 7, 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–2013–ICCD–0085 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 2E115, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related To collection activities or burden, please call Tomakie Washington, 202–401–1097 or 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: Race to the Top—Early Learning Challenge Annual Performance Report.

OMB Control Number: 1810–NEW.

Type of Review: New collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 21.

Total Estimated Number of Annual Burden Hours: 2,520.

Abstract: The Race to the Top—Early Learning Challenge program is authorized by Sections 14005 and 14006, Division A, of the American Recovery and Reinvestment Act of 2009, as amended by section 1832(b) of Division B of Public Law 112–10, the Department of Defense and Full-Year Continuing Appropriations Act, 2011, and the Department of Education Appropriations Act, 2012 (Title III of Division F of Pub. L. 112–74, the Consolidated Appropriations Act, 2012). This program is jointly managed by the U.S. Department of Education and the U.S. Department of Health and Human Services. The purpose of the Race to the Top—Early Learning Challenge program is to focus on improving early learning and development programs for young children by supporting States' efforts to: (1) increase the number and percentage of low-income and disadvantaged children in each age group of infants, toddlers, and preschoolers who are enrolled in high-quality early learning programs; (2) design and implement an integrated system of high-quality early learning programs and services; and (3) ensure that any use of assessments conforms with the recommendations of the National Research Council's reports on early childhood. Five key program reform areas representing the foundation of an effective early learning and development reform agenda focused on school readiness and ongoing educational success. These five key reform areas are: (A) successful State Systems; (B) High-Quality, Accountable Programs; (C) Promoting Early Learning and Development Outcomes for Children; (D) A Great Early Childhood Education Workforce; and (E) Measuring

Outcomes and Progress. The first two reform areas, (A) and (B) are ''Core Areas of Focus'' for this program and all applicants addressed selection criteria based on these core areas. Reform areas (C), (D), and (E) are ''Focused Investment Areas'' where State's choose which specific areas to target based on their State's early childhood reform areas and policies. Research demonstrates that high-quality early learning and development programs and services can improve young children's health, social-emotional, and cognitive outcomes; enhance school readiness; and help close the school readiness gap that exists between children with High Needs and their more abled peers at the time they enter kindergarten. The Annual Performance Report for this program will collect data on the performance measures and the selection criteria described in the application (note OMB approval in 2011). Program staff has reviewed this report carefully to minimize burden. The APR will be collected electronically which will enable program staff to pre-populate information on baseline data, approved performance targets, and approved annual budgets. This report will be used to provide necessary information to program staff and to the public on the implementation of these grants.

Dated: August 29, 2013.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–21510 Filed 9–4–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0114]

Agency Information Collection Activities; Comment Request; State Educational Agency, Local Educational Agency, and School Data Collection and Reporting under ESEA, Title I, Part A

AGENCY: Office of Elementary and Secondary Education (OESE), ED.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction of 1995 (44 U.S.C. Chapter 3507(j)), ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a revision to an existing information collection.

DATES: Approval by the OMB has been requested by October 1, 2013. A regular clearance process is also hereby being initiated. Interested persons are invited to submit comments on or before November 4, 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–2013–ICCD–0014 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 2E115, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Tomakie Washington, 202–401–1097 or 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 as they relate to ESEA flexibility renewal: (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: State Educational Agency, Local Educational Agency, and School Data Collection and Reporting under ESEA, Title I, Part A.

OMB Control Number: 1810–0581.

Type of Review: a revision to an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 53,198.

Total Estimated Number of Annual Burden Hours: 4,707,785.

Abstract: Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001, and its regulations contain several existing provisions that require State educational agencies (SEAs), local educational agencies (LEAs), and schools to collect and disseminate information. The Paperwork Reduction Act (PRA) covers these activities, which are currently approved by OMB under control number 1810–0581 through July 2015. In addition, in 2011, ED invited each SEA to request flexibility on behalf of itself, its LEAs, and schools, in order to better focus on improving student academic achievement and increasing the quality of instruction (ESEA flexibility). The opportunity for SEAs to request ESEA flexibility also included activities covered by the PRA. Those information collection activities consisted of the information an SEA must develop and submit to ED to request this flexibility, information that an SEA provided in an Accountability Addendum, and the information an SEA that receives ESEA flexibility must annually report to ED. Approvals of ESEA flexibility requests have occurred in several iterations: Window 1, for which SEAs submitted requests in November 2011; Window 2, for which SEAs submitted requests in February 2012; Window 3, for which SEAs submitted requests in September 2012; and Window 4, for which SEAs submitted requests in spring 2013. Generally, ED approved the requests of SEAs that requested ESEA flexibility in Windows 1 and 2 through the end of the 2013–2014 school year. ED is now inviting the 35 Window 1 and Window 2 SEAs to request a two-year extension of the waivers granted through ESEA flexibility, through the end of the 2015–2016 school year. An SEA that requests renewal of ESEA flexibility must submit an updated ESEA flexibility request describing how it will continue to meet the requirements of ESEA flexibility. The purpose of this submission is to obtain approval for the resubmission activities covered by the PRA. These activities include an SEA's addressing each of the required items described in the ESEA flexibility renewal guidance,

providing narrative responses within its currently approved ESEA flexibility request and attaching any new documentation or evidence where appropriate, and submitting the amended request to ED. In addition, an SEA must submit a completed ESEA flexibility renewal request form indicating where changes have been made in its ESEA flexibility request. The SEA may also choose, but is not required, to amend its request to make changes necessary to improve implementation going forward or to reflect more accurately implementation activities that have already occurred.

Dated: August 29, 2013.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Service, Office of Management.

[FR Doc. 2013–21509 Filed 9–4–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID: ED–2013–OELA–0107]

Request for Information To Inform the Title III Technical Assistance Agenda and the Future Activities and Services of the National Clearinghouse for English Language Acquisition (NCELA)

AGENCY: Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students, Department of Education.

ACTION: Request for information.

SUMMARY: The U.S. Department of Education (the Department) requests information in two intertwining areas in support of the English learner community. First, the Department seeks information on the technical assistance needs of State educational agencies (SEAs), local educational agencies (LEAs), administrators, and teachers who provide services to English learners (ELs). Second, the Department seeks information on how we can best disseminate technical assistance, including materials through the National Clearinghouse for English Language Acquisition and Language Instruction Educational programs (NCELA) in support of the EL community and those who provide services to ELs.

DATES: Written submissions must be received by the Department by September 25, 2013.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID and the term ''Technical Assistance-NCELA'' at the top of your comments.

• *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to this site?''

• *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments, address them to Melissa Escalante, Office of English Language Acquisition, Attention: Technical Assistance-NCELA RFI, U.S. Department of Education, 400 Maryland Avenue SW., Room 5C148, Washington, DC 20202–6132.

• *Privacy Note:* The Department's policy for comments received from members of the public (including comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available on the Internet.

Submission of Proprietary Information: Given the subject matter, some comments may include proprietary information as it relates to confidential commercial information. The Freedom of Information Act defines ''confidential commercial information'' as information the disclosure of which could reasonably be expected to cause substantial competitive harm. You may wish to request that we not disclose what you regard as confidential commercial information.

To assist us in making a determination on your request, we encourage you to identify any specific information in your comments that you consider confidential commercial information. Please list the information by page and paragraph numbers.

This Request for Information (RFI) is issued solely for information and planning purposes and is not a request for proposals (RFP), a promise to issue an RFP, or a notice inviting applications (NIA), nor does it serve as a modification to the current NCELA contract. This RFI does not commit the Department to contract for any supply or service whatsoever. Further, the Department is not now seeking proposals and will not accept unsolicited proposals. The Department will not pay for any information or administrative costs that you may incur in responding to this RFI.

If you do not respond to this RFI, you may still apply for future contracts and grants. The Department posts RFPs on the Federal Business Opportunities Web site (*www.fbo.gov*). The Department announces grant competitions in the **Federal Register** (*www.gpo.gov/fdsys*). It is your responsibility to monitor these sites to determine whether the Department issues an RFP or NIA after considering the information received in response to this RFI.

The documents and information submitted in response to this RFI become the property of the U.S. Government and will not be returned.

FOR FURTHER INFORMATION CONTACT: Melissa Escalante, U.S. Department of Education, 400 Maryland Avenue SW., Room 5C148, Washington, DC 20202–6132 by phone at 202–401–1407.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–(800) 877–8339.

SUPPLEMENTARY INFORMATION:

Introduction

The Elementary and Secondary Education Act of 1965, as amended (ESEA) holds States accountable for closing achievement gaps and ensuring that all children, including children with limited English proficiency, meet the same challenging academic and achievement standards all students are expected to meet. To this end, Title III of ESEA requires States to develop English language proficiency (ELP) standards that are aligned with challenging State academic content and student academic achievement standards. States must also develop and administer ELP assessments that are aligned with those standards, and must develop annual measurable achievement objectives (AMAOs) for English language proficiency. Under Section 3303 of the ESEA, the Secretary of Education is authorized to establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA). NCELA is administered by the Office of English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students (OELA).

Under Section 3303 of the ESEA, NCELA's basic function is to collect,

analyze, synthesize, and disseminate information concerning: (a) Language instruction educational programs for ELs, (b) educational research and processes related to the education of ELs, and (c) EL-related accountability systems that include EL students' academic content and English language achievement. NCELA will continue to offer EL stakeholders and the public multiple products and services across these areas. In order for NCELA's dissemination efforts to have the greatest effect, they must be as useful and as user-friendly as possible. This work must be continuously examined, improved, and coordinated with, and guided by the priorities of the Department and the needs of the field. Currently, NCELA uses a variety of methods to disseminate information, chief of which is its dedicated Web site (*http://www.ncela.gwu.edu/*). NCELA also disseminates information in a variety of other formats—written and electronic reports, maps, and monographs, and at various venues, such as, conferences, and pre-conference sessions with national organizations. NCELA's operations are managed by an external contractor responsible for carrying out its functions.

With this RFI the Department seeks to gather information on (a) how we can improve the content of the information that we disseminate through NCELA and (b) how NCELA can tailor its existing services and resources to deliver relevant and pertinent information to the EL community at large.

The Department anticipates making use of this information to inform our technical assistance agenda in the second term of the administration and to guide the future activities and services of NCELA.

Once we receive responses to this RFI, the Department will summarize the recommendations made by the public and post that summary on the NCELA Web site for public viewing. The Department will also use the information received through this RFI to inform our technical assistance agenda. That technical assistance agenda will also take into account the variety of formats used to deliver information to meet the needs of the EL community. Finally, the Department will use the feedback gathered from the RFI about the services provided through the NCELA Web site to consider any updates or enhancements to the Web site that are required by legislation or needed by the EL community.

Context for Responses

The primary goal of this RFI is to gather information that will help guide the Department's technical assistance agenda to assist SEAs and LEAs in meeting the educational needs of ELs, and then to use those responses to guide the dissemination of information to the public, SEAs, LEAs, and IHEs. We have developed a set of questions about the areas of technical assistance that would be most helpful and the most effective way for NCELA to deliver that technical assistance to the field. You do not have to respond to any specific question, nor do you have to respond to each topic area; however, it would be helpful if you would elaborate on each topic or question you choose to address. You may provide comments in any convenient format and may also provide relevant information that is not responsive to a particular question but may, nevertheless, be helpful.

Questions

1. General Questions About Technical Assistance

1.1 In which of the following areas is more technical assistance needed and at what level (e.g., SEA, LEA, school or classroom)?

a. Common Core State Standards or college- and career-ready standards and ELs;

b. English Language Proficiency Standards, which could include their alignment to college- and career-ready standards;

c. Language Instruction Educational Programs (LIEPs) (See the 2008–10 Biennial Report to Congress, page 20, Table 6 for examples of LIEPs *http://www.ncela.gwu.edu/files/uploads/3/Biennial_Report_0810.pdf*), which could include their alignment to the Common Core State Standards or to college- and career-ready standards;

d. Accountability;

e. The collection or use of data;

f. Professional development and education for teachers and leaders working with ELs;

g. ELP assessments;

h. Interpretation of Title III statutory requirements (e.g. supplanting prohibition);

i. Teacher evaluation;

j. Program evaluation protocols, such as protocols for teachers, programs, or students;

k. ESEA flexibility and ELs;

l. Science, technology, engineering, and math (STEM) instruction for ELs;

m. Students with interrupted formal education (SIFE);

n. Early childhood programs and ELs;

o. ELs at the secondary school level;

p. ELs served under IDEA;

q. Civil rights and ELs; or

r. Other areas.

1.2 What is your preferred method of delivery for technical assistance (e.g., NCELA listserv blasts, Webinars, written guides, conferences, meetings, presentations at National events held by mainstream organizations, or other delivery methods)?

2. General Questions Regarding the NCELA Web site and the Delivery of Technical Assistance and EL Related Information

2.1 How useful is the current information displayed on the Web site? Please indicate what is and what is not useful.

2.2 Is there information missing from the Web site that should be disseminated?

2.3 How easy is the Web site to navigate? Can you find the information you are searching for?

2.4 Are there any features you would recommend adding to the Web site?

2.5 How would you describe the organization of the resource library on the Web site? Would you recommend any improvements?

2.6 How do you find the content of the resource library with regard to its quality, relevance, and usefulness?

2.7 When you seek information or technical assistance on a topic, do you consult NCELA? Why or why not?

2.8 Are there other issues about the Web site that you would like to make us aware of that would be helpful to improve its utility to the public?

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at

this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 6801–7014.

Dated: August 30, 2013.

Joseph C. Conaty,

Acting Director, Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

[FR Doc. 2013–21639 Filed 9–4–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Extension of Public Comment Period Hydrogen Energy California's Integrated Gasification Combined Cycle Project Preliminary Staff Assessment and Draft Environmental Impact Statement; Correction

AGENCY: U.S. Department of Energy.

ACTION: Extension of public comment period; notice of public hearing; correction.

SUMMARY: On Monday, August 26, 2013, the Department of Energy (DOE) published a *Notice of Extension of Public Comment Period and Public Hearing for the Hydrogen Energy California's Integrated Gasification Combined Cycle Project Preliminary Staff Assessment and Draft Environmental Impact Statement.* This document corrects several typographical errors.

Corrections

In the **Federal Register** on Monday, August 26, 2013, in FR Doc. 2013–20713, on page 52764, the following corrections are made:

(1) In **SUMMARY**, sixth line, ''extening'' is corrected to read ''extending.''

(2) In **DATES**, third paragraph, first line, ''OE'' is corrected to read ''DOE.''

(3) In **FOR FURTHER INFORMATION CONTACT**, twelfth line, ''DOE'' is corrected to read ''DOE's.''

Dated: August 29, 2013.

Mark J. Matarrese,

Director, Office of Environment, Security, Safety & Health, Office of Fossil Energy.

[FR Doc. 2013–21588 Filed 9–4–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board: Correction

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting: Correction.

SUMMARY: The Department of Energy (DOE) published in the **Federal Register** on August 27, 2013, a notice of an open meeting for the Secretary of Energy Advisory Board (SEAB). The notice is being corrected to change the time of the meeting.

Correction

In the **Federal Register** of August 27, 2013, in FR DOC. 2013–20861, on pages 52911–52912, please make the following corrections:

In the **DATES** heading, third column, first paragraph, first line, please remove, ''9:00 a.m.'' and in its place add ''8:00 a.m.''.

In the Tentative Agenda heading, third column, first paragraph, second line, please remove, ''9:00 a.m. on September 16'' and in its place add, ''8:00 a.m. on September 13''.

In the Public Participation heading, page 52912, first column, first paragraph, fourth line, please remove, ''8:30 a.m.'' and in its place add, ''7:30 a.m.''

Issued in Washington, DC on August 30, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–21560 Filed 9–4–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2203–015]

Alabama Power Company; Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2203–015.

c. *Date Filed:* August 16, 2013.

d. *Applicant:* Alabama Power Company (Alabama Power).

e. *Name of Project:* Holt Hydroelectric Project.

f. *Location:* The project is located at the U.S. Army Corps of Engineers' existing Holt Lock and Dam on the Black Warrior River in Tuscaloosa County, Alabama and occupies 36.64 acres of Corps lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jim Heilbron, Senior Vice President and Senior Production Officer, Alabama Power Company, 600 North 18th Street, P.O. Box 2641, Birmingham, AL 35203–2206, (205) 257–1000.

i. *FERC Contact:* Jeanne Edwards, (202) 502–6181 or *jeanne.edwards@ferc.gov.*

j. *Cooperating Agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* October 15, 2013.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* 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. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2203–015.

m. This application is not ready for environmental analysis at this time.

n. Portions of the existing Holt Project structures that are owned and operated by Alabama Power consist of: (1) An existing 130-foot-long concrete non-overflow dam; (2) an existing 110-foot

long earth fill dam located between the non-overflow structure and the right abutment; and (3) an existing powerhouse containing 1 turbine with an installed capacity of 46,944-kilowatts. The applicant estimates that the total average annual generation would be 153,604,600 megawatthours. All generated power is utilized within the applicant's electric utility system. Additionally, Alabama Power proposes correct the mapping of the project boundary from 46.59 acres to 50.08 acres. The change would affect privately owned lands, resulting in no land disturbing activities.

o. A copy of the application is 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, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

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, contact FERC Online Support.

p. *Procedural schedule and final amendments:* The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Notice of Acceptance or Deficiency Letter.	November 2013.
Issue Scoping Document 1	December 2013.
Issue Scoping Document 2	February 2014.
Issue notice of ready for environmental analysis.	March 2014.
Issue draft EA	September 2014.
Issue Final EA	December 2014.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: August 28, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–21526 Filed 9–4–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13213–003]

Lock 14 Hydro Partners; Notice of Application Accepted for Filing and Soliciting 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:* Major License (5 Megawatts or less)

b. *Project No.:* 13213–003

c. *Date filed:* May 16, 2012

d. *Applicant:* Lock 14 Hydro Partners, LLC

e. *Name of Project:* Heidelberg Hydroelectric Project

f. *Location:* At the Kentucky River Authority's Lock and Dam No. 14, on the Kentucky River, near the Town of Heidelberg, Lee County Kentucky. No lands managed by the Federal government are located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* David Brown Kinloch, Lock 14 Hydro Partners, 414 S. Wenzel Street, Louisville, Kentucky 40204, (502) 589–0975.

i. *FERC Contact:* Michael Spencer, (202) 502–6093, *michael.spencer@ferc.gov.*

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. 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. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13213–003.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing, but is not ready for environmental analysis at this time.

l. The Heidelberg Project consists of: (1) An existing 248-foot-long, 17-foot-high concrete lock and dam; (2) an existing 182-acre reservoir having a storage capacity of 1,820-acre-feet; (3) a new 40-foot-high and 52-foot-wide trashrack; (4) a new powerhouse integral to the abandoned lock containing four generating units for a total installed capacity of 2,640 kilowatts; and (5) a new 1,000-foot-long, 12.47 kilo-Volt transmission line. The project is estimated to generate an average of 10,484,000 kilowatt-hours annually. The existing lock and dam are owned by the Kentucky River Authority.

m. A copy of the application is 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, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.as*p to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must: (1) Bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION''; (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. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: August 28, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–21525 Filed 9–4–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13214–003]

Lock 12 Hydro Partners; Notice of Application Accepted for Filing and Soliciting 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:* Major License (5 Megawatts or less).

b. *Project No.:* 13214–003.

c. *Date filed:* May 16, 2012.

d. *Applicant:* Lock 12 Hydro Partners, LLC.

e. *Name of Project:* Ravenna Hydroelectric Project.

f. *Location:* At the Kentucky River Authority's Lock and Dam No. 12, on the Kentucky River, near the Town of Ravenna, Estill County Kentucky. No lands managed by the Federal government are located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* David Brown Kinloch, Lock 12 Hydro Partners, 414 S. Wenzel Street, Louisville, Kentucky 40204, (502) 589–0975.

i. *FERC Contact:* Michael Spencer, (202) 502–6093, *michael.spencer@ferc.gov.*

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* 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. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13214–003.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing, but is not ready for environmental analysis at this time.

l. The Ravenna Project consists of: (1) An existing 240-foot-long, 17-foot-high concrete lock and dam; (2) an existing 345-acre reservoir having a storage capacity of 3,450-acre-feet; (3) a new 40-foot-high and 52-foot-wide trashrack; (4) a new powerhouse within the abandoned lock chamber containing four generating units for a total installed capacity of 2,640 kilowatts; and (5) a new 1,500-foot-long, 12.47 kilo-Volt transmission line. The project is estimated to generate an average of 10,673,000 kilowatt-hours annually. The existing lock and dam are owned by the Kentucky River Authority.

m. A copy of the application is 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, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

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, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must: (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION''; (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. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: August 28, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–21524 Filed 9–4–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14526–000]

KC Scoby Hydro, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications

On May 28, 2013, KC Scoby Hydro, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of hydropower at the existing Union Street Dam located on the Dan River in the City of Danville, Virginia. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed Danville Union Dam Hydroelectric Project would consist of the following: (1) An existing 820-foot-long and 10-foot-high dam made of granite slabs; (2) an existing impoundment having a surface area of 119.4 acres at an elevation of 410 feet mean sea level, and a storage capacity of 59.7 acre-feet at a 6-inch drawdown from the dam crest; (3) an existing 1,460-foot-long canal that would be extended an additional 1,000 feet downstream from the current terminus to the proposed powerhouse; (4) a new 30-foot by 100-foot powerhouse with three identical turbine-generator units with an installed capacity of 620 kilowatts each; (5) a 550-foot-long tailrace; (6) a new 12.48-kilovolt transmission line extending 500 feet from the powerhouse to an existing substation; and (7) appurtenant facilities. The proposed project would have an annual generation of 9.5 gigawatt-hours.

Applicant Contact: Kelly Sackheim, KC Scoby Hydro, LLC, 5096 Cocoa Palm Way, Fair Oaks, CA 95628; phone: (301) 401–5978.

FERC Contact: Monir Chowdhury; phone: (202) 502–6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* 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. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14526–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14526) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: August 28, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–21527 Filed 9–4–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2002–0011; FRL–9900–75–OW]

Proposed Information Collection Request; Comment Request; Laboratory Quality Assurance Evaluation Program for Analysis of Cryptosporidium Under the Safe Drinking Water Act (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Laboratory Quality Assurance Evaluation Program for Analysis of *Cryptosporidium* Under the Safe Drinking Water Act'' (EPA ICR No. 2067.05, OMB Control No. 2040–0246) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through January 31, 2014. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 4, 2013.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2002–0011, online using *www.regulations.gov* (our preferred method), by email to *ow-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Carrie Miller, Technical Support Center (TSC), Office of Ground Water and Drinking Water, (MS–140), Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268; telephone number: 513–569–7919; fax number:

513–569–7191; email address: *miller.carrie@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Under the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR), EPA requires public water systems to use approved laboratories when conducting *Cryptosporidium* monitoring. 40 CFR 141.705(a) provides for approval of *Cryptosporidium* laboratories by ''an equivalent'' State laboratory certification program (i.e., equivalent to EPA's Laboratory Quality Assurance Evaluation Program). In the preamble to the LT2ESWTR, as well as several other notices, EPA has described the criteria for approval of laboratories to analyze *Cryptosporidium* samples under the LT2ESWTR. See 74 FR 8529 (February 25, 2009), 71 FR 727 (January 5, 2006) and 67 FR 9731 (March 4, 2002).

Through today's notice, EPA is inviting comment on refinements to the information collected to support EPA's Lab QA Program. The procedures for Methods 1622, 1623, and 1623.1 (a revision of Method 1623) have been updated to reflect that the minimum recovery for *Cryptosporidium* in ongoing precision and recovery (OPR) samples is now 33 percent. This minimum recovery is based on an updated data set and should provide a better assessment of laboratory performance than the previous value for the following reasons: (1) The data set is more recent; and (2) the sample size is more than twice as large as the 2009 sample size used to establish the previous value.

State responsibilities for *Cryptosporidium* laboratory approval and oversight will be comparable to their certification responsibilities for the chemistry and microbiology laboratories that they oversee in their current programs (e.g., initial evaluation of laboratory capability; ongoing assessment of the laboratory—including an assessment of Proficiency Test results; and on-site audits at least triennially). Whereas 40 CFR 142.10(b) generally requires the establishment and maintenance of a laboratory ''certification'' program for all regulated analytes, State approval programs for *Cryptosporidium* laboratories are optional based on the structure of the LT2ESWTR (40 CFR 141.705(a)).

If a laboratory is located in a State that does not operate a *Cryptosporidium* laboratory certification/accreditation program, that laboratory can still support LT2ESWTR monitoring if the laboratory has been approved by another State's laboratory certification/accreditation program that: (1) Has demonstrated substantial conformity to procedures described in Chapter 7 of ''Supplement 2 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water'' *http://water.epa.gov/scitech/drinkingwater/labcert/index.cfm#two* and (2) uses auditors that have passed the Technical Support Center's (TSC) *Cryptosporidium* Laboratory Certification Officers Training Course. PWSs should be aware that their States may establish requirements that are more stringent than EPA's regulations; State requirements would take precedence.

Consistent with the longstanding laboratory certification program approach, TSC will: (1) Train State/Regional Certification Officers (CO) responsible for auditing *Cryptosporidium* laboratories; (2) provide written guidance to State/Regional COs; (3) provide day-to-day technical support to States, Regions, and laboratories; (4) review/assist the Regional programs that oversee State certification/accreditation programs; and (5) maintain a list of links to State Web sites naming certified laboratories and/or a list of certified laboratories on EPA's Web site.

Further information is provided at *http://water.epa.gov/lawsregs/rulesregs/sdwa/lt2/lab_home.cfm.*

Form Numbers: None.

Respondents/affected entities: Interested States and Laboratories.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 45 labs and 20 States/Territories.

Frequency of response: Annual.

Total estimated burden: 5,472 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $803,774.79 (per year), includes $295,056.67 annualized capital or operation & maintenance (O&M) costs.

Changes in Estimates: There is an increase of 629 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. Changes in burden have occurred due to inflation, re-evaluation of hours for tasks, re-evaluation of O&M costs, improved demonstration of capability, and integration of laboratory oversight into existing State certification programs (State oversight of laboratories was not addressed in the currently approved burden estimate). The increase in the respondent universe has increased the overall burden costs for the respondents. As the States implement their certification programs, future estimates will be adjusted.

Dated: August 29, 2013.

Ann Codrington,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 2013–21637 Filed 9–4–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9900–72–Region3]

2013 Fall Joint Meeting of the Ozone Transport Commission and the Mid-Atlantic Northeast Visibility Union

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency is announcing the joint 2013 Fall Meeting

of the Ozone Transport Commission (OTC) and the Mid-Atlantic Northeast Visibility Union (MANE–VU). The meeting agenda will include topics regarding reducing ground-level ozone precursors and matters relative to Regional Haze and visibility improvement in Federal Class I areas in a multi-pollutant context.

DATES: The meeting will be held on November 14, 2013 starting at 9:15 a.m. and ending at 4:00 p.m.

Location: The Embassy Suites, 900 10th Street NW., Washington, DC 20001; (202) 719–1424.

FOR FURTHER INFORMATION CONTACT: *For documents and press inquiries contact:* Ozone Transport Commission, 444 North Capitol Street NW., Suite 322, Washington, DC 20001; (202) 508–3840; email: *ozone@otcair.org;* Web site: *http://www.otcair.org.*

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at Section 184 provisions for the Control of Interstate Ozone Air Pollution. Section 184(a) establishes an Ozone Transport Region (OTR) comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia. The purpose of the OTC is to deal with ground-level ozone formation, transport, and control within the OTR.

The Mid-Atlantic/Northeast Visibility Union (MANE–VU) was formed in 2001, in response to EPA's issuance of the Regional Haze rule. MANE–VU's members include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, the Penobscot Indian Nation, the St. Regis Mohawk Tribe along with EPA and Federal Land Managers.

Type of Meeting: Open.

Agenda: Copies of the final agenda will be available from the OTC office (202) 508–3840; by email: *ozone@otcair.org* or via the OTC Web site at *http://www.otcair.org.*

Dated: August 22, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2013–21636 Filed 9–4–13; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice 2013–6004]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 92–29 Export-Import Bank Report of Premiums Payable for Exporters Only.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

This collection of information is necessary, pursuant to 12 U.S.C. 635(a)(1), to determine eligibility of export sales for insurance coverage.

The information collection tool can be reviewed at: *http://www.exim.gov/pub/pending/eib92-29.pdf*

DATES: Comments must be received on or before November 4, 2013 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* or by mail to Michele Kuester, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–29 Export-Import Bank Report of Premiums Payable for Exporters Only

OMB Number: 3048–0017

Type of Review: Regular

Need and Use: The ''Report of Premiums Payable for Exporters Only'' form is used by exporters to report and pay premiums on insured shipments to various foreign buyers under the terms of the policy and to certify that premiums have been correctly computed and remitted. Individual transactions that an exporter may have with the same foreign borrower can be sub-totaled and entered as a single line item for the specific month provided the length of payment term is identical. The use of sub-totals reduces the administrative burden on the exporter. The 'Report of Premiums Payable for Exporters Only' is used by the Bank to determine the eligibility of the shipment(s) and to calculate the premium due to Ex-Im Bank for its support of the shipment(s) under its insurance program.

Affected Public:

This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 2,600.

Estimated Time per Respondent: 15 minutes.

Annual Burden Hours: 7,800.

Frequency of Reporting of Use: Monthly.

Government Expenses:

Reviewing time per year: 7,800 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $331,500 (time*wages).

Benefits and Overhead: 20%.

Total Government Cost: $397,800.

Kalesha Malloy,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2013–21504 Filed 9–4–13; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 13–1804]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission released a public notice announcing the meeting and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next meeting and agenda.

DATES: Wednesday, September 18, 2013, 10:00 a.m.

ADDRESSES: Requests to make an oral statement or provide written comments to the NANC should be sent to Carmell Weathers, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Portals II, 445 12th Street SW., Room 5–C162, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Carmell Weathers at (202) 418–2325 or *Carmell.Weathers@fcc.gov.* The fax number is: (202) 418–1413. The TTY number is: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document in CC Docket No. 92–237, DA 13–1804 released August 26, 2013. The complete text in this document is available for public inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The document my also be purchased

from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160 or (202) 863–2893, facsimile (202) 863–2898, or via the Internet at *http://www.bcpiweb.com.* It is available on the Commission's Web site at *http://www.fcc.gov.*

The North American Numbering Council (NANC) has scheduled a meeting to be held Wednesday, September 18, 2013, from 10:00 a.m. until 2:00 p.m. The meeting will be held at the Federal Communications Commission, Portals II, 445 12th Street SW., Room TW–C305, Washington, DC. This meeting is open to members of the general public. The FCC will attempt to accommodate as many participants as possible. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting.

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 and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty). Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least five days advance notice; last minute requests will be accepted, but may be impossible to fill.

Proposed Agenda: Wednesday, September 18, 2013, 10:00 a.m.*

1. Announcements and Recent News
2. Approval of Transcript
—Meeting of June 20, 2013
3. Report of the North American Numbering Plan Administrator (NANPA)
4. Report of the National Thousands Block Pooling Administrator (PA)
5. Report of the Numbering Oversight Working Group (NOWG)
6. Report of the North American Numbering Plan Billing and Collection (NANP B&C) Agent
7. Report of the Billing and Collection Working Group (B&C WG)
8. Report of the North American Portability Management LLC (NAPM LLC)
9. Report of the Local Number Portability Administration (LNPA) Selection Working Group (SWG)
10. Report of the LNPA Working Group
11. Status of the Industry Numbering Committee (INC) activities
12. Report of the Future of Numbering Working Group (FoN WG)
13. Summary of Action Items
14. Public Comments and Participation (5 minutes per speaker)
15. Other Business

Adjourn no later than 2:00 p.m.

* The Agenda may be modified at the discretion of the NANC Chairman with the approval of the DFO.

Federal Communications Commission.

Ann H. Stevens,

Deputy Chief, Competition Policy Division, Wireline Competition Bureau.

[FR Doc. 2013–21649 Filed 9–4–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)-523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012201–001.

Title: WWL/K-Line Space Charter Agreement.

Parties: Wallenius Wilhelmsen Logistics AS and Kawasaki Kisen Kaisha, Ltd.

Filing Party: John P. Meade, Esq.; General Counsel; K-Line America, Inc.; 6009 Bethlehem Road; Preston, MD 21655.

Synopsis: The Amendment would add the U.S. Pacific Coast and Japan to the geographic scope of the Agreement.

Agreement No.: 012219.

Title: Seaboard/MOL Space Charter Agreement.

Parties: Seaboard Marine Ltd. and Mitsui O.S.K. Lines, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The agreement authorizes Seaboard to charter space to MOL in the trade between Panama and the U.S. Gulf Coast.

Agreement No.: 012220.

Title: Crowley/Seaboard Space Charter and Sailing Agreement.

Parties: Crowley Latin America Services, LLC; and Seaboard Marine, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The agreement authorizes Crowley and Seaboard to share vessels in the trade between Miami and Port Everglades on the one hand, and ports on the Caribbean/Atlantic Coast of Costa Rice and Panama, on the other hand.

Agreement No.: 012221.

Title: CSCL/YMUK Slot Exchange Agreement.

Parties: China Shipping Container Lines Co., Ltd. and China Shipping Container Lines (Hong Kong) Co., Ltd. (acting as a single party); and Yang Ming (UK), Ltd.

Filing Party: Patricia M. O'Neill; Blank & Rome LLP; 600 New Hampshire Ave. NW., Washington, DC 20037.

Synopsis: The agreement authorizes the parties to exchange space on vessels in the trade between the West Coast of the U.S. on the one hand, and China and South Korea on the other hand.

Agreement No.: 012222.

Title: Crowley/America Cruise Ferries, Inc. Space Charter and Sailing Agreement.

Parties: Crowley Latin America Services, LLC; and America Cruise Ferries, Inc.

Filing Party: Marc J. Fink, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The Agreement authorizes Crowley to charter space from America Cruise Ferries in the trade between Puerto Rico and the Dominican Republic.

Dated: August 30, 2013.

By Order of the Federal Maritime Commission.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2013–21629 Filed 9–4–13; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

August 29, 2013.

TIME AND DATE: 2:00 p.m., Thursday, September 19, 2013.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania

Avenue NW., Washington, DC 20004 (entry from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Sequoia Energy, LLC,* Docket No. KENT 2008–1059. (Issues include whether the Administrative Law Judge erred in assessing civil penalties that reduced the amounts of certain proposed civil penalties.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 434–9950/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Emogene Johnson,

Administrative Assistant.

[FR Doc. 2013–21678 Filed 9–3–13; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 18, 2013.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *H. Gary Morse, H. Gary Morse Family Trust, Mark G. Morse, Mark G. Morse Family Trust, Jennifer L. Parr, Jennifer L. Family Trust, Trust L. Matthews, and Tracy L. Mathews Family Trust,* all of The Villages, Florida; to acquire voting shares of Villages Bancorporation, Inc., and thereby indirectly acquire voting shares of Citizens First Bank, both in The Villages, Florida.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Joe F. Rayl Revocable Intervivos Trust U/A/D dated July 28, 1995 as amended, Bolivar, Missouri; and Jane Rayl, Bolivar, Missouri, and J. Michael Phillips, Springfield, Missouri, as co-trustees;* to retain voting shares of Farmers Financial Corporation, Bolivar, Missouri, and thereby indirectly retain voting shares of Farmers State Bank S/B, Schell City, Missouri.

Board of Governors of the Federal Reserve System, August 29, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–21480 Filed 9–4–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 30, 2013.

A. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *Peoples Financial Services Corp.,* Hallstead, Pennsylvania; to merge with Penseco Financial Services Corporation, Scranton, Pennsylvania, and thereby indirectly acquire Penn Security Bank and Trust Company, Scranton, Pennsylvania.

Board of Governors of the Federal Reserve System, August 30, 2013.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2013–21575 Filed 9–4–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 27, 2013.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Cullen/Frost Bankers, Inc.,* San Antonio, Texas; to merge with WNB Bancshares, Inc., and thereby indirectly

acquire Western National Bank, both in Odessa, Texas.

Board of Governors of the Federal Reserve System, August 29, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–21481 Filed 9–4–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR Part 238), and Regulation MM (12 CFR Part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 27, 2013.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. The GMDK Trust fbo Christopher J. Keyland, The GMDK Trust fbo Kathryn J. Roberts, The JLD/GMDK Irrevocable Asset Trust fbo Christopher J. Keyland, The JLD/GMDK Irrevocable Asset Trust fbo Kathryn J. Roberts, The JLD-Christopher J. Keyland Descendant Trust #3, The JLD-Kathryn J. Roberts Descendant Trust #4, The JSD-Christopher J. Key land Descendant Trust #3, and The JSD-Kathryn J. Roberts Descendant Trust #4, all of Fort Worth, Texas; to become savings and loan holding companies through the acquisition of controlling interests in First Western Mortgage Corporation, and Colonial Holding Company, and thereby indirectly acquire Colonial Savings, FA, all in Fort Worth, Texas.

Board of Governors of the Federal Reserve System, August 29, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–21482 Filed 9–4–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 30, 2013.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. PacWest Bancorp, Los Angeles, California, CapGen Capital Group II LLC, CapGen Capital Group II LP, both of New York, New York; to acquire CapitalSource, Inc., Chevy Chase, Maryland, and indirectly acquire CapitalSource Bank, Los Angeles, California, and thereby engage in operating a nonbank depository institution, pursuant to section 225.22(b)(4).

Board of Governors of the Federal Reserve System, August 30, 2013.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2013–21576 Filed 9–4–13; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0168; Docket 2013–0077; Sequence 6]

Federal Acquisition Regulation; Information Collection; American Recovery and Reinvestment Act—Reporting Requirements—One-Time Reporting, Compensation Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension, with changes, to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat, will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning the American Recovery and Reinvestment Act—Reporting Requirements—One Time-Reporting, Compensation Requirements.

DATES: Submit comments on or before November 4, 2013.

ADDRESSES: Submit comments identified by Information Collection 9000–0168, American Recovery and Reinvestment Act—Reporting Requirements—One Time-Reporting, Compensation Requirements, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0168, American Recovery and Reinvestment Act—Reporting Requirements—One Time-Reporting, Compensation Requirements''. Follow the instructions provided at the ''Submit a Comment''

screen. Please include your name, company name (if any), and ''Information Collection 9000–0168, American Recovery and Reinvestment Act—Reporting Requirements—One Time-Reporting, Compensation Requirements'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Hada Flowers/IC 9000–0168, American Recovery and Reinvestment Act—Reporting Requirements—One Time-Reporting, Compensation Requirements.

Instructions: Please submit comments only and cite Information Collection 9000–0168, American Recovery and Reinvestment Act—Reporting Requirements—One Time-Reporting, Compensation Requirements, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Acquisition Policy Division, at telephone 202–501–1448 or via email to *Curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

In accordance with Federal Acquisition Regulation (FAR) subpart 4.15 and the applicable clause at FAR 52.204–11, which implements the statutory requirements section 1512(c) of Division A of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5) (Recovery Act), as a condition of receipt of funds, contractors that receive awards (or modifications to existing awards) funded, in whole or in part by the Recovery Act, shall include the one-time reporting element for which the burden is imposed on certain prime contractors and first-tier subcontractors to publicly disclose the names and total compensation of each of the contractor's or first-tier subcontractor's five most highly compensated officers, for the calendar year in which the award was made.

While Section 1512(c)(4) of the Recovery Act requires reporting on all Federal Funding Accountability and Transparency Act (FFATA) data elements, including the compensation information, it limits the prime contractor's reporting responsibility to first tier subcontractors that meet the applicability requirements. The FAR clause requires this compensation disclosure for prime contractors as well as first-tier subcontractors. Excluding prime contractors while requiring disclosure for first-tier subcontractors would be unsupportable given the transparency goals of both FFATA and the Recovery Act. There are likely to be some prime contractors that already provide public access to the compensation of senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986. There are also likely to be some first-tier subcontractors that do not meet the revenue thresholds for applicability.

B. Annual Reporting Burden

This information collection reflects a downward adjustment from what was published in the **Federal Register** on September 24, 2010, at 75 FR 58387, for the number of respondents required to comply with the requirements of FAR subpart 4.15 and the associated FAR clause at 52.204–11, American Recovery and Reinvestment Act—Reporting Requirements. This change is primarily a result of the lower amount of Recovery Act funds available for award.

In Fiscal Year (FY) 2010, the Federal Procurement Data System (FPDS) indicated that there were 33,041 Recovery Act prime contract awards, including modifications (21,767 awarded to small businesses), to 8,896 unique vendors. In FY 2012, FPDS indicates that there were 6,312 Recovery Act prime contract awards, including modifications (3,156 awarded to small businesses), to 2,247 unique vendors. This change represents a decrease of approximately 75 percent from FY 2010. The number of first-tier subcontractors estimated to participate in Recovery Act awards is 4,494. This was derived by estimating two first-tier subcontractors for each prime contractor. It was determined that the FY 2012 FPDS data regarding the number of unique vendors combined with the assumption of two first-tier subcontractors for each prime contractor was a sufficient baseline for estimating the number of respondents (prime contractors and first-tier subcontractors) that would need to comply with the applicable clause associated with this information collection (6,741).

In discussions with subject matter experts, it was also determined that an estimated number of responses per respondent of two, rounded down from 2.8, was sufficient to reflect the lower number of Recovery Act funds available for award. Additionally, it is estimated that the burden hours per response is three-hours (3.0), which reflects no change from what was published in the **Federal Register** on September 24, 2010, at 75 FR 58387. No public comments were received in prior years that have challenged the validity of the Government's estimate.

Respondents: 6,741.

Responses per Respondent: 2.0.

Total Annual Reponses: 13,482.

Hours per Response: 3.0.

Total Burden Hours: 40,446.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0168, American Recovery and Reinvestment Act—Reporting Requirements—One-Time Reporting, Compensation Requirements, in all correspondence.

Dated: August 29, 2013.

Karlos Morgan,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2013–21521 Filed 9–4–13; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0167; Docket 2013–0077; Sequence 5]

Federal Acquisition Regulation; Information Collection American Recovery and Reinvestment Act-Reporting Requirements—One-Time Reporting for First-Tier Subcontractors

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension, with changes, to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning the American Recovery and Reinvestment Act-Reporting Requirements—One Time Reporting for First-tier Subcontractors.

DATES: Submit comments on or before November 4, 2013.

ADDRESSES: Submit comments identified by Information Collection 9000–0167, American Recovery and Reinvestment Act-Reporting Requirements—One Time Reporting for First-tier Subcontractors, by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0167, American Recovery and Reinvestment Act-Reporting Requirements—One Time Reporting for First-tier Subcontractors''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0167, American Recovery and Reinvestment Act-Reporting Requirements—One Time Reporting for First-tier Subcontractors'' on your attached document.
- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Hada Flowers/IC 9000–0167, American Recovery and Reinvestment Act-Reporting Requirements—One Time Reporting for First-tier Subcontractors.

Instructions: Please submit comments only and cite Information Collection 9000–0167, American Recovery and Reinvestment Act-Reporting Requirements—One Time Reporting for First-tier Subcontractors, in all correspondence related to this collection. Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Acquisition Policy Division, at telephone 202–501–1448 or via email to *Curtis.glover@gsa.gov*.

SUPPLEMENTARY INFORMATION:

A. Purpose

In accordance with Federal Acquisition Regulation (FAR) subpart 4.15 and the applicable clause at FAR 52.204–11, which implements the statutory requirements section 1512(c) of Division A of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5) (Recovery Act), as a condition of receipt of funds, contractors that receive awards (or modifications to existing awards) funded, in whole or in part by the Recovery Act, shall include the one-time reporting elements for which the burden is imposed only on the first-tier subcontractor. The information shall include, but is not limited to:

a. Unique identifier (DUNS Number) for the subcontractor receiving the award and for the subcontractor's parent company, if the subcontractor has a parent company;

b. Subcontractor's physical address including street address, city, state, and country. Also include the nine-digit zip code and congressional district if applicable; and

c. Subcontract primary performance location including street address, city, state, and country. Also include the nine-digit zip code and congressional district if applicable.

B. Annual Reporting Burden

This information collection reflects a downward adjustment from what was published in the **Federal Register** on September 24, 2010, at 75 FR 58390, for the number of respondents required to comply with the requirements of FAR subpart 4.15 and the associated FAR clause at 52.204–11, American Recovery and Reinvestment Act—Reporting Requirements. This change is primarily a result of the lower amount of Recovery Act funds available for award.

In Fiscal Year (FY) 2010, the Federal Procurement Data System (FPDS) indicated that there were 33,041 Recovery Act prime contract awards, including modifications (21,767 awarded to small businesses), to 8896 unique vendors. In FY 2012, FPDS indicates that there were 6,312 Recovery Act prime contract awards, including modifications (3,156 awarded to small businesses), to 2,247 unique vendors. This change represents a decrease of approximately 75 percent from FY 2010. The number of first-tier subcontractors estimated to participate in Recovery Act awards is 4,494. This was derived by estimating two first-tier subcontractors for each prime contractor. It was determined that the FY 2012 FPDS data regarding the number of unique vendors combined with the assumption of two first-tier subcontractors for each prime contractor was a sufficient baseline for estimating the number of respondents (first-tier subcontractors) per year that would need to comply with the applicable clause associated with this information collection (4,494).

In discussions with subject matter experts, it was determined that an estimated number of responses per respondent of two, was sufficient to reflect the lower amount of Recovery Act funds available for award. Additionally, it is estimated that the burden hours per response is 15 minutes (.25), which reflects no change from what was published **Federal Register** on September 24, 2010, at 75 FR 58390. No public comments were received in prior years that have challenged the validity of the Government's estimate.

Respondents: 4,494.
Responses Per Respondent: 2.0.
Total Annual Reponses: 8,988.
Hours per Response: .25.
Total Burden Hours: 2,247.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of

information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0167, American Recovery and Reinvestment Act—Reporting Requirements—One Time Reporting for First-tier Subcontractors, in all correspondence.

Dated: August 29, 2013.

Karlos Morgan,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2013–21529 Filed 9–4–13; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[Notice–FTR–2013–04; Docket No. 2013–0002; Sequence 25]

Maximum Per Diem Rates for the Continental United States (CONUS)

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of GSA Per Diem Bulletin FTR 14–01, Fiscal Year (FY) 2014 Continental United States (CONUS) per diem rates.

SUMMARY: The General Services Administration's (GSA) Fiscal Year (FY) 2014 per diem review has resulted in lodging and meal allowance changes for certain locations within the Continental United States (CONUS) to provide for reimbursement of Federal employees' expenses covered by per diem. The standard lodging per diem rate will increase to $83. The meals and incidental expense tiers remain unchanged for FY 2014 and range from $46–$71. GSA identified two new non-standard areas (NSAs): Big Spring, TX (Howard County); and Pearsall, TX (Frio, La Salle, and Medina Counties). The City of Hershey, PA, is now a separate NSA from Harrisburg, PA. In addition, Pasco, WA (Franklin County) and Richland, WA (Benton County) have been merged into a single NSA. Finally, Hendry County, FL is now included with the Palm Beach County, FL NSA.

The CONUS per diem rates prescribed in Bulletin 14–01 may be found at *www.gsa.gov/perdiem.* GSA bases the lodging rates on the average daily rate that the lodging industry reports to an independent organization. If a lodging rate or a per diem rate is insufficient to meet necessary expenses in any given location, Federal executive agencies can request that GSA review that location. Please review numbers five and six of GSA's per diem Frequently Asked Questions at (*www.gsa.gov/perdiemfaqs*) for more information on the special review process.

In addition, the Federal Travel Regulation allows for actual expense reimbursement as provided in §§ 301–11.300 through 301–11.306.

DATES: This notice is effective September 5, 2013.

Applicability Date: Travel performed on or after October 1, 2013 through September 30, 2014.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms. Jill Denning, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202–208–7642, or by email at *travelpolicy@gsa.gov.* Please cite Notice of GSA Per Diem Bulletin FTR 14–01.

SUPPLEMENTARY INFORMATION:

Background: GSA issues and publishes the CONUS per diem rates, formerly published in Appendix A to 41 CFR Chapter 301, solely on the Internet at *www.gsa.gov/perdiem.* This process, implemented in 2003, ensures more timely changes in per diem rates established by GSA for Federal employees on official travel within CONUS. Notices published periodically in the **Federal Register**, such as this one, now constitute the only notification of revisions in CONUS per diem rates to agencies.

Dated: August 30, 2013.

Craig J. Flynn,

Director, Travel and Relocation Policy, Office of Government-wide Policy.

[FR Doc. 2013–21599 Filed 9–4–13; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sole Source Cooperative Agreement Award to the National Association of County and City Health Officials (NACCHO)

AGENCY: Office of Policy and Planning, Assistant Secretary for Preparedness and Response (ASPR), Department of Health and Human Services (HHS).

ACTION: Notification of a Sole Source Cooperative Agreement Award to the National Association of County and City Health Officials (NACCHO) for a grant titled: ''Technical Assistance to Obtain Local Health Department and Community Input for National Health Security-related Activities''.

Statutory Authority: Public Health Service Act, Section 1703(a), 42 U.S.C. 300u–2(a).

Estimated Amount of Award: $1,500,000 USD.

Project Period: September 30, 2013 to September 29, 2016.

SUMMARY: ASPR requires collaboration with local health departments and officials to ensure that local governments, communities, private sector entities, non-governmental organizations, academia, and individuals can optimally coordinate their respective national health security roles and responsibilities to achieve community health resilience and strengthen health care, public health, and emergency management systems. This project aims to improve collaboration between ASPR and the local health departments (LHDs) to enhance national health security, foster community health resilience, and strengthen health care, public health, and emergency management systems.

One of the overarching goals of both the National Health Security Strategy (2009) and the ASPR Strategic Plan 2011–2015 is to build community health resilience. ASPR seeks to partner with LHDs and health officials which play a critical role in building community health resilience by employing and evaluating localized public health strategies, such as preparing local communities to withstand and recover from public health emergencies and disasters, and engaging local health departments and health care organizations to build healthcare coalitions. The project will foster better approaches for building community health resilience.

LHDs and health officials are intimately familiar with the communities and populations that they serve and are an essential partner in carrying out the mission of ASPR. ASPR seeks to engage LHDs and health officials as well as other appropriate local stakeholders in bi-directional communications to evaluate the effectiveness of, and ensure that, ASPR's strategies, policies, and programmatic activities are informed by and support the needs of local communities. The project will foster collaboration with local health officials to achieve, for example, national health security and strengthen local emergency preparedness, response, and recovery systems and capabilities, and build

well-functioning healthcare coalitions, among other activities.

ASPR seeks to partner with LHDs and local communities which frequently prepare for, respond to, and recover from localized emergency incidents and to identify valuable lessons and promising practices to collect and share these practices with other LHDs and communities. This project will capture lessons learned and promising practices from local communities and share them more widely.

Justification: The National Association of County and City Health Officials (NACCHO) is the national nonprofit organization representing all local and tribal health officials from across the country. Members are elected by their peers, and include ex officio members representing the National Association of Counties, of which NACCHO is an affiliate, and the U.S. Conference of Mayors. NACCHO advocates on the behalf of county and city health departments by providing Congressional testimony, submitting letters to the Administration, and endorsing proposed legislation.

NACCHO has demonstrated experience establishing partnerships with both traditional and non-traditional organizations to impact both county and city public health departments and the broader public health system.

NACCHO's existing network of health officials will provide ASPR with the unique ability to collaborate on federal programs and actions that could impact the preparation for, response to or recovery from emergencies and disasters impacting public health and health care.

Additional Information: The agency program contact is Lisa Kaplowitz, who can be contacted by phone at (202) 202–2882 or via email at *Lisa.Kaplowitz@hhs.gov.*

Dated: August 28, 2013.

Nicole Lurie,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2013–21551 Filed 9–4–13; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sole Source Cooperative Agreement Award to the Association for State and Territorial Health Officials (ASTHO)

AGENCY: Office of Policy and Planning, Assistant Secretary for Preparedness and Response (ASPR), Department of Health and Human Services (HHS).

ACTION: Notification of a Sole Source Cooperative Agreement Award to the Association for State and Territorial Health Officials (ASTHO) for a grant titled: ''Technical Assistance to Obtain State and Territorial Health Department Input for National Health Security-related Activities''.

Statutory Authority: Public Health Service Act, Section 1703(a), 42 U.S.C. Section 300u–2(a).

Estimated Amount of Award: $1,500,000 USD.

Project Period: September 30, 2013 to September 29, 2016.

SUMMARY: ASPR requires collaboration with state and territorial health departments and officials to ensure that state and local governments, communities, private sector entities, non-governmental organizations, academia, and individuals can optimally coordinate their respective national health security roles and responsibilities to achieve community health resilience and strengthen health care, public health, and emergency management systems. This project aims to improve collaboration between ASPR and the state health departments (SHDs) to enhance national health security, foster community health resilience, and strengthen health care, public health, and emergency management systems. One of the overarching goals of both the National Health Security Strategy (2009) and the ASPR Strategic Plan 2011–2015 is to build community health resilience. ASPR seeks to partner with SHDs and territorial health officials, which play a critical role in building community health resilience by employing and evaluating public health strategies such as preparing local communities to withstand and recover from public health emergencies and disasters, and engaging health care organizations to build healthcare coalitions. The project will foster better approaches for building community health resilience.

SHDs and territorial health officials are intimately familiar with the communities and populations that they serve and are an essential partner in carrying out the mission of ASPR. ASPR seeks to engage SHDs and health officials as well as other appropriate stakeholders in bi-directional communications to evaluate the effectiveness of, and ensure that, ASPR's strategies, policies, and programmatic activities are informed by and support the needs of states, territories, and local communities. The project will foster collaboration with state health officials to achieve, for example, national health security and strengthen emergency preparedness, response, and recovery systems and capabilities, and build well-functioning healthcare coalitions, among other activities.

ASPR seeks to partner with SHDs and territorial health officials and local communities which frequently prepare for, respond to, and recover from emergency incidents and to identify valuable lessons learned and promising practices to collect and share these practices with other SHDs and communities. This project will capture lessons and promising practices and share them more widely.

Justification: The Association for State and Territorial Health Officials (ASTHO) is the only national nonprofit membership organization that includes membership representation from every state and local public health agency in the United States (U.S.), the U.S. Territories, the District of Columbia, and over 100,000 public health professionals employed by these agencies. ASTHO members, the chief health officials of these jurisdictions, formulate and influence sound public health policy and ensure excellence in state-based public health practice. The ASTHO organization has the unique ability to represent the perspectives of all the state and territorial health officials across the nation.

Additional Information: The agency program contact is Lisa Kaplowitz, who can be contacted by phone at (202) 202–2882 or via email at *Lisa.Kaplowitz@hhs.gov*.

Dated: August 28, 2013.

Nicole Lurie,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2013–21549 Filed 9–4–13; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-13–13AHG]

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 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

Evaluation of Food Safety Programs—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Local and state food safety programs (FSPs) are on the frontline of foodborne disease prevention in the U.S. Through the Environmental Health Specialists Network (EHS-Net), CDC currently funds and works with local and state health departments in five states (California, New York, Minnesota, Rhode Island, and Tennessee) to: (1) Identify environmental antecedents (underlying factors) to illness and disease outbreaks; (2) translate findings into improved prevention efforts using a systems-based approach; (3) offer training opportunities to current and future environmental health specialists; and (4) strengthen collaboration among epidemiology, laboratory, and environmental health programs. This CDC program offers insights into the current status of FSPs among EHS-Net partners, but information is lacking on a national scale.

In the current economic milieu, food safety, along with other public health programs, is being eliminated due to funding reductions. Therefore, the CDC proposes to conduct the ''Evaluation of Food Safety Programs'' survey among a representative sample of local and state health departments implementing FSPs in the United States (U.S.).

The purpose of this evaluation of local and state FSPs is to collect descriptive data on the current status and activities, to describe changes in status and activities from 2007 to 2012, and to determine if there is a relationship between funding and status and activities. Data will be collected on food safety activities, workforce capacity and competency, financial resources, community health, and demographics of FSPs. Data collected will help CDC better understand the relationship between different levels of funding and FSP effectiveness in the U.S.

The evaluation survey will take approximately two hours to complete. The survey will be completed once by respondents either manually or electronically. The CDC is asking for this data collection burden to allow local and state health departments ample time to request and obtain the information they need from their various departments and units to complete the evaluation survey.

There are over 3,000 state and local health departments in the U.S. It is unknown how many state and local health departments will actually participate in the evaluation survey, as participation will be voluntary. Per year, the anticipated number of respondents for this survey is 190 health departments, and the requested number of burden hours is 380. The CDC is requesting OMB approval for two years.

Only local and state health departments implementing food safety programs in the U.S. will be eligible to participate in the survey. There will be no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Local health departments	Evaluation Survey (electronic)	138	1	2	276
	Evaluation Survey (paper-based)	35	1	2	70
State health departments	Evaluation Survey (electronic)	14	1	2	28
	Evaluation Survey (paper-based)	3	1	2	6
Total					380

Leroy 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. 2013–21543 Filed 9–4–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-13–13AHL]

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 to Leroy Richardson, 1600 Clifton Road, MS D–74, 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

Colorectal Cancer Screening Survey—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Unhealthy behaviors contribute to a significant public health gap in terms of eliminating preventable deaths. This gap disproportionately affects low-income, minority, uninsured or under-insured populations and stems in part from a failure to receive basic clinical preventative services such as cancer screening, as well as risk factors such as obesity, physical inactivity, excessive alcohol consumption and tobacco use. The challenge for public health is to identify the social interventions or mechanisms that might be effective in reaching members of the public who do not respond to traditional public health messages and interventions designed to support healthy behaviors. An improved understanding of the determinants of individual decision-making and behavior is needed to identify opportunities for strengthening public health interventions.

The Centers for Disease Control (CDC) plans to conduct a study to improve understanding of the reasons that individuals do not get screened for colorectal cancer (CRC). CRC is the second leading cause of cancer related death in the U.S., and screening for CRC is recommended for adults starting at age 50. Screening for CRC can prevent deaths by removing pre-cancerous polyps and finding cancer early when it is most treatable. However, as of 2008, only 62.9% of adults aged 50–75 years were screened as recommended.

CDC will request OMB approval to administer a survey to collect information on actual screening behavior, subjective and objective colon cancer risk perceptions, and barriers to screening. The survey is also designed to measure preferences for different characteristics of CRC screening tests. Information collection will involve a Web-based survey based on a conjoint analysis approach (also known as discrete choice experiment). The conjoint format presents respondents with choices between hypothetical CRC tests that vary along key attributes. The six attributes that will be assessed for CRC screening tests are: (1) What the test can find, (2) whether the test can remove cancer and polyps, (3) preparation before the test, (4) discomfort and activity limitations during and after the test, (5) how often an individual can take the test, and 6) cost of the test. Results will be analyzed to quantify the rate at which respondents are willing to trade-off one attribute for another and to rank the importance of attributes and changes in attribute levels.

The survey will also collect information to measure the impact of selected educational materials on opinions about CRC screening tests. Each respondent will be randomly assigned to one of three information treatments: (1) A control group that receives no additional information about CRC screening, (2) a treatment group that receives a ''No Excuses'' educational flyer designed to dispel many common reasons for not getting a colonoscopy, or (3) a treatment group that receives a two-page Fact Sheet about CRC and screening options. The flyer and fact sheet were developed in conjunction with CDC's Screen for Life program.

Information will be collected from a sample of 2,000 adults aged 52–75 through a Web-based survey administered by GfK Knowledge Networks (KN). The estimated burden per response is 20 minutes. Respondents will be randomly selected from the KN KnowledgePanel®. A pre-test of study procedures will be conducted prior to initiating the main study.

CDC is authorized to conduct this information collection under the Public Health Service Act (42 U.S.C. 241) Section 301. Results will be used to help CDC better understand public perceptions of screening tests and to improve rates of CRC screening among individuals at risk.

OMB approval is requested for one year. Participation is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
Pre-Test Participants	Email Invitation	43	1	2/60	1
	Survey of Preferences for Colorectal Cancer Screening.	30		20/60	10
Study Participants	Email Invitation	2,680	1	2/60	89
	Survey of Preferences for Colorectal Cancer Screening.	2,000	1	20/60	667
Total					767

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. 2013–21604 Filed 9–4–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0477]

Center for Devices and Radiological Health: Draft Standard Operating Procedure for Level 1, Immediately in Effect Guidance Documents on Premarket Data Issues; Availability and Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the Draft Standard Operating Procedure (SOP) for Level 1, Immediately in Effect (IIE) Guidance Documents on Premarket Data Issues. The SOP describes the Center for Devices and Radiological Health's (CDRH's or the Center's) draft process to clarify and more quickly inform stakeholders when CDRH has changed its expectations relating to, or otherwise has new scientific information that could affect, data submitted as part of an Investigational Device Exemption (IDE) or premarket submission, including a Premarket Notification 510(k), a Premarket Approval (PMA), or a Humanitarian Device Exemption (HDE) that needs to be disseminated in a timely manner.

DATES: The Agency encourages interested parties to submit information and either electronic or written comments by October 21, 2013.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section for electronic access to the document. Submit electronic comments on the draft SOP to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Philip Desjardins, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5452, Silver Spring, MD 20993–0002, 301–796–5678, *Philip.desjardins@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Task Force on the Utilization of Science in Regulatory Decision Making (the Task Force) published a Preliminary Report and Recommendations in August 2010. In the report, the Task Force noted that when new scientific information changes CDRH's regulatory thinking, it has been challenging for the Center to communicate the change and its basis to all affected parties in a meaningful and timely manner. The Task Force recommended that the Center make use of more rapid tools for broad communication on regulatory matters, including establishing a standard practice for communicating to all manufacturers of a particular group of devices for which the Center has changed its regulatory expectations on the basis of new scientific information.

Currently, manufacturers typically learn of changes CDRH implements regarding what data or how to gather specific data in support of an IDE or premarket submission, including a Premarket Notification 510(k), a PMA, or an HDE at the time of or soon after a decision is made through individual engagement with the Center, often not until after they have prepared that submission. Reviewers may implement these changes, such as requesting new clinical data or using a new test method, on a case-by-case basis, with immediate supervisory concurrence when it is necessary to protect the public health. For example, a reviewer may request that sponsors test their implantable device for durability because new data demonstrate that this type of device is prone to failure due to premature wear and tear of the technology. Although CDRH may issue a detailed guidance document, the document may not be published until a year or more after a Branch- or Division-level decision has been made to request the information because of the resource constraints in developing guidance documents.

CDRH believes that timely communication with industry about changes in premarket regulatory expectations is important. FDA's Good Guidance Practices regulation provides a mechanism for communicating and implementing certain changes in regulatory expectations quickly, without requiring prior public comment. Under 21 CFR 10.115(g)(2), FDA may issue a Level 1, IIE Guidance Document when prior public participation is not ''feasible or appropriate.'' Under these circumstances, CDRH intends to use the procedures described in § 10.115(g)(2) to issue guidance documents addressing changes in premarket regulatory expectations. CDRH has developed this SOP to facilitate issuance of such guidance documents.

On July 21, 2011 (76 FR 43693), CDRH issued a Standard Operating Procedure for ''Notice to Industry'' Letters, which outlined a similar process to clarify and quickly inform stakeholders of new CDRH expectations (*http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/UCM259172.pdf*). After considering the comments received on that proposal, CDRH is now announcing a draft SOP that meets the Center's needs and addresses concerns raised regarding the original ''Notice to Industry'' proposal.

II. Electronic Access

Persons interested in obtaining a copy of the draft SOP may do so by using the Internet. The Draft Standard Operating Procedure for Level 1, Immediately in Effect Guidance Documents on Premarket Data Issues is available at *http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/UCM259172.pdf*. The draft SOP is also available from *http://www.regulations.gov* and can be located using the docket number found in brackets in the heading of this document.

III. Comments

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

Dated: August 28, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–21544 Filed 9–4–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0007]

Fee for Using a Priority Review Voucher in Fiscal Year 2014

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the fee rates for using a tropical disease priority review voucher for fiscal year (FY) 2014. The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Food and Drug Administration Amendments Act of 2007 (FDAAA), authorizes FDA to determine and collect priority review user fees for certain applications for approval of drug or biological products when those applications use a priority review voucher awarded by the Secretary of Health and Human Services. These vouchers are awarded to the sponsors of certain tropical disease product applications, submitted after September 27, 2007, upon FDA approval of such applications. The amount of the fee to be submitted to FDA with applications using a priority review voucher is determined each FY based on the average cost incurred by FDA in the review of a human drug application subject to priority review in the previous FY. This notice establishes the priority review fee rate for FY 2014.

FOR FURTHER INFORMATION CONTACT: David Miller, Office of Financial Management (HFA–100), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–796–7103.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1102 of FDAAA (Pub. L. 110–85) added section 524 to the FD&C Act (21 U.S.C. 360n). In section 524, Congress encouraged development of new drug and biological products for prevention and treatment of certain tropical diseases by offering additional incentives for obtaining FDA approval of such products. Under section 524, the sponsor of an eligible human drug application submitted after September 27, 2007, for a qualified tropical disease (as defined in section 524(a)(3) of the FD&C Act), shall receive a priority review voucher upon approval of the tropical disease product application. The recipient of a priority review voucher may either use the voucher with a future submission to FDA under section 505(b)(1) of the FD&C Act (21 U.S.C. 355(b)(1)) or section 351 of the Public Health Service Act (21 U.S.C. 262), or transfer (including by sale) the voucher to another party that may then use it. A priority review is a review conducted with a Prescription Drug User Fee Act (PDUFA) goal date of 6 months after the filing date.

The applicant that uses a priority review voucher is entitled to a priority review but must pay FDA a priority review user fee in addition to any other fee required by PDUFA. FDA has published a draft guidance on its Web site about how this priority review voucher program will operate (available at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/ucm080599.pdf*).

This notice establishes the priority review fee rate for FY 2014 as $2,325,000 and outlines FDA's process for implementing the collection of the priority review user fees. This rate is effective on October 1, 2013, and will remain in effect through September 30, 2014, for applications submitted with a priority review voucher. The payment of this priority review user fee is required in addition to the payment of any other fee that would normally apply to such an application under PDUFA before FDA will consider the application complete and acceptable for filing.

II. Priority Review User Fee for FY 2014

Under section 524(c)(2) of the FD&C Act, the amount of the priority review user fee is to be determined each FY based on the average cost incurred by FDA in the review of a human drug applications subject to priority review in the previous FY. The priority review voucher fee is intended to cover the incremental costs for FDA to do a priority review on a product that would otherwise get a standard review. The formula used prior to FY 2013 to calculate the priority review user fee was based on the full average cost of a priority review. In FY 2013 FDA revised the formula to better approximate the current and ongoing incremental FDA resource costs for a priority review. The formula used for FY 2013 and subsequent years provides the Agency with the added resources to conduct a priority review while still ensuring a robust priority review voucher program that is consistent with the Agency's public health goal of encouraging the development of new drug and biological products.

A priority review is a review conducted with a PDUFA goal date of 6 months after the filing date. Normally, an application for a Center for Drug Evaluation and Research product will qualify for a priority review if FDA determines that the product, if approved, would provide safe and effective therapy where no satisfactory alternative therapy exists or would be a significant improvement compared to marketed products, including non-drug products and/or therapies, in the treatment, diagnosis, or prevention of a disease. A Center for Biologics Evaluation and Research product will qualify for a priority review if FDA determines that the product, if approved, would be a significant improvement in the safety or effectiveness of the treatment, diagnosis, or prevention of a serious or life-threatening disease. FDA has committed to a goal to review and act on 90 percent of the applications that have been granted priority review status no later than 6 months after the filing date. An application that does not receive a priority designation will receive a standard review. Under the goals identified in the letters referenced in section 101(b) of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144), FDA commits to reviewing and acting on 90 percent of standard applications within 10 months of the date of filing. A priority review involves a more intensive level of effort and a higher level of resources than a standard review.

Section 524 of the FD&C Act specifies that the fee amount should be based on the average cost incurred by the Agency for a priority review in the previous FY. Because FDA has never tracked the cost of reviewing applications that get priority review as a separate cost subset, FDA estimated this cost based on other data that the Agency has tracked. FDA started by using data that the Agency estimates and publishes on its Web site each year—standard costs for review. FDA does not publish a standard cost for ''the review of a human drug application subject to priority review in the previous fiscal year.'' However, we expect all such applications would contain clinical data. The standard cost application categories with clinical data that FDA does publish each year are: (1) New drug applications (NDAs) for a new molecular entity (NME) with clinical data and (2) biologics license applications (BLAs).

The standard costs for FY 2012, the latest year for which standard cost data are available, are (rounded to the nearest thousand dollars) $3,279,000 for a new molecular entity NDA and $5,906,000 for a BLA. Based on these standard costs, the total cost to review the 54 applications in these two categories in FY 2012 (18 BLAs and 36 NDAs with

clinical data) was $224,352,000. (Note: no investigational new drug (IND) review costs are included in this amount.) A total of 18 of these applications (12 NDAs [excluding the President's Emergency Plan for Aids Relief NDAs] and 6 BLAs) received priority review, which would mean that the remaining 36 received standard reviews. Because a priority review compresses a review that ordinarily takes 10 months into 6 months, FDA estimates that a multiplier of 1.67 (10 months divided by 6 months) should be applied to non-priority review costs in estimating the effort and cost of a priority review as compared to a standard review. This multiplier is consistent with published research on this subject. In the article ''Developing Drugs for Developing Countries,'' published in *Health Affairs,* Volume 25, Number 2, in 2006, the comparison of historical average review times by David B. Ridley, Henry G. Grabowski, and Jeffrey L. Moe supports a priority review multiplier in the range of 1.48 to 2.35. The multiplier derived by FDA falls well below the midpoint of this range. Using FY 2012 figures, the costs of a priority and standard review are estimated using the following formula: $(18\ \alpha \times 1.67) + (36\ \alpha) = \$224{,}352{,}000$ where ''α'' is the cost of a standard review and ''α times 1.67'' is the cost of a priority review. Using this formula, the cost of a standard review for NMEs is calculated to be $3,396,000 (rounded to the nearest thousand dollars) and the cost of a priority review for NMEs is 1.67 times that amount, or $5,671,000 (rounded to the nearest thousand dollars). The difference between these two cost estimates, or $2,275,000, represents the incremental cost of conducting a priority review rather than a standard review.

Section 524 of the FD&C Act specifies that the fee amount should be based on the average cost incurred by the Agency for a priority review in the previous FY. FDA is setting fees for FY 2014, and the previous fiscal year is FY 2013. However, the FY 2013 submission cohort has not been closed out yet, and the cost data for FY 2013 are not complete. The latest year for which FDA has complete cost data is FY 2012, so that must be adjusted for inflation in order to estimate the FY 2013 cost. Accordingly, FDA will adjust the FY 2012 incremental cost figure by the average amount by which FDA's average costs increased in the 3 years prior to FY 2013, to adjust the FY 2012 amount for cost increases in FY 2013. That figure, published in the **Federal Register** notice on August 2, 2013 (see 78 FR 46980 at 46982), setting PDUFA fees for FY 2014, is 2.20 percent. Increasing the FY 2012 incremental priority review cost figure of $2,275,000 by 2.20 percent results in an estimated cost of $2,325,000 (rounded to the nearest thousand dollars). This is the priority review user fee amount for FY 2014 that must be submitted with a priority review voucher in FY 2014, in addition to any PDUFA fee that is required for such an application.

III. Priority Review Fee Schedule for FY 2014

The fee rate for FY 2014 is set out in Table 1 of this document:

TABLE 1—PRIORITY REVIEW SCHEDULE FOR FY 2014

Fee category	Fee rate for FY 2014
Applications Submitted with a Priority Review Voucher in Addition to the Normal PDUFA Fee	$2,325,000

IV. Implementation of Priority Review Fee

Under section 524(c)(4)(A) of the FD&C Act, the priority review user fee is due upon submission of the application for which the priority review voucher is used. Section 524(c)(4)(B) of the FD&C Act specifies that the application will be considered incomplete if the priority review user fee and all other applicable user fees are not paid in accordance with FDA payment procedures. FDA may not grant a waiver, exemption, reduction, or refund of any fees due and payable under this section of the FD&C Act, and FDA may not collect priority review voucher fees prior to a relevant appropriation for fees for that FY. Beginning with FDA's appropriation for FY 2009, the annual appropriation language states specifically that ''priority review user fees authorized by 21 U.S.C. 360n [section 524 of the FD&C Act] may be credited to this account, to remain available until expended.'' (Pub. L. 111–8, Section 5, Division A, Title VI.)

The priority review fee established in the new fee schedule must be paid for any application that is received after September 30, 2013, and submitted with a priority review voucher. This fee must be paid in addition to any other fee due under PDUFA. Payment must be made in U.S. currency by check, bank draft, or U.S. postal money order payable to the order of the Food and Drug Administration. The user fee identification (ID) number should be included on the check, followed by the words ''Priority Review.'' Payments can be mailed to: Food and Drug Administration, P.O. Box 979107, St. Louis, MO 63197–9000. If checks are sent by a courier that requests a street address, the courier can deliver the checks to: U.S. Bank, Attention: Government Lockbox 979107, 1005 Convention Plaza, St. Louis, MO 63101. (*Note:* This U.S. Bank address is for courier delivery only.) The FDA post office box number (P.O. Box 979107) must be written on the check. The tax identification number of FDA is 53–0196965.

Wire transfer payments may also be used. Please reference your unique user fee ID number when completing your transfer. The originating financial institution may charge a wire transfer fee. Please ask your financial institution about the fee and include it with your payment to ensure that your fee is fully paid. The account information is as follows: New York Federal Reserve Bank, U.S. Dept. of Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Acct. No.: 75060099, Routing No.: 021030004, SWIFT: FRNYUS33, Beneficiary: FDA, 1350 Piccard Dr., Rockville, MD 20850.

Dated: August 29, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–21542 Filed 9–4–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–D–0350]

Guidance for Tobacco Retailers on Tobacco Retailer Training Programs; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for tobacco retailers entitled ''Tobacco Retailer Training Programs.'' The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) does not require retailers to implement retailer training programs. However, the Tobacco Control Act does provide for lower civil money penalties for violations of sale and distribution, including youth access, advertising, and promotion restrictions issued under the Federal Food, Drug, and Cosmetic Act

(the FD&C Act), as amended by the Tobacco Control Act, for retailers who have implemented a training program that complies with standards developed by FDA for such programs. FDA intends to issue regulations establishing standards for approved retailer training programs. In the interim, this guidance document is intended to assist tobacco retailers who wish to implement training programs for employees.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850–3229. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the guidance document may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov*. Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beth Buckler, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850–3229, 1–877–287–1373, *beth.buckler@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for tobacco retailers entitled ''Tobacco Retailer Training Programs.'' This guidance document is intended to assist tobacco retailers who wish to implement training programs for employees.

On June 22, 2009, the President signed the Tobacco Control Act (Pub. L. 111–31; 123 Stat. 1776) into law. The Tobacco Control Act grants FDA important authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors.

Among its many provisions, section 906(d) of the FD&C Act (21 U.S.C. 387f(d)), as amended by the Tobacco Control Act, states that ''[t]he Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health.''

In accordance with section 102 of the Tobacco Control Act (21 U.S.C. 387a-1), FDA re-issued its 1996 final regulation restricting the sale and distribution of cigarettes and smokeless tobacco products (75 FR 13225, March 19, 2010). The regulation is deemed to be issued under chapter 9 of the FD&C Act, as amended by the Tobacco Control Act (section 102(a)(1)(A) of the Tobacco Control Act). The regulation contains provisions designed to limit young people's access to cigarettes and smokeless tobacco products, as well as restrictions on advertising and promotion of such products, to curb the appeal of these products to minors (part 1140 (21 CFR part 1140)).

Section 103(q)(2) of the Tobacco Control Act (21 U.S.C. 333 note) includes two schedules for assessing the maximum civil money penalties against retailers for violations of restrictions issued under section 906(d) of the FD&C Act, as amended by the Tobacco Control Act, pertaining to the sale and distribution, including youth access, and advertising and promotion of tobacco products. Under each schedule, violators are subject to increasing penalties for multiple violations within prescribed time periods. For the first three violations in a 24-month period, retailers with an approved training program are subject to lower penalties than retailers without such programs. Section 103(q)(2)(B) defines ''approved training program'' as a training program that complies with standards developed by FDA for such programs.

FDA intends to issue regulations establishing standards for approved retailer training programs. In the interim, however, FDA is issuing this guidance to provide recommendations on elements the Agency believes should be included in a retailer training program. Until FDA issues these regulations, the Agency intends to use the lower maximum civil money penalties schedule for all retailers who violate the regulations restricting the sale and distribution of cigarettes and smokeless tobacco products (part 1140), whether or not they have implemented a training program. However, FDA may consider further reducing the civil money penalty for retailers who have implemented a training program.

In the **Federal Register** of July 16, 2010 (75 FR 41498), FDA announced the availability of a draft guidance entitled ''Tobacco Retailer Training Programs.'' The Agency considered received comments as it finalized this guidance. In addition, editorial changes were made to improve clarity.

II. Significance of Guidance

This level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on tobacco retailer training programs. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

III. Comments

Interested persons may submit either written comments regarding this document to the Division of Dockets Management (see **ADDRESSES**) or electronic comments to *http://www.regulations.gov*. 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*.

IV. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collection of information in this guidance was approved under OMB control number 0910–0745.

V. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.regulations.gov* or *http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/default.htm*.

Dated: August 30, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–21547 Filed 9–4–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Allergenic Products 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: Allergenic Products 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 November 5, 2013, from 9 a.m. to approximately 3:30 p.m. and on November 6, 2013, from 8:30 a.m. to approximately 2:45 p.m.

Location: FDA, 5630 Fishers Lane, Conference Room 1066, Rockville, MD 20857. For those unable to attend in person, the meeting will also be webcast. The webcast will be available at the following links:

November 5, 2013: *http://fda.yorkcast.com/webcast/Viewer/?peid=3074a2c9f7ac478db3303477ac1c146b1d.*

November 6, 2013: *http://fda.yorkcast.com/webcast/Viewer/?peid=2f114f7579ef42e8b4ca4523b0b26eb51d.*

Contact Person: Donald Jehn or Joanne Lipkind, Food and Drug Administration, 1401 Rockville Pike (HFM–71), Rockville, MD 20852, 301–827–0314, *Donald.Jehn@fda.hhs.gov* or *Joanne.Lipkind@fda.hhs.gov,* 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 November 5, 2013, the committee will meet in open session to discuss and make recommendations on the safety and efficacy of Oralair, a Sweet Vernal Grass, Perennial Ryegrass, Timothy Grass, Orchard Grass, and Kentucky Bluegrass Mixed Pollens Allergen Extract tablet for sublingual use, manufactured by Stallergenes. On November 6, 2013, the committee will meet in open session to discuss and make recommendations on the safety and efficacy of Grastek, a Timothy Grass Pollen Allergen Extract tablet for sublingual use, manufactured by Merck.

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 29, 2013. Oral presentations from the public will be scheduled between approximately 12 noon and 12:30 p.m. on November 5, 2013, and between approximately 11:10 a.m. and 11:40 a.m. on November 6, 2013. 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 October 21, 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 October 22, 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 Donald Jehn or Joanne Lipkind 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 29, 2013

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–21555 Filed 9–4–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received within 30 days of this notice.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Develop and Implement UCARE4LIFE Message Library OMB No. 0915–xxxx–New.

Abstract: This project will develop and implement the UCARE4LIFE message library aimed at increasing HIV primary care retention rates for racial and ethnic minority youth aged 15 to 24, living with HIV/AIDS. The primary aims are (1) to develop, test, and

maintain a text message library, which addresses topics of HIV disease management, e.g. appointment keeping, retention in care, and medication adherence rates; and (2) to develop, implement, conduct, and evaluate a pilot study of delivering text messages to targeted youth receiving care at Ryan White grantee sites and other clinical sites.

The first phase of this project will include focus group interviews with the target audience to test the messages (Aim 1). Approximately 128 individuals will be screened to assess focus group eligibility. Four focus groups will be conducted with up to eight participants in each for a total sample size of 32.

The second phase of this project involves the evaluation of the pilot study (Aim 2). This will encompass data collection with patients and providers. Patient participants for the pilot study will be recruited from ten clinical sites, some of which will be Ryan White grantees. Up to 1,000 individuals will be screened to determine eligibility for the pilot study to recruit a sample of 500 participants (50 from each clinical site). Patient participants will complete a baseline survey, 3-month survey, 6-month survey, and follow-up survey at 9 months. In addition, ten patient participants from each clinical site will be selected to participate in an in-depth, qualitative telephone interview for a total of 100 interviews. Finally, up to three clinic staff from the ten participating clinics will take part in in-depth, qualitative telephone interviews (N=30).

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	Total responses	Average burden per response (in hours)	Total burden hours
Patient Focus Group Screener	128	1	128	0.25	32
Patient Focus Group Interview	32	1	32	2.0	64
Patient Pilot Study Screener	1000	1	1000	0.25	250
Patient Pilot Study Surveys	500	4	2000	0.75	1500
Patient Pilot Study Qualitative Interviews	100	1	100	1.0	100
Clinic Staff Pilot Study Qualitative Interviews	30	1	30	0.75	22.5
Total	1790	.....	3290	.....	1968.5

Dated: August 28, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–21557 Filed 9–4–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: HRSA Telehealth Outcome Measures.

OMB No.: 0915–0311—Extension.

Abstract: To help carry out its mission, the Office for the Advancement of Telehealth (OAT) created a set of performance measures that grantees can use to evaluate the effectiveness of their services programs and monitor their progress through the use of performance reporting data.

Need and Proposed Use of the Information: As required by the Government Performance and Review Act of 1993 (GPRA), all federal agencies must develop strategic plans describing their overall goal and objectives. The Office for the Advancement of Telehealth (OAT) has worked with its grantees to develop performance measures to be used to evaluate and monitor the progress of the grantees. Grantee goals are to: improve access to needed services; reduce rural practitioner isolation; improve health system productivity and efficiency; and improve patient outcomes. In each of these categories, specific indicators were designed to be reported through a performance monitoring Web site.

Likely Respondents: Telehealth Network 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 Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Performance Improvement Measurement System (PIMS) ..	700	2	1400	7	9,800

HRSA specifically requests comments on (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.

Dated: August 28, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–21567 Filed 9–4–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: The National Health Service Corps Loan Repayment Program

OMB No. 0915–0127—Revision

Abstract: The National Health Service Corps (NHSC) Loan Repayment Program (LRP) was established to assure an adequate supply of trained primary care health professionals to provide services in the neediest Health Professional Shortage Areas (HPSAs) of the United States. Under this program, the Department of Health and Human Services agrees to repay the qualifying educational loans of selected primary care health professionals. In return, the health professionals agree to serve for a specified period of time in a federally designated HPSA approved by the Secretary for LRP participants. The forms utilized by the LRP include the following: the NHSC LRP Application, the Authorization for Disclosure of Loan Information form, the Privacy Act Release Authorization form, the Verification of Disadvantaged Background form, and the Private Practice Option form. The first four of the aforementioned NHSC LRP forms collect information that is needed for selecting participants and repaying qualifying educational loans. The last referenced form, the Private Practice Option Form, is required by statute (42 U.S.C. 254n(a)) for all participants wishing to exercise that service option.

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 Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
NHSC LRP Application	8,200	1	8,200	1.00	8,200
Authorization for Disclosure of Loan Information Form	150	1	150	.10	15
Privacy Act Release Authorization Form	100	1	100	.10	10

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Number of respondents	Responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Verification of Disadvantaged Background Form	600	1	600	.50	300
Private Practice Option Form	300	1	300	.10	30
Total	.....	.....	9,350	.....	8,555

HRSA specifically requests comments on (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.

Dated: August 28, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–21564 Filed 9–4–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Evaluation of the Frontier Community Health Care Network Coordination Grant.

OMB No.: 0915–XXXX—New.

Abstract: In fiscal year (FY) 2012, ORHP funded an evaluation of the Frontier Community Health Care Network Coordination (FCHCNC) Grant. This 3-year grant program awarded to the Montana Department of Public Health and Human Services focuses on a community-based, patient-centered clinical service coordination and health promotion model. The program will be coordinated by clinically trained Care Transitions Coordinators (CTC) working with Community Health Workers (CHW) in 11 participating network communities. By developing intervention with patients, the CTCs and CHWs will work to improve care transitions and patient outcomes by reducing or eliminating avoidable hospitalizations and re hospitalizations, ER visits, and nursing home placements.

Need and Proposed Use of the Information: The program will be subject to a 3-year independent evaluation. As part of this 3-year evaluation, HRSA will be collecting qualitative and quantitative information. To support the qualitative analysis, HRSA will conduct site visits and telephonic key informant interviews with the critical access hospitals, tertiary hospitals, and the support staff coordinating the program. Data collection will focus on patient/family satisfaction, whether goals were achieved in working with patients, and the strengths and challenges associated with implementing the program. Finally, HRSA will be collecting data quarterly from the grantee sites in order to gain a deeper understanding of the program's implementation.

Additionally, quantitative data will be gathered by studying the effectiveness of each intervention, specifically identifying differences between pre and post-intervention health care utilization, hospital readmissions, and other client-specific outcomes. Where data are available, HRSA will assess cost effectiveness of the program.

Likely Respondents: Frontier Community Health Care Network Coordination (FCHCNC) 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 Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Patient Satisfaction Survey	85	1	85	.1	8.5
Hospital Administrator Interview Protocol	22	1	22	.5	11
Primary care Provider Interview Protocol	22	1	22	.5	11
Community Health Worker Interview Protocol	12	1	12	1.0	12
Care Transitions Coordinator Interview Protocol	1	1	1	1.0	1
Grantee Interview Protocol	2	1	2	.5	1
Patient Interview/Focus Group Protocol	22	1	22	.5	11
Grantee Data Collection Form	11	4	44	4	176
Total	177				231.5

HRSA specifically requests comments on (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.

Dated: August 28, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–21566 Filed 9–4–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857; (301) 443–6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated her responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine the conditions which may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on July 1, 2013, through July 31, 2013. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

(a) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Table but which was caused by'' one of the vaccines referred to in the Table, or

(b) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of

Federal Claims at the address listed above (under the heading ''For Further Information Contact''), with a copy to HRSA addressed to Director, Division of Vaccine Injury Compensation Program, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Dated: August 29, 2013.

Mary K. Wakefield,

Administrator.

List of Petitions Filed

1. Carolynne Olson, Encinitas, California, Court of Federal Claims No: 13–0439V
2. William H. Kennedy, Jr., Elizabethton, Tennessee, Court of Federal Claims No: 13–0441V
3. Maria and Joel Gonzalez on behalf of Joel Gonzalez, Jr., San Jose, California, Court of Federal Claims No: 13–0442V
4. Rebecca J. McCorkle, Chillicothe, Ohio, Court of Federal Claims No: 13–0444V
5. Mark Barry Hooper, Belfair, Washington, Court of Federal Claims No: 13–0445V
6. Robert P. Zimmerman, Orlando, Florida, Court of Federal Claims No: 13–0447V
7. Patsy Nash Russell, Albertville, Alabama, Court of Federal Claims No: 13–0462V
8. Robert Manzella, Southfield, Michigan, Court of Federal Claims No: 13–0469V
9. Wendy Williams, Mansfield, Louisiana, Court of Federal Claims No: 13–0471V
10. Karen O'Malley on behalf of A.F., Newton, Massachusetts, Court of Federal Claims No: 13–0472V
11. Julie Cochran on behalf of John James Bieber, Deceased, Dayton, Tennessee,, Court of Federal Claims No: 13–0477V
12. Catherine Wolski, Evergreen Park, Illinois, Court of Federal Claim No: 13–0482V
13. Tanisia Cunningham on behalf of G.C.F., Vienna, Virginia, Court of Federal Claims No: 13–0483V
14. Devon Jaffri, Vienna, Virginia, Court of Federal Claims No: 13–0484V
15. Bernadine Ramires, Bronx, New York, Court of Federal Claims No: 13–0485V
16. Ginger M. Martin and Catherine J. O'Quin on behalf of Heavenly S. Lee, Gulf Shores, Alabama, Court of Federal Claims No: 13–0486V
17. David Fairchild, McIntosh, Alabama, Court of Federal Claims No: 13–0487V
18. Cynthia K. Williams, Richmond, Virginia, Court of Federal Claims No: 13–0488V
19. Michael and Catherine McNulty on behalf of W.T.M., Rockford, Illinois, Court of Federal Claims No: 13–0489V
20. Wendy Lister, Mount Gretna, Pennsylvania, Court of Federal Claims No: 13–0492V
21. Terese Wackrow, San Diego, California, Court of Federal Claims No: 13–0493V
22. Donna Higgins, Winston Salem, North Carolina, Court of Federal Claims No: 13–0497V
23. Shana Scales, Boston, Massachusetts, Court of Federal Claims No: 13–0501V
24. Robert Kaper, Lincoln, California, Court of Federal Claims No: 13–0504V
25. Melinda A. Schmidt, Salina, Kansas, Court of Federal Claims No: 13–0510V
26. Douglas A. Graham, New York, New York, Court of Federal Claims No: 13–0514V
27. Carl Borghi, Boston, Massachusetts, Court of Federal Claims No: 13–0518V
28. David Alexander Maher, Ventura, California, Court of Federal Claims No: 13–0521V
29. Danna Testa on behalf of Scott Testa, Columbus, Ohio, Court of Federal Claims No: 13–0524V
30. Richard W. Ploeser on behalf of Lou-Ann M. Ploeser, Deceased, Sun City, Arizona, Court of Federal Claims No: 13–0525V
31. Ryan L. Swick and Mary M. Swick on behalf of Justin Ryker Swick, Deceased, Iowa Falls, Iowa, Court of Federal Claims No: 13–0526V
32. Megan Morgan, West Des Moines, Iowa, Court of Federal Claims No: 13–0529V

[FR Doc. 2013–21568 Filed 9–4–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Health and Mental Health Services Research.

Date: September 30, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ping Wu, Ph.D., Scientific Review Officer, HDM IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, Bethesda, MD 20892, 301–615–7401, *wup4@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Bioengineering, Technology and Surgical Sciences Study Section.

Date: September 30–October 1, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Khalid Masood, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, 301–435–2392, *masoodk@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Dissemination and Implementation Research in Health Study Section.

Date: October 1, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Martha L Hare, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, Bethesda, MD 20892, (301) 451–8504, *harem@mail.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Sensorimotor Integration Study Section.

Date: October 1–2, 2013.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Pregnancy in Women with Disabilities.

Date: October 2, 2013.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Priscah Mujuru, RN, MPH, DRPH, COHNS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, 301–594–6594, *mujurup@mail.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroendocrinology, Neuroimmunology, Rhythms and Sleep Study Section.

Date: October 3–4, 2013.
Time: 8:00 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD 21202.
Contact Person: Michael Selmanoff, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5164, MSC 7844, Bethesda, MD 20892, 301–435–1119, *mselmanoff@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Social Sciences and Population Studies A Study Section.
Date: October 3–4, 2013.
Time: 8:30 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance, Washington, DC Hotel, 999 Ninth Street, NW., Washington, DC 20001–4427.
Contact Person: Suzanne Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 435–1712, *ryansj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Diabetes, Transplantation and Vaccine Development.
Date: October 3, 2013.
Time: 12:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Betty Hayden, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, 301–435–1223, *haydenb@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 30, 2013.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–21592 Filed 9–4–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Behavioral and Neural Plasticity in Aging.
Date: December 16, 2013.
Time: 12:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building 2c/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *PARSADANIANA@NIA.NIH.GOV.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 29, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–21593 Filed 9–4–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Language and Communication.
Date: September 18, 2013.
Time: 8:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Maribeth Champoux, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, 301–594–3163, *champoum@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Basic Biology of Neurological Disorders.
Date: September 25–26, 2013.
Time: 9:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4811, MSC 7850, Bethesda, MD 20892, 301–435–1203, *taupenol@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Integrative Neuroscience.
Date: September 30, 2013.
Time: 9:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Nicholas Gaiano, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892–7844, 301–435–1033, *gaianonr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Integrative Neuroscience.
Date: September 30–October 1, 2013.
Time: 9:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, *kgt@mail.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function E Study Section.
Date: October 1–2, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.
Contact Person: Nitsa Rosenzweig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152,

MSC 7760, Bethesda, MD 20892, (301) 435–1747, *rosenzweign@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Urology.

Date: October 3, 2013.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Martha Garcia, Ph.D., Scientific Reviewer Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, Bethesda, MD 20892, 301–435–1243, *garciamc@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation PAR13–008: Grant Program (S10).

Date: October 3, 2013.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Washington, DC, 1515 Rhode Island Avenue NW., Washington, DC 20005.

Contact Person: Yvonne Bennett, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5199, MSC 7846, Bethesda, MD 20892, 301–379–3793, *bennetty@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 29, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–21594 Filed 9–4–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2013–0782]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collection of information: 1625–0102, National Response Resource Inventory. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before November 4, 2013.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2013–0782] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), ATTN Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., STOP 7710, Washington DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–475–3929, for questions on these documents. Contact Ms. Barbara Hairston, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2013–0782], and must be received by November 4, 2013. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2013–0782], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (*via http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email

address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES;** but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2013–0782'' in the ''Keyword'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2013–0782'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the Federal Register (73 FR 3316).

Information Collection Requests

1. *Title:* National Response Resource Inventory.

OMB Control Number: 1625–0102.

Summary: The information is needed to improve the effectiveness of deploying response equipment in the event of an oil spill. It may also be used in the development of contingency plans.

Need: Section 4202 of the Oil Pollution Act of 1990 (Pub. L. 101–380) requires the Coast Guard to compile and maintain a comprehensive list of spill removal equipment. This collection helps fulfill that requirement.

Forms: N/A.

Respondents: Oil spill removal organizations.

Frequency: On occasion.

Burden Estimate: The estimated burden has increased from 1,296 hours to 1,752 hours a year due to an increase in the estimated annual number of respondents.

Dated: August 29, 2013.

R.E. Day,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2013–21619 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2013–0779]

Information Collection Requests to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit Information Collection Requests (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of an extension to the following collections of information: 1625–0007, Characteristics of Liquid Chemicals Proposed for Bulk Water Movement and 1625–0100, Advance Notice of Vessel Arrival. Our ICRs describe the information we seek to collect from the public. Before submitting these ICRs to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before November 4, 2013.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2013–0779] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN PAPERWORK REDUCTION ACT MANAGER, US COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE STOP 7710, WASHINGTON DC 20593–7710.

FOR FURTHER INFORMATION: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–475–3929, for questions on these documents. Contact Ms. Barbara Hairston, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collections; (2) the accuracy of the estimated burden of the

Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2013–0779], and must be received by November 4, 2013. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2013–0779], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (*via http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under ADDRESSES; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2013–0779'' in the ''Keyword'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2013–0779'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Requests

1. *Title:* Characteristics of Liquid Chemicals Proposed for Bulk Water Movement.

OMB Control Number: 1625–0007.

Summary: The Coast Guard requires manufacturers of new chemicals to submit data on new materials. From these data, the Coast Guard determines the appropriate precautions to take.

Need: 46 CFR parts 30 to 40, 151, 153, and 154 govern the transportation of hazardous materials. The chemical industry constantly produces new materials that must be moved by water. Each of these new materials has unique characteristics that require special attention to their mode of shipment.

Forms: N/A.

Respondents: Manufacturers of certain hazardous chemicals.

Frequency: On occasion.

Burden Estimate: The estimated burden of 600 hours a year remains unchanged.

2. *Title:* Advance Notice of Vessel Arrival.

OMB Control Number: 1625–0100.

Summary: The Ports and Waterways Safety Act authorizes the Coast Guard to require pre-arrival messages from any vessel entering a port or place in the United States.

Need: This information is required under 33 CFR part 160 subpart C to control vessel traffic, develop contingency plans, and enforce regulations.

Forms: N/A.

Respondents: Vessel owners and operators.

Frequency: On occasion.

Burden Estimate: The estimated burden remains 164,144 hours a year.

Dated: August 29, 2013.

R.E. Day,

Rear Admiral, U. S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2013–21625 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2013–0720]

Cook Inlet Regional Citizens' Advisory Council (CIRCAC) Charter Renewal

AGENCY: Coast Guard, DHS.

ACTION: Notice of Recertification.

SUMMARY: The purpose of this notice is to inform the public that the Coast Guard has recertified the Cook Inlet Regional Citizens' Advisory Council (CIRCAC) as an alternative voluntary advisory group for Cook Inlet, Alaska. This certification allows the CIRCAC to monitor the activities of terminal facilities and crude oil tankers under the Cook Inlet Program established by statute.

DATES: This recertification is effective for the period from September 1, 2013 through August 31, 2014.

FOR FURTHER INFORMATION CONTACT: Lieutenant Thomas Pauser, Seventeenth Coast Guard District (dpi), by phone at (907)463–2812, email *thomas.e.pauser@uscg.mil* or by mail at P.O. Box 25517, Juneau, Alaska 99802.

SUPPLEMENTARY INFORMATION:

Background and Purpose

As part of the Oil Pollution Act of 1990, Congress passed the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (the Act), 33 U.S.C. 2732, to foster a long-term partnership among industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals and oil tankers.

On October 18, 1991, the President delegated his authority under 33 U.S.C. 2732(o) to the Secretary of

Transportation in Executive Order 12777, section 8(g) (see 56 FR 54757; October 22, 1991) for purposes of certifying advisory councils, or groups, subject to the Act. On March 3, 1992, the Secretary redelegated that authority to the Commandant of the Coast Guard (USCG) (see 57 FR 8582; March 11, 1992). The Commandant redelegated that authority to the Chief, Office of Marine Safety, Security and Environmental Protection (G–M) on March 19, 1992 (letter #5402).

On July 7, 1993, the USCG published a policy statement, 58 FR 36504, to clarify the factors that shall be considered in making the determination as to whether advisory councils, or groups, should be certified in accordance with the Act.

The Assistant Commandant for Marine Safety and Environmental Protection (G–M), redelegated recertification authority for advisory councils, or groups, to the Commander, Seventeenth Coast Guard District on February 26, 1999 (letter #16450).

On September 16, 2002, the USCG published a policy statement, 67 FR 58440 that changed the recertification procedures such that applicants are required to provide the USCG with comprehensive information every three years (triennially). For each of the two years between the triennial application procedures, applicants submit a letter requesting recertification that includes a description of any substantive changes to the information provided at the previous triennial recertification. Further, public comment is not solicited prior to recertification during streamlined years, only during the triennial comprehensive review.

On October 10, 2012, the Coast Guard recertified the Cook Inlet Regional Citizen's Advisory Council through August 31, 2013. Under the Oil Terminal and Oil Tanker Environmental Oversight Act of 1990 (33 U.S.C. 2732), the Coast Guard may certify, on an annual basis, an alternative voluntary advisory group for Cook Inlet, Alaska. This advisory group monitors the activities of terminal facilities and crude oil tankers under the Cook Inlet Program established by Congress, 33 U.S.C. 2732(b).

Recertification

By letter dated 12 AUG 2013, the Commander, Seventeenth Coast Guard certified that the CIRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on August 31, 2014.

Dated: August 12, 2013.

T.P. Ostebo,

Rear Admiral, U.S. Coast Guard Commander, Seventeenth Coast Guard District.

[FR Doc. 2013–21633 Filed 9–4–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[XXXD5198NI DS61100000 DNINR0000.000000 DX61104]

Exxon Valdez Oil Spill Public Advisory Committee

AGENCY: Office of the Secretary, Interior.

ACTION: Meeting notice.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the *Exxon Valdez* Oil Spill Public Advisory Committee.

DATES: October 3, 2013, at 9:30 a.m.

ADDRESSES: First floor conference room, Glenn Olds Hall, 4210 University Drive, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela Bergmann, Department of the Interior, Office of Environmental Policy and Compliance, 1689 ''C'' Street, Suite 119, Anchorage, Alaska, (907) 271–5011.

SUPPLEMENTARY INFORMATION: The *Exxon Valdez* Oil Spill Public Advisory Committee was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska,* Civil Action No. A91–081 CV.

The agenda will include a discussion about the Annual Work Plan and an opportunity for public comments. The final agenda and materials for the meeting will be posted on the *Exxon Valdez* Oil Spill Trustee Council Web site at www.evostc.state.ak.us. All *Exxon Valdez* Oil Spill Public Advisory Committee meetings are open to the public.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2013–21569 Filed 9–4–13; 8:45 am]

BILLING CODE 4310–RG–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[AAK6006201 134A2100DD AOR3B3030.999900]

Draft Environmental Impact Statement for the Proposed RES Americas Moapa Solar Energy Center, Clark County, Nevada

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as the lead Federal agency, with the Bureau of Land Management (BLM), the Environmental Protection Agency (EPA), the National Park Service (NPS), and the Moapa Band of Paiute Indians (Tribe) as Cooperating Agencies, intends to file a draft environmental impact statement (DEIS) for the proposed RES Americas Moapa Solar Energy Center on the Moapa River Indian Reservation (Reservation) in Clark County, Nevada. This notice also announces that the DEIS is now available for public review and that public meetings will be held to solicit comments on the DEIS.

DATES: The date and locations of the public meetings will be announced at least 15 days in advance through notices in the following local newspapers: Las Vegas Sun, Las Vegas Review Journal and the Moapa Valley Progress and on the following Web site: *www.MoapaSolarEnergyCenterEIS.com.* In order to be fully considered, written comments on the DEIS must arrive no later than 45 days after EPA publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: You may mail, email, hand carry or telefax written comments to Ms. Amy Heuslein, Regional Environmental Protection Officer, BIA Western Regional Office, Branch of Environmental Quality Services, 2600 North Central Avenue, 4th Floor Mail Room, Phoenix, Arizona 85004–3008; fax (602) 379–3833; email: *amy.heuslein@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Amy Heuslein or Mr. Garry Cantley, BIA Western Regional Office, Branch of Environmental Quality Services, 2600 North Central Avenue, Phoenix, Arizona 85004–3008, telephone (602) 379–6750.

SUPPLEMENTARY INFORMATION: The purpose of the Proposed Project is to construct a 200 megawatt (MW) solar electric generation facility, water line, and associated infrastructure on the Reservation, and obtain a right-of-way (ROW) grant on BLM lands for a 230 kV

and/or 500 kV transmission line and associated access roads. The primary need for the Proposed Project is to provide land lease income, sustainable renewable resources, new jobs and other benefits for the Tribe by using solar resources on Reservation lands where there is high potential for solar electric generation. A secondary need for the Proposed Project is to assist utilities in meeting their renewable energy goals by providing electricity generated from solar resources from Tribal lands that may be efficiently connected to existing transmission lines in a manner that minimizes adverse site impacts.

The proposed Federal action is the BIA approval of a solar energy ground lease and agreements entered into by the Tribe with Moapa Solar LLC (Applicant), and approval of ROWs and easements for the Applicant to construct, operate and maintain an up-to 200 MW solar photovoltaic (PV) electricity generating facility and water pipeline on the Reservation. The proposed Federal action also includes the BLM approval of ROWs for the 230 kV and 500 kV transmission lines and access roads on BLM-administered Federal lands, and the BLM approval of ROWs for the portions of the 500 kV transmission line and water pipeline located within an existing utility corridor located on the Reservation.

The BIA and BLM will use the EIS to make decisions on the land lease and ROW applications under their respective jurisdiction; the EPA and NPS may use the document to make decisions under their authorities; the Tribe may use the EIS to make decisions under their Tribal Environmental Policy Ordinance; and the U.S. Fish and Wildlife Service may use the EIS to support its decision under the Endangered Species Act.

Directions for Submitting Comments: Please include your name, return address and the caption ''DEIS Comments, Proposed Moapa Solar Energy Center'' on the first page of your written comments.

Locations where the DEIS is Available for Review: The DEIS will be available for review at: BIA Western Regional Office, 2600 North Central Avenue, 12th Floor, Suite 210, Phoenix, Arizona; BIA Southern Paiute Agency, 180 North 200 East, Suite 111, St. George, Utah; and the BLM Southern Nevada District Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada. The DEIS is also available on line at: *www.MoapaSolarEnergyCenterEIS.com.* To obtain a compact disk copy of the DEIS, please provide your name and address in writing or by voicemail to Ms. Amy Heuslein or Mr. Garry Cantley. Their contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Individual paper copies of the DEIS will be provided only upon request.

Public Comment Availability: Written comments, including names and addresses of respondents will be available for public review at the BIA mailing addresses shown in the **ADDRESSES** section during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone 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: This notice is published in accordance with section 1503.1 of the Council on Environmental Quality regulations (40 CFR 1500 et seq.) and the Department of the Interior Regulations (43 CFR part 46) implementing the procedural requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and in accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by part 209 of the Department Manual.

Dated: August 30, 2013.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2013–21652 Filed 9–4–13; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000813]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of extension of Tribal—State Class III Gaming Compact.

SUMMARY: This publishes notice of the Extension of the Class III gaming compact between the Yankton Sioux Tribe and the State of South Dakota.

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

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Pursuant to 25 CFR 293.5, an extension to an existing tribal-state Class III gaming compact does not require approval by the Secretary if the extension does not include any amendment to the terms of the compact. The Yankton Sioux Tribe and the State of South Dakota have reached an agreement to extend the expiration of their existing Tribal-State Class III gaming compact to October 31, 2013.

Dated: August 30, 2013.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2013–21644 Filed 9–4–13; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[134A2100DDAAK300000/ A01500000.000000]

Miami Tribe of Oklahoma—Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Miami Tribe of Oklahoma—Liquor Control Ordinance. This Ordinance allows for the possession and sale of alcoholic beverages within the jurisdiction of the Miami Tribe of Oklahoma, increases the ability of the tribal government to control the distribution and possession of liquor on their trust land, provides an important source of revenue and strengthens tribal government and the delivery of tribal services.

DATES: *Effective Date:* This Ordinance is effective September 5, 2013.

FOR FURTHER INFORMATION CONTACT: Diane Buck, Acting Tribal Government Officer, Eastern Oklahoma Regional Office, Bureau of Indian Affairs, P.O. Box 8002, Muskogee, OK 74402, Telephone: (918) 781–4685; Fax: (918) 781–4649: or De Springer, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW., MS–4513–MIB, Washington, DC 20240; Telephone (202) 513–7641.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country.

The Business Committee of the Miami Tribe of Oklahoma adopted Resolution 13–37, A Resolution adopting the Miami Tribe of Oklahoma Liquor Control Ordinance, on July 9, 2013. This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Business Committee of the Miami Tribe of Oklahoma adopted Resolution 13–37, A Resolution Adopting the Miami Tribe of Oklahoma Liquor Control Ordinance, on July 9, 2013.

Dated: August 30, 2013.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

The Miami Tribe of Oklahoma—Liquor Control Ordinance reads as follows:

Article I. Introduction

Section 1. Title. This Ordinance shall be known as the Miami Tribe of Oklahoma Liquor Ordinance.

Section 2. Authority. This Ordinance is enacted in compliance with the Act of August 15, 1953, 67 stat. 586, codified at 18 U.S.C. 1161, and by the Business Committee for the Miami Tribe of Oklahoma. The Miami Tribe of Oklahoma is a federally recognized, sovereign tribal government organized under the Thomas-Rogers Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), with a Constitution and By-Laws approved by the U.S. Secretary of Interior on August 16, 1939, and amended and approved by the U.S. Secretary of Interior on February 22, 1996. This Ordinance is approved and enacted by the Business Committee of the Miami Tribe of Oklahoma under the authority of Article VI, Section 1 of the Constitution of the Miami Tribe of Oklahoma, wherein ''[t]he Business Committee shall have the power to . . . enact resolutions and ordinances. . . .''

Section 3. Territory and Jurisdiction. Pursuant to Article II of the Constitution of the Miami Tribe of Oklahoma, ''[t]he authority and jurisdiction of the Tribe shall extend to all the territory within the boundaries now known as MIAMI LANDS, which include land in Northeast Oklahoma and the original Miami Reservation in Eastern Kansas, and to all lands that may be acquired for the Miami Tribe of Oklahoma by the United States Government or which may be acquired by the Miami Tribe for its land base and to all Indian Country of the Miami Tribe and its citizens as of now or hereafter as defined by Federal Law. The Miami Tribe of Oklahoma may exercise its authority and Jurisdiction outside the territory above described to the fullest extent not prohibited by Federal law.

Section 4. Purpose. The purpose of this Ordinance is to regulate and control the possession and sale of liquor and alcoholic beverages as defined by this Ordinance, at designated locations within the Tribe's casino operations on Miami Tribe of Oklahoma Trust Land. The enactment of a tribal ordinance governing liquor and alcoholic beverages possession and sale on the Miami Tribe of Oklahoma Trust land, will increase the ability of the tribal government to control the sale, distribution and possession of liquor and alcoholic beverages on Miami Tribe of Oklahoma Trust Land, and will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal government services.

Section 5. Application of 18 U.S.C. 1161. The introduction, possession, and sale of liquor and alcoholic beverages on the Miami Tribe of Oklahoma Trust Land is a matter of special concern to the Miami Tribe of Oklahoma. Federal law requires that any authorization for the sale of liquor or other alcoholic beverages must be in conformity with the laws of the State and approved by an ordinance (law) duly adopted by the tribe having jurisdiction over such area of Indian Country. All acts and transactions under law of the Miami Tribe of Oklahoma shall be in conformity with federal law and with the laws of the State of Oklahoma as applicable.

Article II. Definitions

As used in the Ordinance, the following words shall have the following meanings unless the context clearly requires otherwise:

(a) *Alcohol.* That substance known as ethyl alcohol, hydrated oxide of ethyl, ethanol, or spirits of wine, from whatever source or by whatever process produced.

(b) *Alcoholic Beverage.* A term synonymous with the term liquor as defined in Article II (f) of this chapter.

(c) *Bar.* Any establishment with special space and accommodations for the sale of liquor or alcoholic beverages by the glass and for consumption on the premises as herein defined.

(d) *Beer.* Any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water and containing the percent of alcohol by volume subject to regulation as an intoxicating beverage in the state where the beverage is located.

(e) *Business Committee.* The Miami Tribe of Oklahoma Tribal Business Committee.

(f) *Liquor.* Includes all fermented, spirituous, vinous, or malt liquor or combinations thereof, and mixed liquor, a part of which is fermented, and every liquid or solid or semisolid or other substance, patented or not, containing distilled or rectified spirits, potable alcohol, beer, wine, brandy, whiskey, rum, gin aromatic bitters, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, which contains more than one half of one percent of alcohol.

(g) *Liquor Store.* Any store at which liquor is sold and, for the purpose of this Ordinance, including stores only a portion of which are devoted to sale of liquor or beer.

(h) *Malt Liquor.* Includes beer, strong beer, ale, stout and porter.

(i) *Package.* Any container or receptacle used for holding liquor.

(j) *Public Place.* Includes state or county or tribal or federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, gaming facilities, entertainment centers, stores, garages, and filling stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds and character; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public. For the purpose of this Ordinance, Public Place shall also include any establishment other than a single family home which is designed for or may be used by more than just the owner of the establishment.

(k) *Miami Business Regulatory Commission.* This term refers to the Miami Business Regulatory Commission (MBRC), the tax regulatory authority for the Miami Tribe of Oklahoma.

(l) *Miami Tribal Council.* The general council of the Miami Tribe of Oklahoma which is composed of the voting membership of the Tribe.

(m) *Miami Tribe of Oklahoma Trust Land.* Those lands which are held in trust by the United States for the Miami Tribe of Oklahoma and not for any individual Indian.

(n) *Sale and Sell.* Includes exchange, barter and traffic; and also includes the selling or supplying or distributing, by any means whatsoever, of liquor, or of

any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or of wine by any person to any person.

(o) *Spirits.* Any beverage, which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

(p) *Tribal Court.* The District Court for the Miami Tribe of Oklahoma.

(q) *Wine.* Any alcoholic beverage obtained by fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent of alcohol by weight.

Article III. Powers of Enforcement

Section 1. The Miami Business Regulatory Commission. In furtherance of this Ordinance, the Miami Business Regulatory Commission (MBRC) shall have the following powers and duties to:

(a) Issue licenses permitting the sale or manufacture or distribution of liquor or alcoholic beverages as defined in this Ordinance on the Miami Tribe of Oklahoma Trust Land;

(b) Publish and enforce rules and regulations adopted by the (MBRC) governing the sale, manufacture, distribution, and possession of alcoholic beverages on the Miami Tribe of Oklahoma Trust Land;

(c) Employ managers, accountants, security personnel, inspectors and such other persons as shall be reasonably necessary to allow the MBRC to perform its functions. Such employees shall be tribal employees;

(d) Hold hearings on violations of this Ordinance or for the issuance or revocation of licenses hereunder;

(e) Bring suit in Tribal Court or the appropriate court to enforce this Ordinance as necessary;

(f) Determine and seek damages for violation of this Ordinance;

(g) Make such reports as may be requested or required by the Chief of the Miami Tribe of Oklahoma, who may share those reports with the Miami Tribal Council;

(h) Collect taxes and fees levied or set by the MBRC and to keep accurate records, books and accounts;

(i) Adopt procedures which supplement this Ordinance and regulations promulgated by the MBRC, and facilitate their enforcement. Such procedures shall include limitations on sales to minors; places where liquor or alcoholic beverages as defined by this Ordinance may be consumed; identity of persons not permitted to purchase alcoholic beverages; hours and days when outlets may be open for business; and other appropriate matters and controls; and

(j) Request amendments to this Ordinance to address future changes in the way the Miami Tribe of Oklahoma sells, distributes or possesses alcoholic beverages as defined by this Ordinance, in order to ensure that this Ordinance remains consistent with state alcoholic beverage laws.

Section 2. Limitation on Powers. In the exercise of its powers and duties under this Ordinance, the MBRC and its individual members shall not:

(a) Accept any gratuity, compensation or other thing of value from any liquor or alcoholic beverages as defined by this Ordinance, wholesaler, retailer or distributor or from any licensee;

(b) Waive the immunity of the Miami Tribe of Oklahoma from suit without the express consent of the Business Committee.

Section 3. Inspection Rights. The premises on which liquor or alcoholic beverages as defined by this Ordinance is sold or distributed, shall be open for inspection by the MBRC at all reasonable times for the purposes of ascertaining whether the rules and regulations of the MBRC and this Ordinance are being complied with.

Article IV. Sales of Liquor

Section 1. License Required. Only a person or entity who is licensed by the Miami Business Regulatory Commission may make retail sales of liquor or alcoholic beverages as defined in this Ordinance, in a facility located on Miami Tribe of Oklahoma Trust Land. Patrons may consume such liquor or alcoholic beverages as defined by this Ordinance within any facility, other than a convenience store location, which holds said required license. All other purchases and sales of liquor or alcoholic beverages as defined in this Ordinance on Tribal Lands shall be prohibited. The license issued by the MBRC shall be in addition to any license required under applicable state law.

Section 2. Sales for Cash. All liquor or alcoholic beverages sales as defined by this Ordinance, on Miami Tribe of Oklahoma Trust Land shall be on a cash only basis, and no credit shall be extended to any person, organization, or entity, except that the provision does not prevent the payment for purchases with the use of credit cards such as Visa, MasterCard, American Express, etc.

Section 3. Sale for Personal Consumption. All sales shall be for the personal use and consumption of the purchaser. Resale of any liquor or alcoholic beverage as defined by this Ordinance is prohibited. Any person who is not licensed pursuant to this Ordinance, who purchases liquor or alcoholic beverages as defined by this Ordinance, on Miami Tribe of Oklahoma Trust Land, and sells it, whether in the original container or not, shall be guilty of a violation of this Ordinance and shall be subjected to paying damages to the Miami Tribe of Oklahoma as set forth herein.

Article V. Licensing

Section 1. Procedure. In order to control the proliferation of establishments on Miami Tribe of Oklahoma Trust Land, all persons or entities which desire to sell liquor or alcoholic beverages as defined by this Ordinance, on Miami Tribe of Oklahoma Trust Land, must apply to the Miami Business Regulatory Commission (MBRC) for a license to sell or serve liquor or alcoholic beverages as defined by this Ordinance.

Section 2. Application. Any entity, or any person 21 years of age or older may apply for a license to sell or serve liquor or alcoholic beverages as defined by this Ordinance on the Miami Tribe of Oklahoma Trust Land. Any entity, or any person 21 years of age or older must complete and submit an application provided for this purpose by the MBRC, and pay such application fees as may be set from time to time by the MBRC for this purpose. Said application must be filled out completely in order to be considered. A separate application and license will be required for each location where the applicant intends to serve liquor or alcoholic beverages as defined in this Ordinance.

Section 3. Issuance of License. The entity or person applying for such license must make a showing to satisfy the MBRC that the entity or individual is of good character and has never been convicted of violation of any of the state alcoholic beverage laws or the laws promulgated under this Ordinance; that the entity or individual has never been convicted of violating any of the gambling laws of Oklahoma, or any other state of the United States, or of this or any other tribe; that he has not had, preceding the date of the application for license, a felony conviction of any of the laws commonly called prohibition laws; and that he has not had any permit or license to sell any intoxicating liquors revoked in any

county of Oklahoma, or any other state, or any tribe; and that at the time of his application for license, he is not a holder of a retail liquor dealer's permit or license from the United States government to engage in the sale of beverages as defined in this Ordinance.

The MBRC shall receive and process applications and documents of related matters. All actions relating to applications by the MBRC shall be by majority vote. The MBRC may issue a license if it believes that such issuance is in the best interests of the Miami Tribe of Oklahoma and its members.

Section 4. Posting of License. Licensee shall continually post in licensed establishment(s) in open and visible location any/all required liquor licenses.

Section 5. Period of License. Each license may be issued for a period not to exceed (1) one year from the date of issuance.

Section 6. Renewal of License. A licensee may renew its license if the licensee has complied in full with this Ordinance, provided however, that the MBRC may refuse to renew a license if it finds that doing so would not be in the best interests of the health and safety of the Miami Tribe of Oklahoma.

Section 7. Revocation of License. The MBRC may suspend or revoke a license due to one or more violations of this Ordinance upon notice and opportunity for a hearing, at which time the licensee is given an opportunity to respond to any charges against it, and to demonstrate why the license should not be suspended or revoked.

Within 15 days after a licensee is mailed written notice of a proposed suspension or revocation of the license, of the imposition of fines, or of other adverse action proposed by the MBRC under this Ordinance, the licensee may deliver to the MBRC a written request for a hearing on whether the proposed action should be taken. A hearing on the issues shall be held before the MBRC, or persons appointed by the MBRC, and a written decision will be issued within 15 days of said hearing. Such decision will be considered final unless appealed to the Tribal Court as provided by Tribal law.

Section 8. Transferability of Licenses. Licenses issued by the MBRC shall not be transferable and may only be utilized by the person or entity in whose name it was issued.

Article VI. Taxes

Section 1. Sales Tax. There may hereby be levied and collected a tax on each retail sale of liquor or alcoholic beverages as defined by this Ordinance on Miami Tribe of Oklahoma Trust Land. All taxes from the sale of liquor and alcoholic beverages as defined by this Ordinance on Miami Tribe of Oklahoma Trust Land shall be paid over to the general treasury of the Miami Tribe of Oklahoma. Licensee must obtain and maintain documents or receipts evidencing taxes paid.

Section 2. Taxes Due. All taxes for the sale of liquor or alcoholic beverages as defined by this Ordinance on the Miami Tribe of Oklahoma Trust Land are due on the 15th day of the month following the end of the calendar quarter for which the taxes are due.

Section 3. Remedies Not Limited. In addition to any other remedies provided in this Ordinance, the MBRC may suspend or revoke any licenses issued by it upon failure of the licensee to comply with the obligations imposed upon the licensee by the MBRC, by the Miami Tribe of Oklahoma, or any rule, regulation or order of the MBRC.

Section 4. Reports. Along with payment of the taxes imposed herein, the taxpayer shall submit a quarterly accounting of all income from the sale or distribution of liquor as defined by this Ordinance, as well as for the taxes collected.

Section 5. Audit. As a condition of obtaining a license, the licensee must agree to the review or audit of its books and records relating to the sale of liquor or alcoholic beverages as defined by this Ordinance on Miami Tribe of Oklahoma Trust Land. Said review or audit may be done periodically by the Tribe through its agents or employees whenever, in the opinion of the Business Committee, such a review or audit is necessary to verify the accuracy of reports.

Article VII. Rules, Regulations and Enforcement

Section 1. In any proceeding under this Ordinance, conviction of one unlawful sale or distribution of liquor or alcoholic beverages as defined by this Ordinance shall establish prima facie intent of unlawfully keeping liquor for sale, selling beverages or distributing beverages in violation of this Ordinance.

Section 2. Any person who shall sell or offer for sale or distribute or transport in any manner, liquor or alcoholic beverages as defined by this Ordinance, or who shall operate or shall have liquor or alcoholic beverages for sale and/or in his possession without a license, shall be guilty of a violation of this Ordinance.

Section 3. Any person on Miami Tribe of Oklahoma Trust Land who buys liquor or alcoholic beverages as defined in this Ordinance, from any person other than a properly licensed facility shall be guilty of a violation of this Ordinance.

Section 4. Any person who keeps or possesses liquor or alcoholic beverages upon his person, or in any place or on premises conducted or maintained by his principal or agent, with the intent to sell or distribute it contrary to the provisions of this Ordinance, shall be guilty of a violation of this Ordinance.

Section 5. Any person who knowingly sells liquor or alcoholic beverages to a person who is obviously intoxicated or appears to be intoxicated, shall be guilty of a violation of this Ordinance.

Section 6. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who shall knowingly permit any person to drink liquor or alcoholic beverages in any public conveyance, shall be guilty of an offense. Any person who shall drink liquor or alcoholic beverages in a public conveyance, shall be guilty of a violation of this Ordinance.

Section 7. No person under the age of 21 years shall consume, acquire or have in his possession any liquor or alcoholic beverage as defined in this Ordinance.

Section 8. No person shall permit any other person under the age of 21 to consume liquor or alcoholic beverages on his premises or any premises under his control. Any person violating this section shall be guilty of a separate violation of this Ordinance for each and every drink so consumed.

Section 9. Any person who shall sell or provide any liquor or alcoholic beverage to any person under the age of 21 years shall be guilty of a violation of this Ordinance for each such sale or drink provided.

Section 10. Any person who transfers in any manner an identification of age to a person under the age of 21 years, for the purpose of permitting such person to obtain liquor or alcoholic beverages, shall be guilty of a violation of this Ordinance.

Section 11. Any person who attempts to purchase liquor or alcoholic beverages through the use of false or altered identification which falsely purports to show the individual to be over the age of 21 years, shall be guilty of violating this Ordinance.

Section 12. Any person who is convicted or pleads guilty to a violation of this Ordinance shall be punished by imprisonment for not more than one (1) year; a fine not to exceed Five Thousand dollars ($5,000.00); or a combination of both penalties. In addition, if such person holds a license issued by the MBRC, the license shall be revoked. This provision mirrors penalties referenced in the Miami Tribe of Oklahoma Criminal Code Sections 536 and 537 as amended.

Section 13. When requested by the provider of liquor or alcoholic beverages as defined by this Ordinance, any person shall be required to present official documentation of the bearer's age, signature and photograph. Official documentation includes one of the following:

(1) Driver's license or identification card issued by any state department of motor vehicles;

(2) United States Active Duty Military I.D.; or

(3) Passport.

Section 14. The consumption of liquor or alcoholic beverages on premises where such consumption or possession is contrary to the terms of this Ordinance, will result in a declaration that such liquor or alcoholic beverages are contraband. Any tribal agent, employee or officer who is authorized by the MBRC shall seize all contraband and preserve it in accordance with provisions established for the preservation of impounded property.

Section 15. Upon being found in violation of the Ordinance, the party owning or in control of the premises where contraband is found, shall forfeit all right, title and interest in the items seized, which shall become the property of the MBRC.

Article VIII. Abatement

Section 1. Any room, house, building, vehicle, structure, or other place where liquor or alcoholic beverages as defined in this Ordinance are sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this Ordinance, or of any other tribal law relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and all property kept in and used in maintaining such place, is hereby declared to be a nuisance.

Section 2. The Chairman of the MBRC or, if the Chairman fails or refuses to do so, the MBRC, by majority vote, shall institute and maintain in Tribal Court, in the name of the Miami Tribe of Oklahoma, an action to abate and perpetually enjoin any nuisance declared under this Section. In addition to all other remedies at tribal law, the Tribal Court may also order the room, house, building, vehicle, structure, or place closed for a period of one (1) year, or until the owner, lessee, tenant, or occupant thereof shall give bond or sufficient sum from $1,000 to $15,000, depending upon the severity of past offenses, the risk of offenses in the future, and any other appropriate criteria, payable to the Miami Tribe of Oklahoma, and conditioned that liquor or alcoholic beverages as defined in this Ordinance will not be thereafter kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed thereof in violation of the provisions of this Ordinance or of any other applicable tribal laws. If any conditions of the bond are violated, the bond may be applied to satisfy any amounts due to the Miami Tribe of Oklahoma under this Ordinance.

Article IX. Severability, Effective Date, and Non-Impairment

Section 1. If any provision or application of this Ordinance is determined by a court of competent jurisdiction to be invalid, such determination shall not be held to render ineffectual the remaining portions of this Ordinance or to render such provisions inapplicable to other persons or circumstances.

Section 2. Once this Ordinance has been signed into law by the Chief and Secretary/Treasurer, this Ordinance shall be effective on such date as the Secretary of the United States Department of Interior certifies this Ordinance and publishes the same in the **Federal Register**.

Section 3. Any and all previous statutes, laws and ordinances of the Miami Tribe of Oklahoma which are inconsistent with this Ordinance are hereby repealed and rescinded.

Section 4. Nothing in this Ordinance may be construed to diminish or impair in any way the rights or sovereign powers of the Miami Tribe of Oklahoma or its tribal government.

Article X. Amendment

This Ordinance may only be amended by a vote of the Miami Tribe of Oklahoma Business Committee and shall be effective when it meets the requirements of Article IX, Section 2, above.

[FR Doc. 2013–21643 Filed 9–4–13; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVL01000. L51100000.GN0000. LVEMF1302520; N91957; MO# 4500053094; TAS: 14X5017]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Gold Rock Mine Project, White Pine County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended, (NEPA) and the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) Egan Field Office, Ely, Nevada, intends to prepare an Environmental Impact Statement (EIS) and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues. The proposed project is located in White Pine County, about 50 miles west of Ely, in the Upper Railroad Valley.

DATES: This notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing until October 7, 2013. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers, the BLM Web site at *http://www.blm.gov/nv/st/en/fo/ely_field_office.html*, and the BLM's ePlanning NEPA Register at *https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do*. In order to be included in the Draft EIS, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments related to the Gold Rock Mine Project by any of the following methods:

- *Email: BLM_NV_EYDO_Midway_Gold_Rock_EIS@blm.gov*
- *Fax:* 775–289–1910
- *Mail:* BLM Ely District, Egan Field Office, HC 33 Box 33500, Ely, NV 89301–9408

Documents pertinent to this proposal may be examined at the Egan Field Office, 702 N. Industrial Way, Ely, Nevada.

FOR FURTHER INFORMATION CONTACT: Dan Netcher, Project Manager, telephone: 775–289–1872; email: *dnetcher@blm.gov*. If you want to add your name to our mailing list, please contact Mr. Netcher. 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: Midway Gold US, Inc. (Midway) proposes to construct and operate an open-pit gold mining operation, which would include an open pit; a heap leach pad and

associated ponds, process facility, and refinery; a mill; a carbon-in-leach plant; waste rock dumps; a tailings storage facility; and ancillary facilities. The mine would be located on the eastern side of the Pancake Mountain Range, about 30 miles southeast of Eureka, 50 miles west of Ely and 15 miles south of U.S. Route 50. Currently, Midway is authorized to disturb up to 267 acres for exploration purposes. The proposed operations and associated disturbance would increase disturbance to 3,749 acres of public land managed by the BLM. The projected mining period is 10 years. Associated construction, closure, reclamation, and post-closure monitoring periods would extend the project life for an additional estimated 38 years. Midway is currently conducting exploration activities in this area which were analyzed in two environmental assessments: The *Midway Gold Rock Project Final Environmental Assessment* (June 2012), and the *Environmental Assessment for the Midway Gold Rock Project, Exploration Amendment* (October 2012).

A range of alternatives will be developed, including the no-action alternative, to address the issues identified during scoping. Mitigation measures will be considered to minimize environmental impacts and to assure the proposed action does not result in unnecessary or undue degradation of public lands.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. At present, the BLM has identified the following preliminary issues:

(a) Potential effects to wild horses, which would include loss of habitat from surface disturbance and which could include mortality from collision with project-related vehicles on existing roads.

(b) Potential effects to Greater Sage-Grouse, which would include loss of habitat from surface disturbance and which could include impacts to the species created by construction and operation in proximity to active sage-grouse leks.

(c) Potential effects to mule deer, which would include loss of habitat from surface disturbance habitat and which could include mortality from collision with project-related vehicles on existing access roads.

(d) Potential effects to employment and housing availability.

(e) Potential effects to archaeological resources in the area, which could include Carbonari (historical charcoal production) sites and the Lincoln Highway route.

(f) Potential effects to air quality created by the initiation of mining at the Gold Rock Mine Project.

(g) Potential effects to viewshed in and around areas of Visual Resources Management Classes III and IV from project construction and operation, including effects to night sky from nighttime operations.

(h) Potential effects to recreational uses and users, which would include loss of access and loss of hunting areas.

The BLM will use the NEPA commenting process to help fulfill the public involvement requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) as provided for in 36 CFR 800.2(d)(3). Native American tribal consultations will be conducted in accordance with policy, and tribal concerns, including impacts on Indian trust assets, will be given due consideration. The BLM is in the process of determining the Cooperating Agencies. Federal, State, and local agencies, along with other stakeholders that may be interested or affected by the BLM's decision on this project are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency.

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 part 1501 and 43 CFR part 3809.

Jill A. Moore,

Egan Field Manager.

[FR Doc. 2013–21591 Filed 9–4–13; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLUTCO3100.L17110000.EB000]

Notice of Intent To Collect Fees on Public Lands in the Red Cliffs National Conservation Area, Washington County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Lands Recreation Enhancement Act (REA), the Bureau of Land Management (BLM) St. George Field Office proposes to establish a new standard amenity recreation fee for day-use of the developed amenities at the White Reef Park, located in the Red Cliffs National Conservation Area (NCA) in Washington County, Utah.

DATES: Effective March 5, 2014, the BLM will begin collecting standard amenity fees at White Reef Park.

ADDRESSES: Mail: NCA Manager, Beaver Dam Wash and Red Cliffs National Conservation Areas, St. George Field Office, Bureau of Land Management, 345 E Riverside Drive, St. George, Utah 84790 or *utsgmail@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Kyle Voyles, NCA Outdoor Recreation Planner, St. George Field Office, Bureau of Land Management, 345 E. Riverside Drive, St. George, Utah 84790, 435–688–3373, *kvoyles@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or question with the above individual. The FIRS is available 24 hours a day, seven days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Pursuant to the REA (16 U.S.C 6802 (f)), the Secretary may charge a standard amenity recreation fee provided the following specific requirements are met: The area provides significant opportunities for outdoor recreation; the area has substantial Federal investments; the fees can be efficiently collected; and the area includes six required amenities: Designated developed parking, a permanent toilet facility, a permanent trash receptacle, an interpretive sign, exhibit, or kiosk, picnic tables, and security services.

The White Reef Park (located at T. 41 S, R. 14 W., SLM, UT., sec. 23, NW1/4) meets the requirements for a standard amenity fee site. The White Reef Park is comprised of approximately 715 acres of public land within the Red Cliffs NCA and includes a developed day-use area. White Reef Park is fenced and includes designated-parking spaces for 18 vehicles and four pull-through stalls for oversized vehicles. A permanent vault toilet and trash receptacle, regulatory signing, an information kiosk, and a shade shelter with picnic tables are available at the site. Within the White Reef Park is the restored mid-19th century Orson B. Adams House, which offers on-site interpretive materials (panels and brochures) and three designated-vehicle

parking spaces, two of which are accessible. Volunteer docents offer regularly-scheduled guided tours of the house and adjacent farmstead. Other interpreted sites in the White Reef Park include the late-19th century W. McMullin farmstead and the 1950's era movie set for Columbia Pictures' film, ''They Came to Cordura.'' Amenities in the White Reef Park include janitorial, maintenance, law enforcement, and visitor contact services. Additional outdoor recreation opportunities include hiking, mountain biking, and equestrian trail riding on an eight-mile-long designated non-motorized trail system, with links to other, longer-distance trails outside the NCA.

Pursuant to 43 CFR Part 2930, standard amenity fees will be collected through the issuance of a BLM Recreation Use Permit for day-use of the White Reef Park amenities. Fees will be collected through a self-service pay station located at White Reef Park. Visitors holding the America the Beautiful—The National Parks and Federal Recreational Lands Interagency Senior Pass (Golden Age Passport) or Interagency Access Pass (Golden Access Passport) will be entitled to a 50 percent discount on standard amenity recreation fees.

On February 22, 2013, the Utah Recreation Resource Advisory Committee (RRAC) reviewed and unanimously approved the proposal to establish a new fee site at the White Reef Park where standard amenity fees for day-use would be collected. Standard amenity fees for the White Reef Park will be $5 per vehicle, and would only be adjusted after appropriate public notice and involvement, and additional consultation with the Utah RRAC.

The February 2013, *Red Cliffs Recreation Area Business Plan* was prepared by the BLM to address fee collection, site operation, and proposed fee expenditures for White Reef Park. Copies of the *Red Cliffs Recreation Area Business Plan* are available at the Interagency Visitor Center in St. George, Utah. Fee amounts will be posted at a pay station kiosk at the White Reef Park, included in the Red Cliffs Recreation Area information brochure, available at the Interagency Visitor Center, and posted on the BLM St. George Field Office Web site.

Authority: 16 U.S.C. 6801 *et seq.*

Jenna Whitlock,

Associate State Director.

[FR Doc. 2013–21584 Filed 9–4–13; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[13X.LLAZ956000.L14200000.BJ0000.241A]

Notice of Filing of Plats of Survey; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of Plats of Survey; Arizona.

SUMMARY: The plats of survey of the described lands were officially filed in the Arizona State Office, Bureau of Land Management, Phoenix, Arizona, on dates indicated.

SUPPLEMENTARY INFORMATION:

The Gila and Salt River Meridian, Arizona

The plat representing the survey of a portion of the Ninth Standard Parallel North (south boundary) of Township 37 North, Range 10 East, and the south, west and north boundaries, the subdivisional lines and the subdivision of certain sections, Township 38 North, Range 10 East, accepted August 1, 2013, and officially filed August 6, 2013, for Group 1114, Arizona.

This plat was prepared at the request of the Bureau of Indian Affairs.

The plat representing the dependent resurvey of portions of the south and east boundaries and a portion of the subdivisional lines and survey of the subdivision of certain sections and metes-and-bounds surveys of portions of the administrative boundary of the Davis-Monthan Air Force Base, Township 14 South, Range 14 East, accepted August 7, 2013, and officially filed August 9, 2013, for Group 1111, Arizona.

This plat was prepared at the request of the General Services Administration.

The plat representing the dependent resurvey of portions of the east and north boundaries and a portion of the subdivisional lines and survey of the subdivision of certain sections and metes-and-bounds surveys of portions of the administrative boundary of the Davis-Monthan Air Force Base, Township 15 South, Range 14 East, accepted August 7, 2013, and officially filed August 9, 2013, for Group 1111, Arizona.

This plat was prepared at the request of the General Services Administration.

The plat representing the dependent resurvey of portions of the subdivisional lines and survey of the subdivision of section 30 and metes-and-bounds surveys of portions of the administrative boundary of the Davis-Monthan Air Force Base, Township 14 South, Range 15 East, accepted August 7, 2013, and officially filed August 9, 2013, for Group 1111, Arizona.

This plat was prepared at the request of the General Services Administration.

The plat representing the dependent resurvey of a portion of the north boundary and a portion of the subdivisional lines and survey of the subdivision of certain sections and metes-and-bounds surveys of portions of the administrative boundary of the Davis-Monthan Air Force Base, Township 15 South, Range 15 East, accepted August 7, 2013, and officially filed August 9, 2013, for Group 1111, Arizona.

This plat was prepared at the request of the General Services Administration.

A person or party who wishes to protest against any of these surveys must file a written protest with the Arizona State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

FOR FURTHER INFORMATION CONTACT: These plats will be available for inspection in the Arizona State Office, Bureau of Land Management, One North Central Avenue, Suite 800, Phoenix, Arizona, 85004–4427. 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.

Stephen K. Hansen,

Chief Cadastral Surveyor of Arizona.

[FR Doc. 2013–21589 Filed 9–4–13; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD070000, L91310000, E10000]

Notice of Availability of the Record of Decision for the West Chocolate Mountains Renewable Energy Evaluation Area and California Desert Conservation Area Plan Amendment, Imperial County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD)/Approved Amendment to the California Desert Conservation Area (CDCA) Plan for the West Chocolate Mountains Renewable Energy Evaluation Area (REEA) located in Imperial County, California. The BLM California State Director signed the ROD on August 12, 2013, which constitutes the BLM's final decision.

ADDRESSES: Copies of the ROD/Approved Amendment to the CDCA Plan are available upon request from the Field Manager, BLM El Centro Field Office, 1661 S 4th Street, El Centro, CA 92243; California Desert District Office at 22835 Calle San Juan de Los Lagos, Moreno Valley, CA; or via the Internet at the following Web site: *http://www.blm.gov/ca/st/en/fo/elcentro/nepa/wcm.html*.

FOR FURTHER INFORMATION CONTACT: Sandra McGinnis, BLM Project Manager, telephone 916–978–4427; address 2800 Cottage Way Suite W–1623, Sacramento, CA 95825; email *smcginni@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Final Environmental Impact Statement (EIS) and Proposed Plan Amendment (PA) for the REEA analyzed the potential environmental impacts of making available approximately 20,762 acres of BLM-managed surface lands in the REEA for testing and developing solar and wind energy facilities and for leasing approximately 19,162 acres of Federal mineral estate for geothermal energy testing and development near Niland, California. The Final EIS also analyzed the potential environmental impacts of approving a pending geothermal lease application in the REEA.

The purpose of the proposed action was to facilitate appropriate development of geothermal, solar, and wind energy in the REEA and make appropriate land use plan decisions regarding the location, development, and management of those resources. The Final EIS/Proposed PA fully analyzed six alternatives. The preferred alternative and the BLM's final decision is Alternative 6—Geothermal Development Emphasis with Moderate Solar Development and No Wind Development. Selection of this alternative amends the CDCA Plan to identify areas in the REEA as suitable for geothermal leasing and development and solar energy development, subject to constraints related to the presence of sensitive resources. Standard stipulations as well as a stipulation for groundwater usage to require preparation of a Water Supply Assessment under California Code §§ 10910–10915 are included. In addition, renewable energy development that would require high water usage will not be allowed. The CDCA Plan is also amended to identify the REEA as unsuitable for wind energy development. Additionally, lands east of the Coachella Canal will have a disturbance cap of 10 percent. BLM lands west of the Coachella Canal are identified as a Solar Energy Zone. Finally, a noncompetitive Federal geothermal lease application is approved; however, before development of the lease is authorized, site specific NEPA analysis will be required. The Notice of Availability of the Final EIS/Proposed PA for the REEA was published in the **Federal Register** December 14, 2012 (77 FR 74479 and 77 FR 71446), which initiated a 30-day protest period for the proposed amendment to the CDCA Plan. During this time no protests were submitted. Simultaneously with the protest period, the Governor of California conducted a consistency review of the proposed CDCA Plan amendment to identify any inconsistencies with State or local plan, policies or programs; no inconsistencies were identified.

The agency decision to authorize a geothermal lease is an implementation decision and is appealable under 43 CFR part 4. Any party adversely affected by the leasing decision may appeal within 30 days of publication of this Notice of Availability pursuant to 43 CFR part 4, subpart E. The appeal must be filed with the BLM at 2800 Cottage Way Suite W–1623, Sacramento, CA 95825 as well as the Regional Solicitor Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E–1712, Sacramento, CA 95825. Please consult the appropriate regulations (43 CFR part 4, subpart E) for further appeal requirements.

Authority: 40 CFR 1506.6.

Thomas Pogacnik,

Deputy State Director.

[FR Doc. 2013–21603 Filed 9–4–13; 8:45 am]

BILLING CODE 4310–40–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–543]

Trade, Investment, and Industrial Policies in India: Effects on the U.S. Economy; Institution of Investigation and Scheduling of Hearing

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

SUMMARY: Following receipt of a request on August 2, 2013 from the Senate Committee on Finance and the House Committee on Ways and Means (Committees) under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the U.S. International Trade Commission (Commission) instituted investigation No. 332–543, *Trade, Investment, and Industrial Policies in India: Effects on the U.S. Economy.*

DATES: January 21, 2014: Deadline for filing requests to appear at the public hearing.

January 30, 2014: Deadline for filing pre-hearing briefs and statements.

February 13, 2014: Public hearing.

February 25, 2014: Deadline for filing post-hearing briefs and statements.

April 11, 2014: Deadline for filing all other written statements.

November 30, 2014: Transmittal of Commission report to the Committees.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov/edis3-internal/app.*

FOR FURTHER INFORMATION CONTACT: Project Leader Bill Powers (202–708–5405 or *william.powers@usitc.gov*) or Deputy Project Leader Renee Berry (202–205–3498 or *renee.berry@usitc.gov*) for information specific to this investigation. For information on the legal aspects of these investigations, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by

contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). 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.

Background: In their request letter the Committees asked that the Commission conduct an investigation regarding Indian industrial policies that discriminate against U.S. imports and investment for the sake of supporting Indian domestic industries, and the effect that those barriers have on the U.S. economy and U.S. jobs. As requested by the Committees, the Commission will provide in its report:

- An overview of trends and policies in India affecting trade and foreign direct investment in that country's agriculture, manufacturing and service sectors, as well as the overall business environment. The overview will take a historic view, but focus on the period since 2003. It will include examples of changes in tariff and nontariff measures, including measures related to the protection of intellectual property rights, and other actions taken by India's government to facilitate or restrict the inflow of trade and FDI.
- A description of (1) any significant restrictive trade and FDI policies currently maintained or recently adopted by India as identified by Commission research; (2) the sectors in the U.S. economy most affected by these restrictive policies; and (3) the general competitiveness of sectors in India's economy that are subject to the identified restrictions.
- Several case studies that examine the effects of particular restrictive measures on U.S. firms that export to or invest in India, or that have not done so because of the measures. To the extent feasible, the case studies will address the impact of the restrictive measures on both large and small and medium-sized enterprises.
- To the extent feasible, a quantitative analysis of the economic effects of India's identified restrictive measures on the U.S. economy as a whole, on U.S. trade and investment, and on selected sectors of the U.S. economy.
- Based on the survey and analysis of results, and to the extent feasible, a summary of U.S. firms' perception of (1) recent changes in India's trade and investment policies in selected sectors and (2) the effects of these changes on U.S. firms' strategies towards India (e.g., reducing investment or altering product mix), and analysis of whether the effects of these policy changes differ by firms' characteristics, such as size, IP-intensiveness, or export status.

Public Hearing: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on February 13, 2014. Requests to appear at the public hearing should be filed with the Secretary, no later than 5:15 p.m., January 21, 2014 in accordance with the requirements in the ''Submissions'' section below. All pre-hearing briefs and statements should be filed not later than 5:15 p.m., January 30, 2014; and all post-hearing briefs and statements should be filed not later than 5:15 p.m., February 25, 2014. In the event that, as of the close of business on January 21, 2014, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should contact the Office of the Secretary at 202–205–2000 after January 21, 2014, for information concerning whether the hearing will be held.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., April 11, 2014. All written submissions must conform with the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information (CBI) must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

In the request letter, the Committees stated that they intend to make the Commission's report available to the public in its entirety, and asked that the Commission not include any confidential business information or national security classified information in the report that it sends to the Committees. Any confidential business information received by the Commission in this investigation and used in preparing this report will not be published in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Issued: August 29, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–21499 Filed 9–4–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1630]

Establishment of the Attorney General's Advisory Committee of the Task Force on American Indian/Alaska Native Children Exposed to Violence

AGENCY: Office of Juvenile Justice and Delinquency Prevention (OJJDP), DOJ.

ACTION: Notice of establishment of a federal advisory committee.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), the Department of Justice announces the establishment of the Advisory Committee of the Attorney General's Task Force on American Indian/Alaska Native Children Exposed to Violence (hereinafter, the ''AI/AN Advisory Committee''). The AI/AN Advisory Committee will advise the Attorney General on a broad array of issues relating to addressing the problem of AI/AN children exposed to violence in the United States.

FOR FURTHER INFORMATION CONTACT: Jim Antal, Designated Federal Officer, AI/AN Advisory Committee at (202) 514–1289, or by email at *james.antal@usdoj.gov.*

ADDRESSES: All questions should be submitted to the Designated Federal Officer, Advisory Committee of the

Attorney General's Task Force on American Indian/Alaska Native Children Exposed to Violence, Office of Juvenile Justice and Delinquency Prevention, Room 5312, 810 Seventh Street NW., Washington, DC 20531. Federal Express, Airborne, or UPS, mail delivery should be addressed to the same as above.

SUPPLEMENTARY INFORMATION:

I. Background and Authority

Pursuant to the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), the Department of Justice announces the establishment of the AI/AN Advisory Committee. The AI/AN Advisory Committee will advise the Attorney General on a broad array of issues relating to addressing the problem of AI/AN children exposed to violence in the United States. The AI/AN Advisory Committee is necessary and in the public interest. The duration of the AI/AN Advisory Committee is one year unless renewed by the Attorney General. The Committee will terminate on December 31, 2014. It is anticipated that the first meeting of the AI/AN Task Force Advisory Committee will occur after October 1, 2013.

Establishment of the AI/AN Advisory Committee implements a recommendation from the Attorney General's National Task Force on Children Exposed to Violence. The AI/AN Advisory Committee is governed by the Federal Advisory Committee Act (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees. The AI/AN Advisory Committee shall advise the Attorney General on the pervasive problems associated with AI/AN children's exposure to violence, and submit a final written report to the Attorney General with policy recommendations to address these issues. The AI/AN Advisory Committee shall conduct up to 4 public hearings and 6 listening sessions to explore ways to improve the identification, screening, assessment, and treatment of AI/AN children traumatized by violence. It will also identify ways AI/AN communities can overcome the impact of violence, including consultation with AI/AN youth. The AI/AN Advisory Committee will examine the needs of AI/AN children living in urban or rural settings outside of reservations and villages and pay special attention to issues of trauma that AI/AN children who have been convicted and sentenced to incarceration in the state, tribal and federal judicial systems may experience.

II. Structure

The AI/AN Advisory Committee shall consist of up to 13 members, including the Chair. Members of the Advisory Committee shall be chosen to ensure objectivity, professional expertise, and balance. The members and chair shall be selected from a cross section of experts who are knowledgeable about issues relating to AI/AN children's exposure to violence. Members will include current and former elected officials, practitioners, child and family advocates, licensed clinicians, and other subject matter experts. Members will be appointed by the Attorney General. Members shall be invited to serve for the full term of the Advisory Committee (through October 31, 2014). The four (4) public hearings shall be held in locations identified by OJJDP and all other meetings shall be held at the call of the Designated Federal Officer who shall approve the agenda and shall be present at all meetings. A vacancy on the AI/AN Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment. An individual chosen to fill a vacancy shall be appointed for the remainder of the term of the member replaced. The vacancy shall not affect the power of the remaining members to execute the duties of the AI/AN Advisory Committee. All members of the AI/AN Advisory Committee shall adhere to the conflict of interest rules applicable to Special Government Employees as such employees are defined in 18 U.S.C. 202(a). These rules include relevant provisions in 18 U.S.C. related to criminal activity, Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635), and Executive Order 12674 (as modified by Executive Order 12731). Management and support services shall be provided by the Designated Federal Officer, OJJDP, DOJ.

Janet Chiancone,

Associate Administrator for Budget and Administration, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs.

[FR Doc. 2013–21597 Filed 9–4–13; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Evaluation the Accessibility of American Job Centers for People With Disabilities

AGENCY: Office of the Assistant Secretary for Policy/Chief Evaluation Office, DOL.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that required data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed ICR can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before November 4, 2013.

ADDRESSES: You may submit comments by either one of the following methods: *Email: horne.richard@dol.gov; Mail or Courier:* Office of Disability Employment Policy, Room S–1303, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Richard Horne, Director, Division of Policy Planning and Research. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Richard Horne by telephone at 202–

693–7880 (this is not a toll-free number) or by email at *horne.richard@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. *Background:* American Job Centers (AJCs), formerly called One-Stop Career Centers, were established under the Workforce Investment Act (WIA), to offer training referrals, career counseling, job listings, and similar employment-related services to help Americans find work and enhance their long-term economic security. Today, there are 1,751 comprehensive and 963 affiliate AJCs. By law, the AJC system must ensure that its programs, services, and facilities provide programmatic, communication, and physical accessibility to all qualified persons with disabilities (PWD) under Section 504 and Titles II and III of the Americans with Disabilities Act (ADA).[1] The level of accessibility of the AJC system for PWDs may be a factor in the employability of the 27 million Americans over 16 years old with disabilities. Therefore, it is important for policymakers to understand the level of accessibility and to identify ways to improve the accessibility of the AJC system for PWD.

The Evaluation of the Accessibility of American Job Centers (AJC) for People with Disabilities (PWD), funded by the U.S. Department of Labor, Office of the Assistant Secretary for Policy, Chief Evaluation Office, will help policymakers and program administrators understand the level of accessibility of AJCs and identify ways to improve the accessibility for PWD. In addition to identifying the degree to which AJCs provide accessible services to PWD, the study will examine differences in the levels of accessibility by the type of accessibility required, such as physical, programmatic, and communication and the characteristics of AJCs (e.g., affiliate vs. comprehensive, or rural vs. urban) or the nature of AJC services provided (e.g., core, intensive, and training). This is not an audit for compliance with laws and regulations regarding accessibility for American Job Centers. Rather, the purpose of the study is to gather data to paint a broad picture about the degree to which American Job Centers as a whole are accessible to persons with disabilities.

This package requests clearance for (1) a survey of AJC Directors, (2) semi-structured interviews with AJC staff at 100 AJCs, (3) observations related to the accessibility of AJC activities and facilities at 100 AJCs and (4) focus groups with AJC customers with disabilities at 10 AJCs.

The survey will take place over a period of approximately three months. The survey will be administered to all 2,714 comprehensive and affiliate AJCs nationwide. The survey will be administered via the web and recipients will be notified about the survey by mail, with email reminders. Each survey will take about 40 minutes, on average, to complete, and an 80% response rate is expected.

All on-site data collection (i.e., interviews, observations and focus groups) will take place over a period of approximately four months. Interviews and observations will take place at approximately 100 comprehensive and affiliate AJCs nationwide. Between 4–5 staff members will be interviewed in each AJC and each interview will last 75 minutes, on average. Focus groups will involve approximately 8–10 customers in each group and reasonable accommodations for disabilities will be provided for all attending participants, as needed. Focus groups will last approximately 90 minutes and all participants will receive $25 for their attendance.

II. *Desired Focus of Comments:* Currently, the Department of Labor is soliciting comments concerning the above data collection for the Evaluation the Accessibility of American Job Centers for People with Disabilities. Comments are requested to:

* 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 information collection on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. *Current Actions:* At this time, the Department of Labor is requesting clearance to conduct (1) one survey of all comprehensive and affiliate AJC Directors, (2) semi-structured interviews and observations with staff from 100 American Job Centers (AJCs), and (3) focus groups with AJC customers with disabilities at 10 AJCs, for the Evaluation of the Accessibility of American Job Centers for People with Disabilities.

Type of review: New information collection request.

OMB Control Number: 1205–0NEW.

Affected Public: American Job Center Directors.

Frequency: One survey.

Total Responses: 2,171.

Average Time per Response: 40 minutes.

Estimated Total Burden Hours: 1,447 hours.

Average Annual Other Burden Cost: $0.

Affected Public: American Job Center Staff.

Frequency: 1 Interview.

Total Responses: 400.

Average Time per Response: 60–90 minutes.

Estimated Total Burden Hours: 450 hours.

Average Annual Other Burden Cost: $0.

Affected Public: PWD Customers of AJCs.

Frequency: 1 focus group.

Total Responses: 100.

Average Time per Response: 110 minutes.

Estimated Total Burden Hours: 183 hours.

Average Annual Other Burden Cost: $0.

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval; they will also become a matter of public record.

James H. Moore, Jr.,

Deputy Assistant Secretary for Policy, U.S. Department of Labor.

[FR Doc. 2013–21505 Filed 9–4–13; 8:45 am]

BILLING CODE 4510–23–P

[1] Blanck, P., Hill, E., Siegel, C.D., & Waterstone, M. (2009). Disability civil rights law and policy: Cases and materials. St. Paul, MN: West.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 13–109]

NASA Federal Advisory Committees

AGENCY: National Aeronautics and Space Administration.

ACTION: Annual Invitation for Public Nominations by U.S. Citizens for Service on NASA Federal Advisory Committees.

SUMMARY: NASA announces its annual invitation for public nominations for service on NASA Federal advisory committees. U.S. citizens may nominate individuals and also submit self-

nominations for consideration as potential members of NASA's Federal advisory committees. NASA's Federal advisory committees have member vacancies from time to time throughout the year, and NASA will consider nominations and self-nominations to fill such intermittent vacancies. NASA is committed to selecting members to serve on its Federal advisory committees based on their individual expertise, knowledge, experience, and current/past contributions to the relevant subject area.

DATES: The deadline for NASA receipt of all public nominations is October 1, 2013.

ADDRESSES: Nominations and self-nominations from interested U.S. citizens must be sent to NASA in letter form, be signed, and must include the name of specific NASA Federal advisory committee of interest for NASA consideration. Nominations and self-nomination letters are limited to specifying interest in only one (1) NASA Federal advisory committee per year. The following additional information is required to be attached to each nomination and self-nomination letter (i.e., cover letter): (1) professional resume (one-page maximum); (2) professional biography (one-page maximum). Please submit the nomination as a single package containing cover letter and both required attachments electronically to: *hq-nasanoms@mail.nasa.gov.* All public nomination packages must be submitted electronically via email to NASA; paper-based documents sent through postal mail (hard-copies) will not be accepted. NOTE: Nomination letters that are noncompliant with inclusion of the three (3) mandatory documents listed above will not receive further consideration by NASA.

FOR FURTHER INFORMATION CONTACT: To view charters and obtain further information on NASA's Federal advisory committees, please visit the NASA Advisory Committee Management Division Web site noted below. For any questions, please contact Ms. Marla King, Advisory Committee Specialist, Advisory Committee Management Division, Office of International and Interagency Relations, NASA Headquarters, Washington, DC 20546, (202) 358–1148.

SUPPLEMENTARY INFORMATION: NASA's six (6) currently chartered Federal advisory committees are listed below. The individual charters may be found at the NASA Advisory Committee Management Division's Web site at *http://oiir.hq.nasa.gov/acmd.html:*

- *NASA Advisory Council*—The NASA Advisory Council (NAC) provides advice and recommendations to the NASA Administrator on Agency programs, policies, plans, financial controls, and other matters pertinent to the Agency's responsibilities. The NAC consists of the Council and eight (8) Committees: Aeronautics; Audit, Finance and Analysis; Commercial Space; Education and Public Outreach; Human Exploration and Operations; Information Technology Infrastructure; Science; and Technology and Innovation. NOTE: All nominations for the NASA Advisory Council must indicate the specific entity of interest, i.e., either the Council or one of its eight (8) Committees.
- *Aerospace Safety Advisory Panel*—The Aerospace Safety Advisory Panel provides advice and recommendations to the NASA Administrator and the Congress on matters related to safety, and perform such other duties as the NASA Administrator may request.
- *Applied Sciences Advisory Committee*—The Applied Sciences Advisory Committee provides advice and makes recommendations to the Director, Earth Science Division, Science Mission Directorate, NASA Headquarters, on Applied Sciences programs, policies, plans, and priorities.
- *International Space Station (ISS) Advisory Committee*—The ISS Advisory Committee provides advice and recommendations to the NASA Associate Administrator for Human Exploration and Operations Mission Directorate on all aspects related to the safety and operational readiness of the ISS. It addresses additional issues and/or areas of interest identified by the NASA Associate Administrator for Human Exploration and Operations Mission Directorate.
- *International Space Station (ISS) National Laboratory Advisory Committee*—The ISS National Laboratory Advisory Committee monitors, assesses, and makes recommendations to the NASA Administrator regarding effective utilization of the ISS as a national laboratory and platform for research, and such other duties as the NASA Administrator may request.
- *National Space-Based Positioning, Navigation and Timing (PNT) Advisory Board*—The National Space-Based PNT Advisory Board provides advice to the PNT Executive Committee (comprised of nine stakeholder Federal agencies, of which NASA is a member) on U.S. space-based PNT policy, planning, program management, and funding profiles in relation to the current state of national and international space-based PNT services.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2013–21598 Filed 9–4–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement, With Change, of a Previously Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public. Section 721.1(h) of the NCUA Rules and Regulations regulates purchases by federally insured credit unions of indirect vehicle loans serviced by third-parties. Section 721.1(h) limits the aggregate amount of these loans serviced by any single third-party to a percentage of the credit union's net worth. This rule ensures that federally insured credit unions do not undertake undue risk with these purchases. This data collection enables NCUA to evaluate waiver requests of these limits.

DATES: Comments must be received on or before October 7, 2013.

ADDRESSES: Interested parties are invited to submit written comments to the NCUA Contact and the OMB Reviewer listed below:

NCUA Contact: Tracy Crews, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, Email: *OCIOPRA@ncua.gov.*

OMB Contact: Office of Management and Budget, ATTN: Desk Officer for the National Credit Union Administration, Office of Information and Regulatory Affairs, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information, a copy of the information collection request, or a copy of submitted comments should be directed to Tracy Crews at the National Credit Union Administration, 1775 Duke Street,

Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION:

I. Abstract and Request for Comments

NCUA is reinstating, with change, the collection for 3133–0171. NCUA Rules and Regulations § 701.21(h) establishes limits at federally-insured credit unions on the purchase of interests in indirect vehicle loans serviced by any particular third-party servicer. These indirect, outsourced programs create numerous risks to the credit union, and the rule ensures that these risks will not lead to significant negative impacts on the credit union's net worth and losses to the National Credit Union Share Insurance Fund. The rule allows a credit union to apply for a waiver of the limits, but to obtain a waiver the credit union must demonstrate to the NCUA that it understands the risks and has taken appropriate measures to monitor and protect itself against the risks. Because the waiver requests consist primarily of qualitative data, the NCUA call report system cannot be used for this collection.

The NCUA requests that you send your comments on this collection to the location listed in the addresses section. Your comments should address: (a) The necessity of the information collection for the proper performance of NCUA, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents such as through the use of automated collection techniques or other forms of information technology. It is NCUA's policy to make all comments available to the public for review.

II. Data

Title: Third Party Servicing of Indirect Vehicle Loans, 12 CFR § 701.21(h).

OMB Number: 3133–0171.

Form Number: None.

Type of Review: Reinstatement, with change, of a previously approved collection.

Description: The rule limits the aggregate amount of indirect vehicle loans that federally insured credit unions loans may have serviced by any single third-party to a percentage of the credit union's net worth. Credit unions may apply for a waiver to this rule, which is the purpose of this data collection.

Respondents: Federally insured credit unions.

Estimated No. of Respondents/Recordkeepers: 15.

Estimated Burden Hours per Response: 50 hours.

Frequency of Response: Upon waiver request.

Estimated Total Annual Burden Hours: 750 hours.

Estimated Total Annual Cost: 750 hours × $31.56/hr, or $23,670.

By the National Credit Union Administration Board on August 29, 2013.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2013–21492 Filed 9–4–13; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement, With Change, of a Previously Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is related to the Federal Credit Union (FCU) Bylaws and is being published to obtain comments from the public. The bylaws address a broad range of matters concerning: An FCU's organization and governance; the FCU's relationship to members; and the procedures and rules an FCU follows.

DATES: Comments will be accepted until October 7, 2013.

ADDRESSES: Interested parties are invited to submit written comments to the NCUA and OMB Contacts listed below:

NCUA Contact: Tracy Crews, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, Email: *OCIOPRA@ncua.gov.*

OMB Contact: Office of Management and Budget, ATTN: Desk Officer for the National Credit Union Administration, Office of Information and Regulatory Affairs, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information, a copy of the information collection request, or a copy of submitted comments should be directed to Tracy Crews, NCUA, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6444. Requests for additional information about the FCU Bylaws should be directed to Susan Ryan, NCUA Consumer Access Analyst, at the same address, in the Office of Consumer Protection, Division of Consumer Access, (703) 518–1150, *DCAMail@NCUA.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract and Request for Comments

The FCU Act requires the NCUA Board to prepare bylaws for FCUs. 12 U.S.C. Part 1758. After consideration of public comment, the NCUA Board adopted the FCU Bylaws and incorporated them into NCUA's regulations at 12 CFR 701.2, and Appendix A to part 701, in 2007. Unless a federal credit union adopted its bylaws before November 30, 2007, it must adopt the 2007 bylaws. FCUs use the information they collect and maintain pursuant to their bylaws in their operations and to provide services to members. NCUA uses the information both to regulate the safety and soundness of FCUs and protect the National Credit Union Share Insurance Fund.

NCUA is issuing this notice and request for comment on the reinstatement and amendment of the previously approved information collection PRA number related to the FCU Bylaws, 3133–0052. Staff has incorporated into this collection other previously expired or combined information collections also related to the bylaws, including 3133–0057 and 3133–0081. The amount of burden hours is decreasing as a result of technology and the continuing trend of annual decreases in the number of FCUs.

NCUA staff reviewed each of the articles of the FCU Bylaws to identify all current information collection requirements. As a preliminary matter, those persons choosing to organize a new FCU must comply with certain information collection requirements upon starting the FCU and first adopting these bylaws. Over the past three years, organizers have established an average of approximately two new FCUs each year. We estimate each new FCU must spend approximately 20 hours to initially comply with the bylaws' information collection requirements (ICR), for a total annual collection of 40 hours.

For current FCUs, it has been a usual and customary business practice, since their initial charter dates, to collect and

maintain any information as specified the bylaws. NCUA staff also reviewed each Article of the FCU Bylaws to estimate current annual burden hours for FCUs attached to each ICR, and we have listed these estimates below in the Data section.

NCUA does not believe that FCUs will incur any additional labor costs as a result of the bylaw requirements since these are in accordance with the FCUs' usual and customary business practices. The FCU bylaws address integral parts of an FCU's operations as member-owned, not-for-profit financial cooperatives. Since an FCU could not operate as federally chartered and insured credit union without complying with these collections, there is no additional labor cost burden.

The NCUA requests that you send your comments on this collection to the location listed in the addresses section. Your comments should address: (a) The necessity of the information collection for the proper performance of NCUA, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of any methodology and assumptions used; (c) ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents such as through the use of automated collection techniques or other forms of information technology. It is NCUA's policy to make all comments available to the public for review.

II. Data

Title: Federal Credit Union (FCU) Bylaws, 12 CFR § 701.2, and App. A to Part 701.

OMB Number: 3133–0052.

Form Number: N/A.

Type of Review: Reinstatement, with change.

Description: FCUs use the information they collect and maintain pursuant to their bylaws in their operations and to provide services to members. NCUA uses the information both to regulate the safety and soundness of FCUs and protect the National Credit Union Share Insurance Fund.

Respondents: All FCUs and, for Art. 2, estimated number of new FCU members (per year).

Estimated No. of Respondents/Recordkeepers: 4,220 FCUs and 1,461,335 new members = 1,465,555.

Frequency of Response: Recordkeeping, Reporting and on occasion.

Estimated Total Annual Hours Requested: 458,477.75.

Estimated Total Annual Cost: N/A.

Specifically, NCUA Staff identified the following articles as containing ICRs with the following number of respondents and the estimated annual burden in hours, as follows:

ICRs related to FCU Bylaws, specifically for newly chartered FCUs:

Respondents/record-keepers: 2 per year.

Estimated annual burden: 20 hours.

Total annual hours: 40 hours.

ICRs related to Bylaws for all FCUs:

Article II. Qualifications for Membership

ICR: Membership applications.

Respondents: 1,461,335 new members of FCUs.

Estimated Annual Burden: 15 minutes per application.

Total Annual Hours: 365,334.

ICR: Membership denial.

Respondents/record-keepers: 1055 [¼ of all FCUs deny one member per year].

Estimated Annual Burden: 15 minutes per denial.

Total Annual Hours: 263.75.

Article IV. Meetings of Members

ICR: Notices related to member meetings.

Respondents/record-keepers: All FCUs (4,220).

Estimated Annual Burden: 1 hour.

Total Annual Hours: 4,220.

Article V. Elections

ICR: Collecting and maintaining information for FCU elections.

Respondents/record-keepers: All FCUs (4,220).

Estimated Annual Burden: 8 hours.

Total Annual Hours: 33,760.

*Please note Article V, section 6, contains an ICR on the report of officials.

This ICR is addressed in another NCUA PRA submission, 3133–0004.

Article VI. Board of Directors

ICR: Board meeting notices.

Respondents/record-keepers: All FCUs (4,220).

Estimated Annual Burden: 1 hour.

Total Annual Hours: 4,220.

Article XVI. General

ICR: FCU recordkeeping specified in sections 5 and 6. This includes, for example, the time that it takes each FCU time to prepare and maintain the minutes of its board meetings, annual meeting, and committees meetings. NCUA's estimate also includes retention of the FCU's certificate of incorporation, bylaws, and any records of bylaw amendments, which occur infrequently.

Respondents/record-keepers: All FCUs (4,220).

Estimated Annual Burden: 12 hours (1 hour per month).

Total Annual Hours: 50,640.

By the National Credit Union Administration Board on August 29, 2013.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2013–21495 Filed 9–4–13; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement, With Change, of a Previously Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public. Section 701.36 of the NCUA Rules and Regulations regulates ownership of fixed assets by federal credit unions. This rule ensures that federal credit unions do not undertake undue risk related to fixed assets. Specifically, section 701.36 limits the aggregate amount of fixed assets, defines the duration for which property can be held before it must be occupied or disposed and, defines prohibited transactions. This information collection enables NCUA to evaluate waiver requests of these limitations.

DATES: Comments will be accepted until October 7, 2013.

ADDRESSES: Interested parties are invited to submit written comments to the NCUA Contact and the OMB Reviewer listed below:

NCUA Contact: Tracy Crews, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, Email: *OCIOPRA@ncua.gov.*

OMB Contact: Office of Management and Budget, ATTN: Desk Officer for the National Credit Union Administration, Office of Information and Regulatory Affairs, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information, a copy of the information collection

request, or a copy of submitted comments should be directed to Tracy Crews at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION:

I. Abstract and Request for Comments

NCUA is reinstating and amending the collection for 3133–0040. 12 CFR 701.36 requires that a federal credit union with $1 million or more in assets obtain the approval of the NCUA before investing in fixed assets in excess of 5% of shares and retained earnings. This section also requires that a federal credit union prepare a definitive plan for full use of premises acquired for future expansion if it has not fully occupied the premises within one year of acquisition, and that a federal credit union that has not at least partially occupied such premises within three years, six years for unimproved real property, obtain NCUA approval to continue without partial occupation. This section also requires a federal credit union that does not dispose of abandoned property within 5 years of abandonment obtain NCUA approval to continue to hold the property. Federal credit unions must also obtain NCUA approval prior to investing in property from a prohibited party. The rule requires federal credit unions to submit documentation in support of any of the above requests. This information collection requirement is submitted for approval. The intent of the regulation and associated information collection is to prevent, or at least curb, excess investments in fixed assets and the related costs and expenses that may be beyond the financial capability of the credit union. Statistics indicate a correlation between high fixed asset investments and difficulty in achieving positive earnings. Further, the Federal Credit Union Act does not permit federal credit unions to own real estate for purposes other than for providing financial services to members. NCUA uses the information collection to evaluate the impact a waiver approval may have on the safety and soundness of a federal credit union. The increase in burden hours is associated with the termination of the Regulatory Flexibility Program. This program exempted federal credit unions in certain standing from the 5 percent limitation on fixed assets. The end of the program has resulted in an increase in waiver requests. The NCUA requests that you send your comments on this collection to the location listed in the addresses section. Your comments should address: (a) The necessity of the information collection for the proper performance of NCUA, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents such as through the use of automated collection techniques or other forms of information technology. It is NCUA's policy to make all comments available to the public for review.

II. Data

Title: Federal Credit Union Ownership of Fixed Assets.

OMB Number: 3133–0040.

Form Number: None.

Type of Review: Reinstatement, with change, of a previously approved collection.

Description: The rule limits the aggregate amount of fixed assets, defines the duration for which property can be held before it must be occupied or disposed and, defines prohibited transactions. Credit unions may apply for a waiver to these limitations, which is the purpose of this data collection.

Respondents: Federal credit unions.

Estimated No. of Respondents/Recordkeepers: 193.

Estimated Burden Hours per Response: 14.7 hours.

Frequency of Response: On occasion.

Estimated Total Annual Burden Hours: 2,830 hours.

Estimated Total Annual Cost: $82,213.80

By the National Credit Union Administration, Board August 29, 2013.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2013–21493 Filed 9–4–13; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement, Without Change, of a Previously Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public. On March 22, 2010, the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and National Credit Union Administration (the agencies) published in the **Federal Register** a joint final notice (75 FR 13656) implementing the guidance effective on May 21, 2010. The Guidance reiterates the process that institutions should follow to appropriately identify, measure, monitor, and control their funding and liquidity risk. In particular, the Guidance re-emphasizes the importance of cash flow projections, diversified funding sources, stress testing, a cushion of liquid assets, and a formal well-developed contingency funding plan (CFP) as primary tools for measuring and managing liquidity risk. The agencies expect all financial institutions [1] to manage liquidity risk using processes and systems that are commensurate with the institution's complexity, risk profile, and scope of operations. Liquidity risk management processes and plans should be well documented and available for supervisory review. Failure to maintain an adequate liquidity risk management process is considered an unsafe and unsound practice.

DATES: Comments will be accepted until October 7, 2013.

ADDRESSES: Interested parties are invited to submit written comments to the NCUA Contact and the OMB Reviewer listed below:

NCUA Contact: Tracy Crews, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, Email: *OCIOPRA@ncua.gov.*

OMB Contact: Office of Management and Budget, ATTN: Desk Officer for the National Credit Union Administration, Office of Information and Regulatory Affairs, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information, a copy of the information collection request, or a copy of submitted comments should be directed to Tracy Crews at the National Credit Union Administration, 1775 Duke Street,

[1] This interagency guidance uses the term ''financial institutions'' or ''institutions'' to include banks, saving associations, credit unions, affiliated holding companies, state and federally chartered U.S. branches and agencies of foreign banks, and Edge and agreement corporations.

Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION:

I. Abstract and Request for Comments

NCUA is amending/reinstating the collection for 3133–0180. The agencies have identified two sections of the Guidance that fall under the definition of an information collection. Section 14 states that institutions should consider liquidity costs, benefits, and risks in strategic planning and budgeting processes. Section 20 requires that liquidity risk reports provide aggregate information with sufficient supporting detail to enable management to assess the sensitivity of the institution to changes in market conditions, its own financial performance, and other important risk factors.

Section 14 of the Guidance states that institutions should consider liquidity costs, benefits, and risks in strategic planning and budgeting processes. Significant business activities should be evaluated for liquidity risk exposure as well as profitability. More complex and sophisticated institutions should incorporate liquidity costs, benefits, and risks in the internal product pricing, performance measurement, and new product approval process for all material business lines, products and activities. Incorporating the cost of liquidity into these functions should align the risk-taking incentives of individual business lines with the liquidity risk exposure their activities create for the institution as a whole. The quantification and attribution of liquidity risks should be explicit and transparent at the line management level and should include consideration of how liquidity would be affected under stressed conditions.

Section 20 of the Guidance would require that liquidity risk reports provide aggregate information with sufficient supporting detail to enable management to assess the sensitivity of the institution to changes in market conditions, its own financial performance, and other important risk factors. Institutions should also report on the use of and availability of government support, such as lending and guarantee programs, and implications on liquidity positions, particularly since these programs are generally temporary or reserved as a source for contingent funding.

The documentation specified in the Guidance is maintained by each institution; therefore, it is not collected or published by the National Credit Union Administration. These recordkeeping requirements are documented on occasion. Credit union examiners verify compliance with this recordkeeping requirement during examinations. The recordkeeping information gathered during the examination process informs examiners about the safety and soundness of the financial institution's funding and liquidity risk management practices.

The NCUA requests that you send your comments on this collection to the location listed in the addresses section. Your comments should address: (a) The necessity of the information collection for the proper performance of NCUA, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents such as through the use of automated collection techniques or other forms of information technology. It is NCUA's policy to make all comments available to the public for review.

II. Data

Title: Interagency Policy Statement on Funding and Liquidity Risk Management.

OMB Number: 3133–0180.

Form Number: None.

Type of Review: Reinstatement, without change, of a previously approved collection.

Description: The agencies have identified two sections of the policy statement that fall under the definition of an information collection. Section 14 states that institutions should consider liquidity costs, benefits, and risks in strategic planning and budgeting processes. Section 20 requires that liquidity risk reports provide aggregate information with sufficient supporting detail to enable management to assess the sensitivity of the institution to changes in market conditions, its own financial performance, and other important risk factors.

Respondents: Federally Insured Credit Unions.

Estimated Number of Respondents/Record keepers: 6,753 total (4 large credit unions ($10 to $100 billion in assets), 769 mid-sized institutions ($250 million to $10 billion), and 5,980 (less than $250 million).

Estimated Burden Hours per Response:

- *Section 14:* 240 hours per large respondent, 80 hours per mid-size respondent, and 20 hours per small respondent.
- *Section 20:* 2 hours per month.

Estimated Total Annual Burden Hours: 344,152 hours.

Estimated Total Annual Cost: Not applicable—usual and customary business.

By the National Credit Union Administration Board on: August 29, 2013.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2013–21496 Filed 9–4–13; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 671 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 7, 2013. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Adrian Dahood, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

1. *Applicant Permit Application:* 2014–013, Ian Shaw and Thomas Kokta, Polar Latitudes, Inc, Fairfield CT.

Activity for Which Permit Is Requested

Waste; The applicants wish to fly a small, battery operated, remotely controlled copter equipped with a camera to take scenic photos of the Antarctic. The copter would not be flown over concentrations of birds or mammals or over Antarctic Specially Protected Areas. The copter would only be flown by Thomas Kokta who has trained for more than 40 hours using the copter. Several measures would be taken to prevent against loss of the copter including painting the copter a highly visible color, only flying it when the wind is calm, flying the copter for only 10 minutes at a time to preserve battery life, and ensuring that the separation between the operator and copter does not exceed its ''operational range'' of 500 meters. The applicants are seeking a Waste Permit to cover any accidental releases that may result from flying the copter.

Location

Western Antarctic Peninsula Region.

Dates

November 1, 2013 to December 31, 2013.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2013–21558 Filed 9–4–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. The majority of these meetings will take place at NSF, 4201 Wilson Blvd., Arlington, Virginia 22230.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF Web site: *http://www.nsf.gov/events/* This information may also be requested by telephoning, 703/292–8182.

Dated: August 30, 2013.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2013–21546 Filed 9–4–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 7, 2013. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Adrian Dahood, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

1. Applicant

Andrew Klein,
Department of Geography,
Texas A&M University,
College Station, Texas.
Permit Application: 2014–012.

Activity for Which Permit is Requested

ASPA; This permit would allow entry to a number of ASPAs in the vicinities of McMurdo Station and Palmer Station for the purpose of collecting soil and marine sediment samples. The samples would be taken as part of the ongoing effort to monitor the spatial scale of human impacts in Antarctica. Samples taken near Palmer Station will be compared with those taken during the *Bahia Pariso* spill, which occurred near Palmer Station in 1989. Sampling sites would be situated to avoid disturbing native birds and mammals.

Location

ASPA 113 Litchfield Island; ASPA 116 New College Valley; ASPA 124 Cape Crozier; ASPA 131 Canada Glacier; ASPA 139 Biscoe Point; ASPA 155 Cape Evans; ASPA 157 Backdoor Bay; ASPA 158 Hut Point; ASPA 172 Lower Taylor Glacier and Blood Falls; ASMA 2 McMurdo Dry Valleys; ASMA 7 Southwest Anvers Island and Palmer Basin

Dates

November 12, 2013 to April 30, 2017.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2013–21515 Filed 9–4–13; 8:45 am]

BILLING CODE 7555–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: Notice; correction.

SUMMARY: The Peace Corps published a document in the **Federal Register** of August 28, 2013, [FR Doc. 2013–20927, pages 53173–53174], concerning request for comments on an information collection. This document corrects the contact information listed in that notice.

FOR FURTHER INFORMATION CONTACT: Denora Miller at 202–692–1236.

Correction

On page 53174, first column, correct the **ADDRESSES** caption to read:

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name/or OMB approval number and should be sent via email to: *oira_submission@omb.eop.gov* or fax to: 202–395–3086. Attention: Desk Officer for Peace Corps.

On page 53174, first column, correct the **FOR FURTHER INFORMATION CONTACT** caption to read:

FOR FURTHER INFORMATION CONTACT: Denora Miller, FOIA Officer, Peace Corps, 1111 20th Street NW., Washington, DC 20526, (202) 692–1236, or email at *pcfr@peacecorps.gov.* Copies of available documents submitted to OMB may be obtained from Denora Miller.

This notice issued in Washington, DC, on August 29, 2013.

Garry W. Stanberry,

Deputy Associate Director, Management.

[FR Doc. 2013–21634 Filed 9–4–13; 8:45 am]

BILLING CODE 6051–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2013–78; Order No. 1824]

International Mail Contract

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing seeking to include a new International Business Reply Service (IBRS) agreement within the IBRS Competitive Contract 3 product. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 10, 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. Postal Service Filing
III. Commission Action
IV. Ordering Paragraphs

I. Introduction

The Postal Service seeks to include a new International Business Reply Service (IBRS) agreement (Agreement) within the IBRS Competitive Contract 3 (MC2011–21) product.[1] This Notice informs the public of the filing and addresses other administrative steps.

II. Postal Service Filing

Background. The Postal Service filed its Notice, along with four attachments, pursuant to 39 CFR 3015.5. The attachments consist of:

Attachment 1—a redacted version of the Agreement;

Attachment 2—a redacted version of the certified statement required by 39 CFR 3015.5(c)(2);

Attachment 3—a redacted version of Governors' Decision No. 08–24; and

Attachment 4—an Application for Non-Public Treatment of material filed under seal (unredacted versions of Attachments 1 through 3 and supporting financial workpapers).

The Postal Service describes the Agreement as a successor to an existing contract with the same customer identified in Docket No. CP2012–54. Notice at 3. It also identifies several differences between the new contract and the IBRS 3 baseline contract, but maintains the differences are minor and do not affect the fundamental service the Postal Service is offering or the fundamental structure of the contract.[2] *Id.* at 5–6.

The Agreement is to take effect September 15, 2013, the day after the Docket No. CP2012–54 contract expires. Notice at 3. It is scheduled to expire one year after its effective date or the last day of the month that falls one calendar year from the effective date, whichever is later, unless termination occurs earlier. *Id.* at 4.

Postal Service representations. The Postal Service asserts that the instant contract is in compliance with 39 U.S.C. 3633; is functionally equivalent to other IBRS agreements; and fits within the Mail Classification Schedule language for IBRS contracts. *Id.* at 4–5. Accordingly, it asserts that the contract should be included within IBRS Competitive Contracts 3 (MC2011–21). *Id.* at 6.

III. Commission Action

The Commission establishes Docket No. CP2013–78 for consideration of matters raised in the Postal Service's Notice. Kenneth R. Moeller is appointed to serve as an officer of the Commission (Public Representative).

Interested persons may submit comments on whether the Agreement is consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than September 10, 2013. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*). Information on how to obtain access to sealed material appears in 39 CFR part 3007.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2013–78 for consideration of matters raised in the Postal Service Notice filed August 29, 2013.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth R. Moeller to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

3. Comments are due no later September 10, 2013.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2013–21620 Filed 9–4–13; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2013–35; Order No. 1823]

International Mail Contract

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning proposed revisions to the Global Expedited Package Services—Non-Published Rates 4 model contract. This notice informs the public of the filing,

[1] Notice of the United States Postal Service Filing of a Functionally Equivalent International Business Reply Service Competitive Contract 3 Negotiated Service Agreement, August 29, 2013 (Notice).

[2] *Id.* at 5–6. The IBRS 3 baseline contract was approved in Docket Nos. MC2011–21 and CP2011–59. *See* Docket Nos. MC2011–21 and CP2011–59, Order No. 684, Order Approving International Business Reply Service Competitive Contract 3 Negotiated Service Agreement, February 28, 2011.

invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 10, 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. Postal Service's Filing
III. Commission Action
IV. Ordering Paragraphs

I. Introduction

The Postal Service seeks approval of proposed revisions to the Global Expedited Package Services—Non-Published Rates (GEPS–NPR) 4 model contract.[1] This Order provides public notice of the Postal Service's Notice and addresses other administrative steps.

II. Postal Service's Filing

On August 28, 2013, the Postal Service filed its Notice, along with redacted and unredacted versions of the revised GEPS–NPR 4 model contract. A redacted version of the revised model contract was filed as Attachment 1 to the Notice. An unredacted version was filed under seal with the Commission. The Postal Service seeks confidential treatment of the sealed version and incorporates by reference the Application for Non-Public Treatment submitted with its December 21, 2012 notice in the instant docket seeking the same treatment for the original version of the GEPS–NPR 4 model contract. *Id.* at 3.

The Postal Service identifies two types of changes to the model contract. The first set consists of changes to reflect the Postal Service's interest in allowing the rates in each GEPS–NPR 4 contract to remain unchanged throughout the term of each contract. *Id.* at 1. These changes entail the revision of Paragraph 1 of Article 15; the deletion of Paragraph 2 of Article 15; and the renumbering of the subsequent paragraphs of Article 15. *Id.* The Postal Service intends to make these revisions to all GEPS–NPR 4 contracts issued to customers after the date of the instant filing. *Id.* at 2. It also intends to offer a modification to affected existing GEPS–NPR 4 contract holders, and states it will file signed modifications in the applicable dockets. *Id.*

The Postal Service characterizes the second set of changes as minor. *Id.* One is a template-wide replacement of the product name ''Express Mail International'' with ''Priority Mail Express International'' pursuant to a previous Commission approval of the nomenclature change.[2] Notice at 2. The other is a revision to the last sentence of Article 12 (Term of the Agreement). *Id.* at 3. The Postal Service states that this change is intended to simplify reporting of costs and revenues. *Id.* The revision reads as follows: ''The Agreement shall remain in effect for one calendar year from the Effective Date or the last day of the month which falls one calendar year from the Effective Date, whichever is later, unless terminated sooner pursuant to Article 13 or Article 14.'' *Id.* The Postal Service intends to include the second set of changes in GEPS–NPR 4 contracts offered to customers after the filing of the instant Notice. *Id.* at 2.

III. Commission Action

The Commission reopens Docket No. CP2013–35 to consider matters raised by the Request. Interested persons may submit comments on whether the revisions to the GEPS–NPR 4 model contract proposed in this docket are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than September 10, 2013. The public portions of the Postal Service filing can be accessed via the Commission's Web site (*http://www.prc.gov*). Information on how to obtain access to sealed portions of the filing appears at 39 CFR part 3007.

The Commission appoints James F. Callow to serve as Public Representative in this docket.

IV. Ordering Paragraphs

1. The Commission reopens Docket No. CP2013–35 to consider matters raised in the Postal Service's Request.

2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than September 10, 2013.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2013–21609 Filed 9–4–13; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Notice of the United States Postal Service Concerning Revisions to Global Expedited Package Services—Non-Published Rates 4 Model Contract, August 28, 2013 (Notice).

[2] *See* Docket No. MC2013–45, Order No. 1713, Order Approving Minor Classification Change, May 13, 2013.

POSTAL REGULATORY COMMISSION

[Docket No. CP2012–40; Order No. 1820]

Negotiated Service Agreement

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an amendment to Parcel Select Contract 3. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 6, 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. Notice of Filings
III. Ordering Paragraphs

I. Introduction

On August 28, 2013, the Postal Service filed notice that it has agreed to an amendment to the existing Parcel Select Contract 3 subject to this docket.[1] The Postal Service includes one attachment in support of its Notice:

- Attachment A—a redacted copy of the amendment to the existing Parcel Select Contract 3.

The Postal Service also filed the unredacted amendment under seal. It asserts that the ''supporting financial documentation and financial certification initially provided in this

[1] Notice of United States Postal Service of Amendment to Parcel Select Contract 3, With Portions Filed Under Seal, August 28, 2013 (Notice).

docket remain applicable.'' *Id.* at 1. It also contends that the amendment ''will not materially affect the cost coverage'' of the product. *Id.* The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of customer-identifying information that it has filed under seal. *Id.*

The amendment changes the mechanism for the annual adjustment of prices. *Id.* Attachment A at 1–2. The Postal Service intends for the amendment to become effective on the day after the date that the Commission completes its review of the Notice. *Id.* at 1.

Supplemental Information. The Postal Service is requested to confirm that it intends for the amendment to apply with respect to the annual adjustment for the contract year beginning August 1, 2014. The Postal Service is further requested to submit, under seal if necessary, the prices in effect for the contract year beginning August 1, 2013. The Postal Service response is due no later than September 4, 2013.

II. Notice of Filings

Interested persons may submit comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than September 6, 2013. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Lyudmila Y. Bzhilyanskaya to represent the interests of the general public (Public Representative) in this case.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2012–40 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Lyudmila Y. Bzhilyanskaya to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. The Postal Service response to the request for supplemental information is due no later than September 4, 2013.

4. Comments are due no later than September 6, 2013.

5. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2013–21607 Filed 9–4–13; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2012–45; Order No. 1819]

Negotiated Service Agreement

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an amendment to Priority Mail Contract 39. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 6, 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. Notice of Filings
III. Ordering Paragraphs

I. Introduction

On August 28, 2013, the Postal Service filed notice that it has agreed to an amendment to the existing Priority Mail Contract 39 subject to this docket.[1] The Postal Service includes one attachment in support of its Notice:

- Attachment A—a redacted copy of the amendment to the existing Priority Mail Contract 39.

The Postal Service also filed the unredacted amendment under seal. It asserts that the ''supporting financial documentation and financial certification initially provided in this docket remain applicable.'' *Id.* at 1. It also contends that the amendment ''will not materially affect the cost coverage'' of the product. *Id.* The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of customer-identifying information that it has filed under seal. *Id.*

The amendment changes the contracting partner to include the contracting partner's subsidiaries. *Id.* Attachment A at 1. The Postal Service intends for the amendment to become effective on the first business day after the date that the Commission completes its review of the Notice. *Id.*

II. Notice of Filings

Interested persons may submit comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than September 6, 2013. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

Curtis E. Kidd will continue to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2012–45 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd will continue to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than September 6, 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. 2013–21507 Filed 9–4–13; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2012–41; Order No. 1821]

Negotiated Service Agreement

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an amendment to Parcel Select Contract 4. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 6, 2013.

ADDRESSES: Submit comments electronically via the Commission's

[1] Notice of United States Postal Service of Amendment to Priority Mail Contract 39, With Portions Filed Under Seal, August 28, 2013 (Notice).

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. Notice of Filings
III. Ordering Paragraphs

I. Introduction

On August 28, 2013, the Postal Service filed notice that it has agreed to an amendment to the existing Parcel Select Contract 4 subject to this docket.[1] The Postal Service includes one attachment in support of its Notice:

- Attachment A—a redacted copy of the amendment to the existing Parcel Select Contract 4.

The Postal Service also filed the unredacted amendment under seal. It asserts that the ''supporting financial documentation and financial certification initially provided in this docket remain applicable.'' *Id.* at 1. It also contends that the amendment ''will not materially affect the cost coverage'' of the product. *Id.* The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of customer-identifying information that it has filed under seal. *Id.*

The amendment makes three changes. First, it appears to change the minimum volume requirement and the penalty for failure to meet the minimum volume requirement. *Id.* Attachment A at 1. Second, it changes the prices for the second contract year and establishes a penalty for failure to meet volume requirements associated with the new prices. *Id.* at 1–2. Finally, it changes the mechanism for the annual adjustment of prices. *Id.* at 2. The Postal Service intends for the amendment to become effective on the day after the date that the Commission completes its review of the Notice. *Id.* at 1.

Supplemental information. Paragraphs 1 and 2 of section I.C. of the existing contract established the minimum volume requirements for the first contract year and for subsequent contract years, respectively. Paragraph 3 of section I.C. of the existing contract established a penalty for failure to meet those minimum volume requirements. The amendment to section I.C. contains a penalty for failure to meet the minimum volume requirement, but it does not appear to specify what the minimum volume requirement is. The Postal Service is requested to provide the minimum volume requirements for contract years 2 and 3 and, if appropriate, a further amendment to the contract.[2]

Section I.E.5. of the existing contract specifies the prices for contract years 2 and 3. The amendment to section I.E.5. of the existing contract only specifies the prices for contract year 2. The Postal Service is requested to provide the prices for contract year 3 and, if appropriate, a further amendment to the contract.

The Postal Service is requested to confirm that it intends for the amendment to section I.F. of the existing contract to apply with respect to the annual adjustment for contract year 3, beginning August 1, 2014. The Postal Service is further requested to submit, under seal if necessary, the prices in effect for contract year 2.

The Postal Service response is due no later than September 4, 2013.

II. Notice of Filings

Interested persons may submit comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than September 6, 2013. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Pamela A. Thompson to represent the interests of the general public (Public Representative) in this case.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2012–41 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Pamela A. Thompson to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. The Postal Service response to the request for supplemental information is due no later than September 4, 2013.

4. Comments are due no later than September 6, 2013.

5. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2013–21608 Filed 9–4–13; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Amendment to Parcel Select Contract 4, With Portions Filed Under Seal, August 28, 2013 (Notice).

[2] The amendment to section I.E.5. suggests that the minimum volume requirement for contract year 2 could be the Tier 3 volume described in Table 1 of the existing contract, but this is not clear.

SECURITIES AND EXCHANGE COMMISSION

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Regulation D Rule 506(e) Felons and Other Bad Actors Disclosure Statement

ACTION: Notice.

SUMMARY: The Securities and Exchange Commission (''Commission'') has submitted the sponsored information collection request (ICR) titled, ''Regulation D Rule 506(e) Felons and Other Bad Actors Disclosure Statement,'' to the Office of Management and Budget (OMB) for review and clearance under the emergency processing procedures in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35) and 5 CFR 1320.13. OMB approval has been requested by September 23, 2013. In addition, this notice also solicits comment on the three-year extension of the same information collection under 5 CFR 1320.12.

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/PRAMain* ICR Reference Number 201308–3235–013.

Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission,

c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (''Commission'') is requesting that OMB authorize emergency processing of the submission of collection of information for ''Regulation D Rule 506(e) Felons and Other Bad Actors Disclosure Statement.'' This request should also serve to notify the public that the Commission is seeking PRA approval from OMB on an emergency basis for the collection of information associated with the final rule amendments to Rule 506 of Regulation D adopted by the Commission on July 10, 2013 to implement Section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. (See citation 78 FR 44730). In addition, the Commission is also providing notice of the three-year extension under 5 CFR 1320.12.

As adopted, Rule 506(e) of Regulation D (17 CFR 230.506(e)) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) requires the issuer to furnish to each purchaser, a reasonable time prior to sale, a description of any matters that would have triggered disqualification under Rule 506(d)(1) of Regulation D, except that these events occurred before the effective date of the rule amendments or before September 23, 2013. The written disclosure statement required under Rule 506(e) is not filed with the Commission, but serves as an important investor protection tool to put investors on notice of an issuer's and any of its covered persons' involvement in past ''bad actor'' disqualifying events such as pre-existing criminal convictions, court injunctions, disciplinary proceedings, and other sanctions enumerated in Rule 506(d). Under Rule 506(d) of Regulation D, issuers are disqualified due to triggering events that occur after the effective date of September 23, 2013. Without the mandatory written statement requirement set forth in Rule 506(e), purchasers may have the impression that Rule 506 offerings occurring after the effective date of the rule amendments do not involve any ''bad actors'' or disqualifying events. The Rule 506(e) written disclosure statement requirement was not proposed by the Commission in 2011 because the Commission proposed to apply disqualification to pre-existing triggering events that occurred before the effective date of the rule amendments. At the proposing stage of the rule amendments, the Commission was therefore not required to submit a collection of information to OMB. (See citation 76 FR 31518).

The Commission adopted the Rule 506(e) written disclosure statement after providing notice that it was considering this alternative to applying the disqualification to events that took place before the effective date of the rule based on commenters' responses to the 2011 rule proposals. Under the proposal, issuers would have been disqualified from reliance on Rule 506 for all relevant triggering events, whether they occurred before or after effectiveness of the rule amendments. In light of many commenters' favorable reaction to this alternative, the Commission decided to include a disclosure requirement in the final rule amendments, although it had not prepared an information collection submission at the time of the proposal.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The SEC obtains OMB approval for this information collection under OMB ICR Reference Number 201308–3235–013.

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 15 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should reference OMB ICR Reference Number 201308–3235–013. 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.

Title of Collection: Regulation D Rule 506(e) Felons and Other Bad Actors Disclosure Statement.

OMB ICR Reference Number: 201308–3235–013.

Type of Review: Emergency.

Requested Duration of Authorization: 6 Months.

Affected Public: Private Sector.

Frequency of Collection: Yearly.

Total Estimated Number of Responses: 19,908.

Estimated Time per Response: 1 Hour.

Total Estimated Annual Burden Hours: 22,108.

Total Estimated Annual Other Costs Burden: $264,000.

Dated: August 30, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–21580 Filed 9–4–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–30681; File No. 812–13973]

American General Life Insurance Company, et al.

August 29, 2013,

AGENCY: The Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under Section 6(c) of the Investment Company Act of 1940, as amended (the ''Act'') granting exemptions from the provisions of Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder.

Applicants: American General Life Insurance Company (''American General''), The United States Life Insurance Company in the City of New York (''US Life'') (each, an ''Insurance Company'' and together, the ''Insurance Companies''), SunAmerica Capital Services, Inc. (the ''Distributor''), Variable Separate Account (''VSA'') and FS Variable Separate Account (''FS VSA'') (together, the ''Separate Accounts''). The Insurance Companies, the Distributor, and the Separate Accounts are collectively referred herein as the ''Applicants.''

Summary of Application: The Applicants seek an order under Section 6(c) of the Act, exempting them from Sections 2(a)(32), 22(c), and 27(i)(2)(A)

of the Act and Rule 22c–1 thereunder, to permit the recapture, under specified circumstances, of payment enhancements previously applied to purchase payments under certain variable flexible premium deferred annuity contracts issued by the Insurance Companies.

Filing Date: The application was filed on November 14, 2011, and amended and restated applications were filed on February 14, 2012, February 16, 2012, June 13, 2012, and July 29, 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 Secretary of the Commission 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 September 23, 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 requestor'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 Secretary of the Commission.

ADDRESSES: Secretary, SEC, 100 F Street, NE., Washington, DC 20549–1090. Applicants: American General Life Insurance Company and Variable Separate Account, 1 SunAmerica Center, Los Angeles, CA 90067–6121; The United States Life Insurance Company in the City of New York and FS Variable Separate Account, One World Financial Center, 200 Liberty Street, New York, NY 10281; SunAmerica Capital Services, Inc., Harborside Financial Center, 3200 Plaza 5, Jersey City, NJ 07311.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Foor, Senior Counsel or Joyce M. Pickholz, Branch Chief, Insured Investments Office, Division of Investment Management, at (202) 551–6795.

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. In this application, Applicants seek the exemptions needed to recapture payment enhancements offered under the Polaris Advantage II variable annuity (the ''Contracts'') to be issued by each of American General and US Life, in the circumstances set forth below. The Contracts offer a payment enhancement or ''bonus'' and are registered on Form N–4 in registration statements, file nos. 333–185780 and 333–178848. Applicants also ask that the exemptions requested extend to variable annuity contracts that are substantially similar in all material respects to the Contracts (the ''Future Contracts'') issued through the Separate Accounts or any other separate account of the Insurance Companies established in the future (''Future Separate Accounts'') to support Future Contracts. Applicants request that the order sought herein extend to any future insurance company that will be the successor in interest to American General or US Life as a result of a reorganization into another jurisdiction or a change in the type of business organization. Applicants also request that the order extend to any FINRA member broker-dealer controlling, controlled by, or under common control with Applicants, whether existing or created in the future, that serves as a distributor or principal underwriter of the Contracts offered through the Separate Accounts or any Future Separate Account (''Broker-Dealers''). Applicants also request that the order extend to broker-dealers that are FINRA-registered and not affiliated with Applicants or the Broker-Dealers (the ''Unaffiliated Broker-Dealers''). Each Unaffiliated Broker-Dealer will have entered into a dealer agreement with the Distributor or an affiliate of the Distributor prior to offering the Contracts.

2. American General is a stock life insurance company organized under the laws of the state of Texas. American General is an indirect, wholly owned subsidiary of American International Group, Inc. (''AIG''), a Delaware corporation. US Life is a stock life insurance company organized under the laws of the state of New York. US Life is an indirect, wholly owned subsidiary of AIG. The Distributor, an affiliate of American General and US Life, is the distributor of the contracts and is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934, as amended (the ''1934 Act'') and is a member of Financial Industry Regulatory Authority (''FINRA'').

3. American General is the depositor and sponsor of Variable Separate Account. US Life is the depositor and sponsor of FS Variable Separate Account. American General and US Life may in the future issue Future Contracts through the Separate Accounts, or through Future Separate Accounts for which they would also serve as depositor.

4. Variable Separate Account is a segregated asset account of American General and FS Variable Separate Account is a segregated asset account of US Life (File Nos. 811–03859 and 811–08810, respectively). Each Separate Account is registered under the Act as a unit investment trust and meets the definition of separate account set forth in Section 2(a)(37) of the Act. The same will be true of any Future Separate Account.

5. The Contracts are flexible premium deferred variable annuity contracts. The minimum initial purchase payment for the Contracts is $25,000, and any additional purchase payment must be at least $500 (except for owners who participate in certain periodic purchase payment programs, in which case the minimum purchase payment must be at least $100). The maximum issue age for the Contracts is 80, meaning that (i) the owner must be 80 or younger or (ii) for Contracts that are not owned by natural persons, the annuitant must be 80 or younger.

6. The Contracts offer variable portfolios and fixed account(s). At present, the Contracts offer portfolios of AIM Variable Insurance Funds (Invesco Variable Insurance Funds), Anchor Series Trust, Franklin Templeton Variable Insurance Products Trust, Lord Abbett Series Fund, Inc., Seasons Series Trust and SunAmerica Series Trust. Under the Contracts, Applicants reserve the right to offer new variable portfolios or stop offering existing variable portfolios. New variable portfolios may be made available to existing owners and variable portfolios may be closed to new allocations or allocations of additional purchase payments or transfers. In addition, Applicants may also liquidate the shares of any variable portfolio, substitute the shares of one underlying fund held by a variable portfolio for another and/or merge variable portfolios or cooperate in a merger of underlying funds (subject to Commission approval).

7. An owner may elect one of two optional living benefits: the SunAmerica Income Plus or the SunAmerica Income Builder. An owner will receive the standard death benefit or may elect the optional Maximum Anniversary Value death benefit for an additional fee. Applicants may add other optional living and death benefits to the Contracts in the future. The Contracts also offer optional features at no additional cost such as automatic asset rebalancing, systematic withdrawals, dollar cost averaging, nursing home

waiver, and spousal continuation with death benefit step-up. A discussion of the features of the Contracts, including the optional living benefits and death benefits, is included in the application.

8. An owner can annuitize the Contracts using available fixed and/or variable annuity income payment options. Those annuity payment options include life income; life income with 10 or 20 year period certain; or income for only a period certain (5–30 years); joint and survivor life income; joint and survivor life income with 10 or 20 year period certain. Generally, the latest annuitization date is the first business day of the month following the annuitant's 95th birthday.

9. The annualized Separate Account expense is 1.90% of the average daily ending net asset value allocated to the variable portfolios for contract years 1–9, reducing to 1.30% after the 9th contract anniversary. There is a maintenance fee equal to $50 which is assessed annually on the Contract's anniversary date, and is currently waived for Contracts of $75,000 or more. There is no fee with respect to the first 15 transfers in a contract year, but after the 15th such transfer, a fee of $25 per transfer is currently imposed ($25 maximum).

10. There is a contingent deferred sales charge (''Withdrawal Charge'') under the Contracts, the amount of which is based on the number of years that have elapsed since the receipt date of each purchase payment. The Withdrawal Charge is equal to 9%, 9%, 8%, 8%, 7%, 6%, 5%, 4%, 3%, 0% beginning in year 1, and ending with no Withdrawal Charge in year 10 and later for each purchase payment. No Withdrawal Charge is imposed on the portion of a withdrawal that can be taken as part of the free withdrawal feature of the Contracts. The maximum free withdrawal amount available in each year is equal to the greater of 10% of all purchase payments that are subject to a Withdrawal Charge and not yet withdrawn or a maximum annual withdrawal amount available if a living benefit feature has been elected. No Withdrawal Charge is imposed in any situation in which Applicants intend to recapture a payment enhancement.

11. Under the Contracts, Applicants will credit a payment enhancement for each purchase payment made to the Contracts during the first two Contract years. Applicants calculate the payment enhancement as a percentage of each purchase payment received, and credit it at the time Applicants receive the purchase payment (hereinafter, a ''Payment Enhancement''). The Payment Enhancement rate credited is the rate in effect for the applicable enhancement level at the time Applicants receive each purchase payment (hereinafter, ''Payment Enhancement Rate''). The initial Payment Enhancement level is determined by the amount of the initial purchase payment. The Payment Enhancement level for subsequent purchase payments is determined by adding the amount of the subsequent purchase payment to the contract value on the date Applicants receive the purchase payment. If a higher Payment Enhancement level is achieved by the sum of the contract value and the subsequent purchase payment, the Payment Enhancement Rate for that higher level is applicable to the entire subsequent purchase payment.

12. The Payment Enhancement Rates credited are the same for all owners; however, the Payment Enhancement levels may differ by broker-dealer. For the currently offered Polaris Advantage II Contracts, the Payment Enhancement Rate is 4% for a Payment Enhancement level of less than $250,000 (or less than $100,000 for certain broker-dealers) and the Payment Enhancement Rate is 6% for a Payment Enhancement level of $250,000 and greater (or $100,000 or greater for certain broker-dealers). The Payment Enhancement Rate currently being offered may be increased or decreased by the Applicants at any time for prospectively issued Contracts and Future Contracts. Currently, purchase payments are credited with the Payment Enhancement Rate of up to 6.0%; however, purchase payments may be credited with a Payment Enhancement Rate of up to 7.5% for prospectively issued Contracts and Future Contracts.

13. Each Insurance Company will fund Payment Enhancements from its general account assets. Each Payment Enhancement will be allocated to the variable portfolios and available fixed account(s) in the same proportion that the corresponding purchase payment is allocated to such options.

14. Applicants seek to recapture the Payment Enhancements under the following circumstances: (a) If the Contracts are returned during the free look period, Applicants will deduct such Payment Enhancements from the contract value; (b) if the owner's date of death is within 12 months of any Payment Enhancements being credited to the Contracts, Applicants will deduct such Payment Enhancements credited within 12 months of the owner's death from the contract value or maximum anniversary value, if applicable, when calculating the death benefit; and/or (c) if the continuing spouse's date of death is within 12 months of any Payment Enhancements being credited to the Contracts, Applicants will deduct such Payment Enhancements credited within 12 months of the continuing spouse's death from the contract value or maximum anniversary value, if applicable, when calculating the death benefit payable to the continuing spouse's beneficiary.

15. The amount recaptured will equal the entire Payment Enhancement amount without adjustment up or down for investment performance. Therefore, the owner will receive any gain on the Payment Enhancement amount that is recaptured and will bear any loss since the amount that is recaptured will equal the amount of the Payment Enhancement. Applicants will recapture the Payment Enhancements in the manner contemplated by the application only with respect to Contracts issued on or after the date that the Commission grants the order requested by this application.

Applicants' Legal Analysis

1. Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Applicants request that the Commission, pursuant to Section 6(c) of the Act, issue an order to the extent necessary to permit the recapture of Payment Enhancements under the circumstances described above. Applicants believe that the requested exemptions are 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.

3. Applicants submit that the recapture of the Payment Enhancements will not raise concerns under Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act, and Rule 22c–1 thereunder. Applicants represent that the Payment Enhancements will be recaptured only under the circumstances described above.

4. Applicants state that the amounts recaptured equal the Payment Enhancements provided by an Insurance Company from its own general account assets. Applicants argue that when the Insurance Company recaptures the Payment Enhancement, it is merely retrieving its own assets, and the owner has not been deprived of a proportionate share of the Separate

Accounts' assets, because his or her interest in the Payment Enhancement amount has not vested. With respect to a Payment Enhancement recaptured upon the exercise of the free look privilege of the Contracts, Applicants submit it would be unfair to allow an owner exercising that privilege to retain the Payment Enhancement under Contracts that have been returned for a refund after a period of only a few days. If the Applicants could not deduct the Payment Enhancement from the amount returned to an individual during the free look period, Applicants would bear the loss on the value of the Payment Enhancement if the contract value dropped during the free look period. If the Contracts are returned during the free look period, Applicants also note that a Contract owner is entitled to retain any investment gain attributable to the Payment Enhancement, even if the Payment Enhancement is deducted. Furthermore, the recapture of the Payment Enhancement if the owner's death occurs within 12 months after receipt of a Payment Enhancement, is designed to provide the Insurance Companies with a measure of protection against ''anti-selection.'' The risk is that an owner, with full knowledge of impending death or serious illness, will make very large payments to the Contracts which, according to the Applicants, could result in significant financial exposure to the Applicants.

5. The recapture of a Payment Enhancement could be viewed as involving the redemption of redeemable securities for a price other than one based on the current net asset value of a Separate Account. The recapture of the Payment Enhancement does not involve either of the harms that Rule 22c–1 was intended to address, namely: (i) the dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or redemption or repurchase at a price above it, and (ii) other unfair results, including speculative trading practices.

6. Applicants assert that the proposed recapture of the Payment Enhancement does not pose a threat of dilution. To effect a recapture of a Payment Enhancement, interests in an owner's contract will be redeemed at a price determined on the basis of the current net asset value. The amount recaptured will equal the amount of the Payment Enhancement that the Insurance Company paid out of its general account assets. Although the owner will be entitled to retain any investment gain attributable to a Payment Enhancement, the amount of that gain will be determined on the basis of current net asset value. Similarly, the owner will bear any loss if investment performance declines since the amount that is recaptured will equal the amount of the Payment Enhancement. Therefore, no dilution will occur upon the recapture of a Payment Enhancement.

7. Applicants also submit that the second harm that Rule 22c–1 was designed to address, namely speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of a Payment Enhancement because the pricing of the bonus recapture will occur on the basis of the net asset value calculated in accordance with Rule 22c–1 on the date of the recapture.

8. Applicants submit that their request for an order that applies to any Separate Account or any Future Separate Account established by American General and US Life in connection with the issuance of Contracts and Future Contracts, and underwritten or distributed by the Distributor or other broker-dealers, is appropriate in the public interest. Applicants request that the order sought herein extend to any future insurance company that will be the successor in interest to American General or US Life. Such an order would promote competitiveness in the variable annuity market by eliminating the need to file redundant exemptive applications, thereby reducing administrative expenses and maximizing the efficient use of Applicants' resources. Investors would not receive any benefit or additional protection by requiring Applicants to repeatedly seek exemptive relief that would present no issue under the Act that has not already been addressed in this application. Having Applicants file additional applications would impair Applicants' ability effectively to take advantage of business opportunities as they arise.

9. Applicants undertake that Future Contracts funded by Separate Accounts or by Future Separate Accounts that seek to rely on the order issue pursuant to the application will be substantially similar to the Contracts in all material respects.

Conclusion

For the reasons set forth in the application, the Applicants assert that the requested order meets the standards set out in Section 6(c) of the Act and that an order should, therefore, be granted.

For the Commission, by the Division of Investment Management under delegated authority.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–21562 Filed 9–4–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70288; File No. SR–FINRA–2013–038]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend a TRACE Pilot Program in FINRA Rule 6730(e)(4)

August 29, 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 August 26, 2013, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA 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

FINRA is proposing to extend the pilot program in FINRA Rule 6730(e)(4) to October 23, 2015. The pilot program exempts from reporting to the Trade Reporting and Compliance Engine (''TRACE'') transactions in TRACE-Eligible Securities that are executed on a facility of the New York Stock Exchange (''NYSE'') in accordance with NYSE Rules 1400, 1401 and 86 and reported to NYSE in accordance with NYSE's applicable trade reporting rules and disseminated publicly by NYSE.

Below is the text of the proposed rule change. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

6700. TRADE REPORTING AND COMPLIANCE ENGINE (TRACE)

* * * * *

6730. Transaction Reporting

(a) through (d) No Change.

(e) Reporting Requirements for Certain Transactions and Transfers of Securities

The following shall not be reported:

(1) through (3) No Change.

(4) Provided that a data sharing agreement between FINRA and NYSE related to transactions covered by this Rule remains in effect, for a pilot program expiring on [October 25, 2013] *October 23, 2015,* transactions in TRACE-Eligible Securities that are executed on a facility of NYSE in accordance with NYSE Rules 1400, 1401 and 86 and reported to NYSE in accordance with NYSE's applicable trade reporting rules and disseminated publicly by NYSE.

(5) through (6) No Change.

(f) No Change.

• • • **Supplementary Material:**

.01 No Change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA 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 pilot program set forth in FINRA Rule 6730(e)(4) exempts from reporting to TRACE those transactions in TRACE-Eligible Securities that are executed on a facility of NYSE in accordance with NYSE Rules 1400, 1401 and 86 and reported to NYSE in accordance with NYSE's applicable trade reporting rules and disseminated publicly by NYSE, provided that a data sharing agreement between FINRA and NYSE related to transactions covered by the Rule remains in effect.[4] The pilot program is currently scheduled to expire on October 25, 2013.

FINRA is proposing to extend the pilot program until October 23, 2015 to continue to exempt transactions in TRACE-Eligible Securities on an NYSE facility (and as to which all the other conditions of the exemption are met) from the TRACE reporting requirements. The extension will provide additional time to analyze the impact of the exemption. Without the extension, members would be subject to both FINRA's and NYSE's trade reporting requirements with respect to these securities. The proposed change thus serves to eliminate duplicative reporting requirements for these securities and the resulting compliance costs and burdens.

The proposed rule change would not expand or otherwise change the pilot. FINRA notes that the success of the pilot program remains dependent on FINRA's ability to continue to effectively conduct surveillance on corporate debt trading in the over-the-counter market. In this regard, the parties continue to share data related to the transactions covered by FINRA Rule 6730(e)(4) as required by the Rule. However, FINRA supports a regulatory construct that, in the future, consolidates all last sale transaction information to provide better price transparency and a more efficient means to engage in market surveillance of TRACE-Eligible Securities transactions. The proposed extension would allow the pilot program to continue to operate without interruption while FINRA and NYSE continue to assess the effect of the exemption and issues regarding the consolidation of market data, market surveillance and price transparency.

FINRA has filed the proposed rule change for immediate effectiveness. The implementation date will be October 25, 2013.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[5] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the extension of the exemptive provision protects investors and the public because transactions will be reported, transparency will be maintained for these transactions, and NYSE's agreement to share data with FINRA allows FINRA to continue to conduct surveillance in the corporate debt securities market. In addition, extending the exemptive provision permits members that are subject to both FINRA's and NYSE's trade reporting requirements to avoid a duplicative regulatory structure and the increased costs that may be incurred as a result of duplicative requirements.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA 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. FINRA believes that the extension of the exemptive provision does not result in any burden on competition since it allows members that are subject to both FINRA's and NYSE's trade reporting requirements to avoid a duplicative regulatory structure and the increased costs that may be incurred as a result of duplicative requirements.

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

[4] *See* Securities Exchange Act Release No. 54768 (November 16, 2006), 71 FR 67673 (November 22, 2006) (Order Approving Proposed Rule Change; File No. SR–NASD–2006–110) (pilot program in FINRA Rule 6730(e)(4), subject to the execution of a data sharing agreement addressing relevant transactions, became effective on January 9, 2007); Securities Exchange Act Release No. 59216 (January 8, 2009), 74 FR 2147 (January 14, 2009) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change; File No. SR–FINRA–2008–065) (pilot program extended to January 7, 2011); Securities Exchange Act Release No. 63673 (January 7, 2011), 76 FR 2739 (January 14, 2011) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change; File No. SR–FINRA–2011–002) (pilot program extended to July 8, 2011); Securities Exchange Act Release No. 64665 (June 14, 2011), 76 FR 35933 (June 20, 2011) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change; File No. SR–FINRA–2011–025) (pilot program extended to January 27, 2012); Securities Exchange Act Release No. 66018 (December 21, 2011), 76 FR 81549 (December 28, 2011) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change; File No. SR–FINRA–2011–072) (pilot program extended to October 26, 2012); and Securities Exchange Act Release No. 68076 (October 22, 2012), 77 FR 65431 (October 26, 2012) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change; File No. SR–FINRA–2012–047) (pilot program extended to October 25, 2013).

[5] 15 U.S.C. 78*o*–3(b)(6).

as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7]

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–FINRA–2013–038 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–FINRA–2013–038. 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 FINRA. 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–FINRA–2013–038 and should be submitted on or before September 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–21536 Filed 9–4–13; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 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, 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. FINRA has satisfied this requirement.

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70291; File No. SR–DTC–2013–10]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change in Order To Terminate the Sealed Envelope Service, Which Is Part of The Depository Trust Company's Custody Service

August 30, 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 August 22, 2013, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

As more fully discussed below, the proposed rule change is to terminate the Sealed Envelope Service, which is part of DTC's Custody Service.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC 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

Purpose

In 2002, DTC launched the Sealed Envelope Service (the ''Service'') as a service extension to DTC's Custody Service.[3] The Service was designed to provide physical custody to Participants for documents or instruments that are not securities, such as loan agreements, wills, deeds, mortgages, contracts and option agreements. The Service strictly prohibits the deposit of securities certificates as well as tangible assets such as currency, gold coins or jewelry. DTC initially launched the Service in response to a request from Participants to assist in fully outsourcing their vaults to DTC. Subsequently, there has not been much use of the Service by Participants, and it is, accordingly, not economically efficient to maintain the Service.

Currently, DTC allows for these non-security items to be held in custody in a sealed envelope in one of DTC's vaults. The envelopes are such that the contents cannot be viewed when sealed. DTC does not open any sealed envelopes, but x-rays all packages and envelopes received to assure [sic] no dangerous contents. DTC also assigns a user-CUSIP number for tracking and record keeping purposes. The depositing Participant is required to list the contents of the envelope on the outside of the envelope. Participants balance their sealed envelopes daily with DTC in the same manner as they presently do for securities held in the Custody Service. DTC does not verify the contents of the envelope and this has presented a concern since DTC has no way of knowing whether the contents qualify for the Service.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 46018 (Jun. 3, 2002), 67 FR 39454 (Jun. 7, 2002) (SR–DTC–2002–03).

As part of the Hurricane Sandy storm recovery, DTC has determined that it is not recovering its costs from usage of the Service by only a few Participants. Only fifteen Participants currently use the Service, with one of those Participants representing approximately 85% of the total volume. All fifteen of these Participants have been notified of DTC's intention to discontinue the Service and none of the Participants have objected. Accordingly, upon approval by the SEC, DTC will terminate the Service. DTC will work with the Participants that currently use the Service to develop a timeline that is not unduly burdensome to return the existing sealed envelope inventory.

Statutory Basis

DTC believes the proposed rule change, as described above, is consistent with the requirements of the Act, specifically Section 17A(b)(3)(F),[4] and the rules and regulations thereunder applicable to DTC, because the change, which terminates the Service, eliminates risk to the depository associated with the safeguarding of items in DTC's physical custody and therefore enhances DTC's ability to safeguard securities or funds in its custody or control or for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have any impact, or impose any burden, on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–DTC–2013–10 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–DTC–2013–10. 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 filings also will be available for inspection and copying at the principal office of DTC and on DTC's Web site at *http://dtcc.com/legal/rule_filings/dtc/2013.php.* 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–DTC–2013–10 and should be submitted on or before September 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[5]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–21561 Filed 9–4–13; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70285; File No. SR–NYSEMKT–2013–71]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE MKT Equities Price List and NYSE Amex Options Fee Schedule To Provide for Fees for a 40 Gigabit Liquidity Center Network Connection in the Exchange Data Center

August 29, 2013.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 21, 2013, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE MKT Equities Price List and the NYSE Amex Options Fee Schedule in order to provide for fees for a 40 gigabit (''Gb'') Liquidity Center Network (''LCN'') connection in the Exchange's data center. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the NYSE MKT Equities Price List and the NYSE Amex Options Fee Schedule in order to provide for fees for a 40 Gb LCN connection in the Exchange's data center.[4] The Exchange proposes to implement the fee change effective September 3, 2013.

Users are currently able to purchase access to the Exchange's LCN, a local area network that is available in the data center and that provides Users with access to the Exchange's trading and execution systems via the Common Customer Gateway (''CCG'') and to the Exchanges' proprietary market data products.[5] LCN access is currently available in one and 10 Gb capacities, for which Users incur an initial and monthly fee per connection. The Exchange also recently submitted a proposal to expand its co-location services to include 40 Gb LCN connections.[6] This higher-capacity LCN access is designed to have lower latency in the transmission of data between Users and the Exchange. The Exchange proposed to expand its co-location services to include 40 Gb LCN connections in order to make an additional service available to its co-location Users and thereby satisfy demand for more efficient, lower-latency connections.

The Exchange hereby proposes to establish the following fees for 40 Gb LCN connections:

Type of service	Description	Amount of charge
LCN Access	40 Gb Circuit	$15,000 per connection initial charge plus $20,000 monthly per connection.
Bundled Network Access, Option 1 (2 LCN connections, 2 SFTI connections, and 2 optic connections to outside access center).	40 Gb Bundle (LCN connections at 40 Gb; SFTI and optic connections at 10 Gb).	$60,000 initial charge plus $64,500 monthly charge.
Bundled Network Access, Option 2 (2 LCN connections, 2 SFTI connections, 1 optic connection to outside access center, and 1 optic connection in data center).	40 Gb Bundle (LCN connections at 40 Gb; SFTI and optic connections at 10 Gb).	$60,000 initial charge plus $71,000 monthly charge.
Bundled Network Access, Option 3 (2 LCN connections, 2 SFTI connections, and 2 optic connections in data center).	40 Gb Bundle (LCN connections at 40 Gb; SFTI and optic connections at 10 Gb).	$60,000 initial charge plus $77,500 monthly charge.

As with the existing pricing for one and 10 Gb LCN connections, Users of the proposed 40 Gb LCN connections would be subject to an initial charge plus a monthly recurring charge per connection. However, in order to incentivize Users to upgrade to the proposed higher-bandwidth connections, the Exchange proposes that a User that submits a written order for a 40 Gb Circuit or 40 Gb Bundle between September 3, 2013 and September 30, 2013 would not be subject to the portion of the initial charge related to the LCN connections.[7]

As is the case with all Exchange co-location arrangements, (i) neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a member organization, a Sponsored Participant or an agent thereof (e.g., a service bureau providing order entry services); (ii) use of the co-location services proposed herein would be completely voluntary and available to all Users on a non-discriminatory basis; [8] and (iii) a User would only incur one charge for the particular co-location service described herein, regardless of whether the User connects only to the Exchange or to the Exchange and one or both of its Affiliates.[9]

[4] The Securities and Exchange Commission (''Commission'') initially approved the Exchange's co-location services in Securities Exchange Act Release No. 62961 (September 21, 2010), 75 FR 59299 (September 27, 2010) (SR–NYSEAmex–2010–80) (the ''Original Co-location Approval''). The Exchange operates a data center in Mahwah, New Jersey (the ''data center'') from which it provides co-location services to Users. The Exchange's co-location services allow Users to rent space in the data center so they may locate their electronic servers in close physical proximity to the Exchange's trading and execution system. *See id.* at 59299.

[5] For purposes of the Exchange's co-location services, the term ''User'' includes (i) member organizations, as that term is defined in the definitions section of the General and Floor Rules of the NYSE MKT Equities Rules, and ATP Holders, as that term is defined in NYSE Amex Options Rule 900.2NY(5); (ii) Sponsored Participants, as that term is defined in Rule 123B.30(a)(ii)(B)—Equities and NYSE Amex Options Rule 900.2NY(77); and (iii) non-member organization and non-ATP Holder broker-dealers and vendors that request to receive co-location services directly from the Exchange. *See, e.g.,* Securities Exchange Act Release Nos. 65974 (December 15, 2011), 76 FR 79249 (December 21, 2011) (SR–NYSEAmex–2011–81) and 65975 (December 15, 2011), 76 FR 79233 (December 21, 2011) (SR–NYSEAmex–2011–82).

[6] *See* Securities Exchange Act Release No. 70176 (August 13, 2013) (SR–NYSEMKT–2013–67). The Exchange did not propose making LCN content service provider access (''LCN CSP Access'') available at a 40 Gb bandwidth because, at least initially, User demand was not anticipated to exist. Also, the Exchange noted that, for a 40 Gb ''Bundle,'' SFTI and optic connections would be at 10 Gb and only the LCN connections would be at 40 Gb, because 40 Gb bandwidths are not currently offered for SFTI and optic connections. The Exchange proposes to include language in the NYSE MKT Equities Price List and the NYSE Amex Options Fee Schedule to reflect this fact. The Exchange's affiliates, New York Stock Exchange LLC (''NYSE'') and NYSE Arca, Inc. (''NYSE Arca,'' and together with NYSE, ''Affiliates'') have filed substantially the same proposed rule change to expand their co-location services to include 40 Gb LCN connections. *See* Securities Exchange Act Release No. 70206 (August 15, 2013) (SR–NYSE–2013–59) and Securities Exchange Act Release No. 70173 (August 13, 2013) (SR–NYSEArca–2013–80).

[7] For a Bundle, this would mean that a User would not be subject to the $30,000 LCN portion of the initial charge. The Exchange notes that each 40 Gb Bundle would include two 40 Gb LCN connections. The initial charge proposed for a non-Bundled LCN Circuit is $15,000. Therefore, the LCN portion of the initial Bundle charge would be $30,000. A User would remain subject to the remaining $30,000 non-LCN portion of the initial Bundle charge, i.e. for SFTI and optic connections.

[8] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[9] *See* SR–NYSEMKT–2013–67, *supra* note 6. The Exchange's Affiliates have also submitted the same proposed rule change to provide for fees for a 40

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed change is reasonable because the Exchange proposes to offer the additional services described herein (i.e., the proposed 40 Gb LCN connection) as a convenience to Users, but in doing so will incur certain costs, including costs related to the data center facility, hardware and equipment and costs related to personnel required for initial installation and ongoing monitoring, support and maintenance of such services.

The Exchange further believes that the proposed change is reasonable because the proposed fees directly relate to the level of services provided by the Exchange and, in turn, received by the User. In this regard, the fees proposed for 40 Gb LCN connections are higher than, for example, the fees for 10 Gb LCN connections because costs for the initial purchase and ongoing maintenance of the 40 Gb connections are generally higher than those of the lower-bandwidth connections. However, these costs are not anticipated to be four times higher than the existing 10 Gb LCN connection. The Exchange therefore notes that while the proposed bandwidth of the 40 Gb LCN connection is four times greater than the existing 10 Gb LCN connection, the proposed fees for the 40 Gb LCN connection are significantly less than four times the fees for the 10 Gb LCN connection. Specifically, the proposed initial charge of $15,000 is only 50% greater than the initial charge of $10,000 for the existing 10 Gb LCN connection and the proposed monthly recurring charge of $20,000 is less than double the $12,000 monthly charge for the existing 10 Gb LCN connection. The Exchange believes that this supports a finding that the proposed pricing is reasonable because the Exchange anticipates realizing efficiencies as customers adopt higher-bandwidth connections, and, in turn, reflecting such efficiencies in the pricing for such connections.

The Exchange also believes that not charging the initial charge to a User that submits a written order for a 40 Gb Circuit or 40 Gb Bundle between September 3, 2013 and September 30, 2013 is reasonable because the Exchange believes it will incentivize Users to upgrade to higher-bandwidth connections during the first month that they are available, which will assist Users in meeting the growing needs of their business operations.

As with fees for existing co-location services, the fees proposed herein would be charged only to those Users that voluntarily select the related services, which would be available to all Users. Accordingly, the Exchange believes that the proposed change is equitable and not unfairly discriminatory because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users. Furthermore, the Exchange believes that the services and fees proposed herein are not unfairly discriminatory and are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (i.e., the same products and services are available to all Users).

The Exchange also believes that it is equitable and not unfairly discriminatory to not charge the initial charge to a User that submits a written order for a 40 Gb Circuit or 40 Gb Bundle between September 3, 2013 and September 30, 2013 because not charging such fee will incentivize Users to upgrade to higher-bandwidth connections, which, in turn, will assist Users in meeting the growing needs of their business operations. In this regard, all Users would have the option to submit a written order for a 40 Gb Circuit or 40 Gb Bundle and, if done so between September 3, 2013 and September 30, 2013, any such User would not be charged the initial charge related thereto.

For the reasons above, the proposed change would not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[12] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change will enhance competition by making a service available to its co-location Users and thereby satisfying demand for more efficient, lower-latency connections. The proposed 40 Gb LCN connection would make a service available to Users that require the increased bandwidth, but Users that do not require the increased bandwidth could continue to request an existing lower-bandwidth LCN connection and pay the correspondingly lower fees. Moreover, the Exchange believes that the proposed change will enhance competition between competing marketplaces by enabling the Exchange to provide a service to Users that is similar to services available on other markets. In this regard, the Exchange notes that The NASDAQ Stock Market LLC (''NASDAQ'') similarly makes a 40 Gb fiber connection available to users of its co-location facilities.[13]

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

Gb LCN connection. *See* SR–NYSE–2013–59 and SR–NYSEArca–2013–80.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] 15 U.S.C. 78f(b)(8).

[13] *See* NASDAQ Rule 7034.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [14] of the Act and subparagraph (f)(2) of Rule 19b–4 [15] thereunder, because it establishes a due, fee, or other charge imposed by NYSE MKT.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [16] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEMKT–2013–71 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2013–71. 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–NYSEMKT–2013–71 and should be submitted on or before September 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–21572 Filed 9–4–13; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 15 U.S.C. 78s(b)(2)(B).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70282; File No. SR–NYSEArca–2013–70]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of Proposed Rule Change To List and Trade Shares of First Trust Inflation Managed Fund

August 29, 2013.

I. Introduction

On July 8, 2013, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the First Trust Inflation Managed Fund (''Fund'') under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on July 25, 2013.[3] The Commission received no comments on the proposed rule change. This order grants approval of the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange proposes to list and trade Shares of the Fund pursuant to NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by First Trust Exchange-Traded Fund IV (''Trust''), which is organized as a Massachusetts business trust and is registered with the Commission as an open-end management investment company.[4] The investment adviser to the Fund will be First Trust Advisors L.P. (''Adviser'' or ''First Trust''). First Trust Portfolios L.P. will be the principal underwriter and distributor of the Fund's Shares. Bank of New York Mellon (''BNY'') will serve as the administrator, custodian, and transfer agent for the Fund. The Exchange states that the Adviser is not a broker-dealer but is affiliated with a broker-dealer and has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the Fund's portfolio.[5]

The Fund's primary investment objective will be to seek long-term capital appreciation, and its secondary investment objective will be to seek current income. The Fund will be an actively managed exchange-traded fund that will invest in: (1) Exchange-listed common stocks and other equity securities described below (including ''Depositary Receipts,'' as defined herein) of companies in the agriculture, energy, metals, and mining sectors; (2) exchange-traded products (''Underlying ETPs'') [6] that hold commodities, such as

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 70008 (July 19, 2013), 78 FR 45003 (''Notice'').

[4] The Trust is registered under the Investment Company Act of 1940 (''1940 Act''). On December 7, 2012, the Trust filed with the Commission an amendment to the Trust's registration statement on Form N–1A under the Securities Act of 1933 (''1933 Act'') and under the 1940 Act relating to the Fund (File Nos. 333–174332 and 811–22559) (''Registration Statement''). In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 28468 (October 27, 2008) (File No. 812–13477) (''Exemptive Order'').

[5] *See* NYSE Arca Equities Rule 8.600, Commentary .06. In the event (a) the Adviser or any sub-adviser becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

[6] The term ''Underlying ETPs'' includes Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Portfolio Depositary

gold and silver, or futures on such commodities; (3) debt securities and Underlying ETPs that invest in such securities; and (4) real estate interests, including other exchange-traded funds that invest in such interests.

The asset class allocation between equity securities, bonds, commodities, and real estate will be performed on a quarterly basis by First Trust. Changes to the asset allocation will be considered on a shorter time frame if market conditions warrant.[7] After the initial asset class allocation, the securities for each asset type will be selected as described below.

Equity Allocation

The Fund may invest in equity securities, which include common stocks; preferred securities; warrants to purchase common stocks or preferred securities; securities convertible into common stocks or preferred securities; and other securities with equity characteristics. The Fund also may invest in U.S. dollar-denominated foreign equity securities.[8]

Under normal market conditions,[9] the Fund will invest, in addition to common stocks, in U.S. dollar-denominated sponsored depositary receipts, which will include American Depositary Receipts (''ADRs''), Global Depositary Receipts (''GDRs''), European Depositary Receipts (''EDRs''), and American Depositary Shares (''ADSs'') (collectively ''Depositary Receipts''),[10] of agriculture, energy, metals, and mining companies.

The Adviser anticipates that the equities portion of the portfolio initially will represent 60% of the net assets of the Fund, although this percentage may vary over time.

An initial universe of inflation-related stocks will be created by selecting stocks of agricultural, energy, metals, and mining companies that trade on a U.S. stock exchange and have adequate liquidity for investment. The Fund's portfolio will be selected by examining the historical financial results of the securities from the initial universe. Companies that do not produce positive cash flow or companies with credit quality issues will be eliminated. The securities will then be evaluated by fundamental factors such as sales, earnings, and cash flow growth; valuation factors such as price/earnings, price/cash flow, price/sales, and price/book; and technical factors such as price momentum and earnings surprises. An estimated value will be calculated for each of the companies. The companies that currently trade at an attractive market price relative to their estimated value will be favored over companies that do not. The final portfolio will then be selected by the Adviser based on the security's fundamentals, valuation and technical factors, the security's relative valuation, and other qualitative factors such as competitive advantages, new products, and quality of management.

Bond Allocation

The Fund will invest in the types of bonds described below primarily through investing in Underlying ETPs that concentrate in these types of holdings. Bonds with fixed coupons during periods of rising inflation expectations may likely experience price depreciation due to the impact of rising interest rates. The negative effects of inflation on bonds may be offset through Underlying ETPs that invest in inflation-linked bonds. Inflation-linked government bonds, commonly known in the U.S. as Treasury Inflation-Protected Securities (''TIPS''), are securities issued by governments that are designed to provide inflation protection to investors. The coupon payments and principal value on these securities are adjusted according to inflation over the life of the bonds. The Underlying ETPs chosen to represent the bond portion of the portfolio will be reviewed for capitalization, liquidity, expenses, tracking error, and taxation structure factors. First Trust anticipates that the bond portion of the portfolio will initially represent approximately 20% of the net assets of the Fund, although this percentage may vary over time.

The Fund, through investments in Underlying ETPs, will invest primarily in investment grade debt securities with respect to the bond portion of its portfolio and may invest up to 15% of its net assets in high yield debt securities, including leveraged loans,[11] that are rated below investment grade at the time of purchase, or unrated securities deemed by the Fund's Adviser to be of comparable quality. ''Below investment grade'' is defined as those securities that have a long-term credit rating below ''BBB-'' by Standard & Poor's Rating Group, a division of McGraw Hill Companies, Inc. (''S&P''), or below ''Baa3'' by Moody's Investors Service, Inc. (''Moody's''), or comparably rated by another nationally recognized statistical rating organization.

The Fund, or the Underlying ETPs in which it may invest, may invest in a variety of debt securities, including corporate debt securities, U.S. government securities, and non-U.S. debt securities. Corporate debt securities are fixed-income securities issued by businesses to finance their operations. Notes, bonds, debentures, and commercial paper are the most common types of corporate debt securities, with the primary difference being their maturities and secured or unsecured status. Commercial paper has the shortest term and is usually unsecured. Certain debt securities held by the Fund may include debt instruments that have economic characteristics that are similar to preferred securities. Such debt instruments are typically issued by corporations, generally in the form of interest bearing notes, or by an affiliated business trust of a corporation, generally in the form of (i) beneficial interests in subordinated debentures or similarly structured securities or (ii) more senior debt securities that pay income and trade in a manner similar to preferred securities. Such debt instruments that have economic characteristics similar to preferred securities include trust preferred securities, hybrid trust

Receipts (as described in NYSE Arca Equities Rule 8.100); Trust Issued Receipts (as described in NYSE Arca Equities Rule 8.200); Commodity-Based Trust Shares (as described in NYSE Arca Equities Rule 8.201); Currency Trust Shares (as described in NYSE Arca Equities Rule 8.202); Commodity Index Trust Shares (as described in NYSE Arca Equities Rule 8.203); Trust Units (as described in NYSE Arca Equities Rule 8.500); Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600); and closed-end funds. The Underlying ETPs all will be listed and traded in the U.S. on registered exchanges.

[7] Such market conditions could include periods of extreme volatility and force majeure events including, but not limited to, elements of nature or acts of God, earthquakes, strikes, riots, acts of war, terrorism, or other national emergencies.

[8] *See infra* note 10.

[9] The term ''under normal market conditions'' includes, but is not limited to, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[10] The equity securities, including Depositary Receipts, in which the Fund will invest will trade in markets that are members of the Intermarket Surveillance Group (''ISG'') or are parties to comprehensive surveillance sharing agreements with the Exchange.

[11] Under normal market conditions, the Fund may invest up to 15% of its net asset value (''NAV'') in leveraged loans, including senior secured bank loans, unsecured and/or subordinated bank loans, loan participations, and unfunded contracts. The Fund may invest in such loans by purchasing assignments of all or a portion of loans or loan participations from third parties. These loans are made by or issued to corporations primarily to finance acquisitions, refinance existing debt, support organic growth, or pay out dividends, and are typically originated by large banks and are then syndicated out to institutional investors as well as to other banks.

preferred securities, and senior notes/baby bonds.

The Fund will invest in Underlying ETPs that are designed to track government bond indexes, bank loan indexes, and floating rate security indexes.

Commodities Allocation

The Fund will invest in commodities through investing in Underlying ETPs that invest in commodities or futures on such commodities, such as gold, silver, and commodity indexes. In general, commodities have relatively high correlations with inflation, and the prices of real assets, such as gold, silver, oil, and copper, often rise along with increasing interest rates and inflation. Additionally, commodities normally move in the opposite direction of the U.S. dollar. First Trust anticipates that the commodities portion of the portfolio will represent 10% of the initial net assets of the Fund, although this percentage may vary over time.

Real Estate Allocation

The Fund will invest in U.S. exchange-listed securities of real estate investment trusts (''REITS''). In general, real estate prices have generated a correspondingly large increase in return and largely preserved the purchasing power of the original investment during periods of high inflation. The real estate portion of the portfolio will represent 10% of the initial net assets of the Fund, although this percentage may vary over time. The Fund also may invest in exchange-traded funds designed to track real estate indexes.

Other Investments

Normally, the Fund will invest substantially all of its assets in the securities allocations described above to meet its investment objectives. The Fund may invest the remainder of its assets in securities with maturities of less than one year or cash equivalents, or it may hold cash. The percentage of the Fund invested in such holdings may vary and depend on several factors, including market conditions. For temporary defensive purposes and during periods of high cash inflows or outflows, the Fund may depart from its principal investment strategies and invest part or all of its assets in these securities or it may hold cash.[12] During such periods, the Fund may not be able to achieve its investment objectives. The Fund may adopt a defensive strategy when the portfolio manager believes securities in which the Fund normally invests have elevated risks due to political or economic factors and in other extraordinary circumstances.

The Fund may invest up to 15% of its net assets in U.S. exchange-listed futures, interest rate swaps, total return swaps, non-U.S. currency swaps, credit default swaps,[13] U.S. exchange-listed options, forward contracts, and other derivative instruments in the aggregate to seek to enhance returns,[14] to hedge some of the risks of its investments in securities,[15] as a substitute for a position in the underlying asset, to reduce transaction costs, to maintain full market exposure in a given asset class, to manage cash flows, to limit exposure to losses due to changes to non-U.S. currency exchange rates, or to preserve capital.[16]

The Fund will only enter into transactions in derivative instruments with counterparties that First Trust reasonably believes are capable of performing under the contract[17] and will post as collateral at least $250,000 each day.

The Fund may invest in shares of money market funds to the extent permitted by the 1940 Act.

The Fund may not invest 25% or more of the value of its total assets in securities of issuers in any one industry or group of industries. This restriction does not apply to obligations issued or guaranteed by the U.S. government, its agencies, or instrumentalities.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser[18] and master demand notes. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities. Illiquid securities include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Fund intends to qualify annually and to elect to be treated as a regulated investment company under the Internal Revenue Code.[19]

The Fund may invest up to 10% of its net assets in inverse Underlying ETPs, but it will not invest in leveraged or inverse leveraged Underlying ETPs.

The Fund's investments will be consistent with the Fund's investment objectives and will not be used to enhance leverage. That is, while the Fund will be permitted to borrow as

[12] The Fund may, without limit as to percentage of assets, purchase U.S. government securities or short-term debt securities to keep cash on hand fully invested or for temporary defensive purposes. Short-term debt securities are securities from issuers having a long-term debt rating of at least A by S&P, Moody's, or Fitch, Inc. (''Fitch'') and having a maturity of one year or less. The use of these temporary investments will not be a part of a principal investment strategy of the Fund. Short-term debt securities are defined to include, without limitation, the following: (1) U.S. government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. government agencies or instrumentalities; (2) certificates of deposit issued against funds deposited in a bank or savings and loan association; (3) bankers' acceptances, which are short-term credit instruments used to finance commercial transactions; (4) repurchase agreements, which involve purchases of debt securities; (5) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; and (6) commercial paper, which are short-term unsecured promissory notes, including variable rate master demand notes issued by corporations to finance their current operations. Master demand notes are direct lending arrangements between the Fund and a corporation. The Fund may only invest in commercial paper rated A–1 or higher by S&P, Prime-1 or higher by Moody's, or F2 or higher by Fitch.

[13] To the extent practicable, the Fund will invest in swaps cleared through the facilities of a centralized clearing house.

[14] For example, the Fund may sell exchange-listed covered calls on equity positions in the portfolio in order to enhance its income.

[15] The Fund may use derivative investments to hedge against interest rate and market risks. The Fund may engage in various interest rate and currency hedging transactions, including buying or selling U.S. exchange-listed options or entering into other transactions including forward contracts, fully collateralized swaps, and other derivatives transactions.

[16] The Fund will not enter into futures and options transactions if the sum of the initial margin deposits and premiums paid for unexpired options or futures exceeds 5% of the Fund's total assets.

[17] The Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Adviser's Execution Committee will evaluate the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, the Adviser's analysts will evaluate each approved counterparty using various methods of analysis, including the counterparty's liquidity in the event of default, the broker-dealer's reputation, the Adviser's past experience with the broker-dealer, the Financial Industry Regulatory Authority's (''FINRA'') BrokerCheck and disciplinary history, and its share of market participation.

[18] In reaching liquidity decisions, the Adviser may consider the following factors: the frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[19] 26 U.S.C. 851.

permitted under the 1940 Act, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of the Fund's broad-based securities market index (as defined in Form N–1A) (*i.e.,* S&P 500).

Additional information regarding the Trust and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions, and taxes, among other things, is included in the Notice and Registration Statement, as applicable.[20]

III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act [21] and the rules and regulations thereunder applicable to a national securities exchange.[22] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[23] which requires, among other things, that the Exchange's rules 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 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. The Commission notes that the Fund and the Shares must comply with the requirements of NYSE Arca Equities Rule 8.600 for the Shares to be listed and traded on the Exchange.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[24] which sets forth Congress's finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. Quotation and last-sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. In addition, the Portfolio Indicative Value, as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated every 15 seconds throughout the Exchange's Core Trading Session by one or more major market data vendors.[25] On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio, as defined in NYSE Arca Equities Rule 8.600(c)(2), that will form the basis for the Fund's calculation of NAV at the end of the business day.[26] The Fund's NAV will be determined as of the close of trading (normally 4:00 p.m. Eastern Time) on each day the New York Stock Exchange is open for business. A basket composition file, which will include the security names and share quantities required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the New York Stock Exchange via the National Securities Clearing Corporation. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. The intra-day, closing, and settlement prices of the portfolio securities will also be readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. The Fund's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Commission notes that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.[27] In addition, trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. The Exchange may halt trading in the Shares if trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the Fund, or if other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[28] Further, the Commission notes that the Reporting Authority that provides the Disclosed Portfolio must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of the portfolio.[29] The Commission notes that the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange,[30] will communicate as needed regarding trading in the Shares, equity securities, futures contracts, and options contracts with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the

[20] *See* Notice and Registration Statement, *supra* notes 3 and 4, respectively.

[21] 15 U.S.C. 78f.

[22] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[25] According to the Exchange, several major market data vendors widely disseminate Portfolio Indicative Values taken from the CTA or other data feeds. In addition, the Exchange represents that the price of a non-U.S. security that is primarily traded on a non-U.S. exchange will be updated, using the last sale price, every 15 seconds throughout the trading day, provided, that upon the closing of such non-U.S. exchange, the closing price of the security, after being converted to U.S. dollars, will be used. Further, in calculating the Portfolio Indicative Value of the Fund's Shares, exchange rates may be used throughout the Core Trading Session that may differ from those used to calculate the NAV per Share of the Fund and consequently may result in differences between the NAV and the Portfolio Indicative Value.

[26] On a daily basis, the Fund will disclose for each portfolio security and other financial instrument of the Fund the following information on the Fund's Web site: ticker symbol (if applicable); name of security and financial instrument; number of shares, if applicable, and dollar value of securities and financial instruments held in the portfolio; and percentage weighting of the security and financial instrument in the portfolio. The Web site information will be publicly available at no charge.

[27] *See* NYSE Arca Equities Rule 8.600(d)(1)(B).

[28] *See* NYSE Arca Equities Rule 8.600(d)(2)(C) (providing additional considerations for the suspension of trading in or removal from listing of Managed Fund Shares on the Exchange). With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.

[29] *See* NYSE Arca Equities Rule 8.600(d)(2)(B)(ii). In addition, the Adviser represents that the Trust, First Trust, and BNY will not disseminate non-public information concerning the Trust.

[30] The Exchange states that, while FINRA surveils trading on the Exchange pursuant to a regulatory services agreement, the Exchange is responsible for FINRA's performance under this regulatory services agreement.

Shares, equity securities, futures contracts, and options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, equity securities, futures contracts, and options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees. The Exchange also states that the Adviser is not a broker-dealer but is affiliated with a broker-dealer, and the Adviser has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio.[31]

The Exchange represents that the Shares are deemed to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made representations, including:

(1) The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws and that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

(4) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) the procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (d) how information regarding the Portfolio Indicative Value will be disseminated; (e) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(5) For initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 under the Exchange Act,[32] as provided by NYSE Arca Equities Rule 5.3.

(6) The equity securities in which the Fund will invest, including Underlying ETPs, Depositary Receipts, REITs, common stocks, preferred securities, warrants, convertible securities, and U.S. dollar-denominated foreign securities, as well as certain derivatives such as options and futures contracts, will trade in markets that are ISG members or are parties to a comprehensive surveillance sharing agreement with the Exchange.

(7) The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser and master demand notes.

(8) A minimum of 100,000 Shares of the Fund will be outstanding at the commencement of trading on the Exchange.

(9) The Fund's investments will be consistent with the Fund's investment objectives and will not be used to enhance leverage. The Fund may invest up to 10% of its net assets in inverse Underlying ETPs, but it will not invest in leveraged or inverse leveraged Underlying ETPs.

(10) The Fund will only enter into transactions in derivative instruments with counterparties that First Trust reasonably believes are capable of performing under the contract [33] and will post as collateral at least $250,000 each day. In addition, to the extent practicable, the Fund will invest in swaps cleared through the facilities of a centralized clearing house.

This approval order is based on all of the Exchange's representations and description of the Fund, including those set forth above and in the Notice.[34]

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act [35] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[36] that the proposed rule change (SR–NYSEArca–2013–70) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

Kevin M. O'Neill,

Deputy Secretary.

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BILLING CODE 8011–01–P

[31] *See supra* note 5. An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[32] 17 CFR 240.10A–3.

[33] *See supra* note 17.

[34] The Commission notes that it does not regulate the market for futures in which the Fund plans to take positions. Limits on the positions that any person may take in futures may be directly set by the Commodity Futures Trading Commission or by the markets on which the futures are traded. The Commission has no role in establishing position limits on futures even though such limits could impact an exchange-traded product that is under the jurisdiction of the Commission.

[35] 15 U.S.C. 78f(b)(5).

[36] 15 U.S.C. 78s(b)(2).

[37] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70287; File No. SR–NYSE–2013–60]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the New York Stock Exchange Price List To Provide for Fees for a 40 Gigabit Liquidity Center Network Connection in the Exchange Data Center

August 29, 2013.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the

''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 20, 2013, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List in order to provide for fees for a 40 gigabit (''Gb'') Liquidity Center Network (''LCN'') connection in the Exchange's data center. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List in order to provide for fees for a 40 Gb LCN connection in the Exchange's data center.[4] The Exchange proposes to implement the fee change effective September 3, 2013.

Users are currently able to purchase access to the Exchange's LCN, a local area network that is available in the data center and that provides Users with access to the Exchange's trading and execution systems via the Common Customer Gateway (''CCG'') and to the Exchanges' proprietary market data products.[5] LCN access is currently available in one and 10 Gb capacities, for which Users incur an initial and monthly fee per connection. The Exchange also recently submitted a proposal to expand its co-location services to include 40 Gb LCN connections.[6] This higher-capacity LCN access is designed to have lower latency in the transmission of data between Users and the Exchange. The Exchange proposed to expand its co-location services to include 40 Gb LCN connections in order to make an additional service available to its co-location Users and thereby satisfy demand for more efficient, lower-latency connections.

The Exchange hereby proposes to establish the following fees for 40 Gb LCN connections:

Type of service	Description	Amount of charge
LCN Access	40 Gb Circuit	$15,000 per connection initial charge plus $20,000 monthly per connection.
Bundled Network Access, Option 1 (2 LCN connections, 2 SFTI connections, and 2 optic connections to outside access center).	40 Gb Bundle (LCN connections at 40 Gb; SFTI and optic connections at 10 Gb).	$60,000 initial charge plus $64,500 monthly charge.
Bundled Network Access, Option 2 (2 LCN connections, 2 SFTI connections, 1 optic connection to outside access center, and 1 optic connection in data center).	40 Gb Bundle (LCN connections at 40 Gb; SFTI and optic connections at 10 Gb).	$60,000 initial charge plus $71,000 monthly charge.
Bundled Network Access, Option 3 (2 LCN connections, 2 SFTI connections, and 2 optic connections in data center).	40 Gb Bundle (LCN connections at 40 Gb; SFTI and optic connections at 10 Gb).	$60,000 initial charge plus $77,500 monthly charge.

As with the existing pricing for one and 10 Gb LCN connections, Users of the proposed 40 Gb LCN connections would be subject to an initial charge plus a monthly recurring charge per connection. However, in order to incentivize Users to upgrade to the proposed higher-bandwidth connections, the Exchange proposes that a User that submits a written order for a 40 Gb Circuit or 40 Gb Bundle between September 3, 2013 and September 30, 2013 would not be subject to the portion of the initial charge related to the LCN connections.[7]

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Securities and Exchange Commission (''Commission'') initially approved the Exchange's co-location services in Securities Exchange Act Release No. 62960 (September 21, 2010), 75 FR 59310 (September 27, 2010) (SR–NYSE–2010–56) (the ''Original Co-location Approval''). The Exchange operates a data center in Mahwah, New Jersey (the ''data center'') from which it provides co-location services to Users. The Exchange's co-location services allow Users to rent space in the data center so they may locate their electronic servers in close physical proximity to the Exchange's trading and execution system. *See id.* at 59310.

[5] For purposes of the Exchange's co-location services, the term ''User'' includes (i) member organizations, as that term is defined in NYSE Rule 2(b); (ii) Sponsored Participants, as that term is defined in NYSE Rule 123B.30(a)(ii)(B); and (iii) non-member organization broker-dealers and vendors that request to receive co-location services directly from the Exchange. *See, e.g.,* Securities Exchange Act Release No. 65973 (December 15, 2011), 76 FR 79232 (December 21, 2011) (SR–NYSE–2011–53).

[6] *See* Securities Exchange Act Release No. 70206 (August 15, 2013) (SR–NYSE–2013–59). The Exchange did not propose making LCN content service provider access (''LCN CSP Access'') available at a 40 Gb bandwidth because, at least initially, User demand was not anticipated to exist. Also, the Exchange noted that, for a 40 Gb ''Bundle,'' SFTI and optic connections would be at 10 Gb and only the LCN connections would be at 40 Gb, because 40 Gb bandwidths are not currently offered for SFTI and optic connections. The Exchange proposes to include language in the Price List to reflect this fact. The Exchange's affiliates, NYSE MKT LLC (''NYSE MKT'') and NYSE Arca, Inc. (''NYSE Arca,'' and together with NYSE MKT, ''Affiliates'') have filed substantially the same proposed rule change to expand their co-location services to include 40 Gb LCN connections. *See* Securities Exchange Act Release No. 70176 (August 13, 2013) (SR–NYSEMKT–2013–67) and Securities Exchange Act Release No. 70173 (August 13, 2013) (SR–NYSEArca–2013–80).

[7] For a Bundle, this would mean that a User would not be subject to the $30,000 LCN portion of the initial charge. The Exchange notes that each 40 Gb Bundle would include two 40 Gb LCN connections. The initial charge proposed for a non-Bundled LCN Circuit is $15,000. Therefore, the LCN portion of the initial Bundle charge would be $30,000. A User would remain subject to the remaining $30,000 non-LCN portion of the initial Bundle charge, i.e. for SFTI and optic connections.

As is the case with all Exchange co-location arrangements, (i) neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a member organization, a Sponsored Participant or an agent thereof (e.g., a service bureau providing order entry services); (ii) use of the co-location services proposed herein would be completely voluntary and available to all Users on a non-discriminatory basis;[8] and (iii) a User would only incur one charge for the particular co-location service described herein, regardless of whether the User connects only to the Exchange or to the Exchange and one or both of its Affiliates.[9]

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed change is reasonable because the Exchange proposes to offer the additional services described herein (i.e., the proposed 40 Gb LCN connection) as a convenience to Users, but in doing so will incur certain costs, including costs related to the data center facility, hardware and equipment and costs related to personnel required for initial installation and ongoing monitoring, support and maintenance of such services.

The Exchange further believes that the proposed change is reasonable because the proposed fees directly relate to the level of services provided by the Exchange and, in turn, received by the User. In this regard, the fees proposed for 40 Gb LCN connections are higher than, for example, the fees for 10 Gb LCN connections because costs for the initial purchase and ongoing maintenance of the 40 Gb connections are generally higher than those of the lower-bandwidth connections. However, these costs are not anticipated to be four times higher than the existing 10 Gb LCN connection. The Exchange therefore notes that while the proposed bandwidth of the 40 Gb LCN connection is four times greater than the existing 10 Gb LCN connection, the proposed fees for the 40 Gb LCN connection are significantly less than four times the fees for the 10 Gb LCN connection. Specifically, the proposed initial charge of $15,000 is only 50% greater than the initial charge of $10,000 for the existing 10 Gb LCN connection and the proposed monthly recurring charge of $20,000 is less than double the $12,000 monthly charge for the existing 10 Gb LCN connection. The Exchange believes that this supports a finding that the proposed pricing is reasonable because the Exchange anticipates realizing efficiencies as customers adopt higher-bandwidth connections, and, in turn, reflecting such efficiencies in the pricing for such connections.

The Exchange also believes that not charging the initial charge to a User that submits a written order for a 40 Gb Circuit or 40 Gb Bundle between September 3, 2013 and September 30, 2013 is reasonable because the Exchange believes it will incentivize Users to upgrade to higher-bandwidth connections during the first month that they are available, which will assist Users in meeting the growing needs of their business operations.

As with fees for existing co-location services, the fees proposed herein would be charged only to those Users that voluntarily select the related services, which would be available to all Users. Accordingly, the Exchange believes that the proposed change is equitable and not unfairly discriminatory because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users. Furthermore, the Exchange believes that the services and fees proposed herein are not unfairly discriminatory and are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (i.e., the same products and services are available to all Users).

The Exchange also believes that it is equitable and not unfairly discriminatory to not charge the initial charge to a User that submits a written order for a 40 Gb Circuit or 40 Gb Bundle between September 3, 2013 and September 30, 2013 because not charging such fee will incentivize Users to upgrade to higher-bandwidth connections, which, in turn, will assist Users in meeting the growing needs of their business operations. In this regard, all Users would have the option to submit a written order for a 40 Gb Circuit or 40 Gb Bundle and, if done so between September 3, 2013 and September 30, 2013, any such User would not be charged the initial charge related thereto.

For the reasons above, the proposed change would not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[12] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change will enhance competition by making a service available to its co-location Users and thereby satisfying demand for more efficient, lower-latency connections. The proposed 40 Gb LCN connection would make a service available to Users that require the increased bandwidth, but Users that do not require the increased bandwidth could continue to request an existing lower-bandwidth LCN connection and pay the correspondingly lower fees. Moreover, the Exchange believes that the proposed change will enhance competition between competing marketplaces by enabling the Exchange to provide a service to Users that is

[8] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[9] *See* SR–NYSE–2013–59, *supra* note 6. The Exchange's Affiliates have also submitted the same proposed rule change to provide for fees for a 40 Gb LCN connection. *See* SR–NYSEMKT–2013–67 and SR–NYSEArca–2013–80.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] 15 U.S.C. 78f(b)(8).

similar to services available on other markets. In this regard, the Exchange notes that The NASDAQ Stock Market LLC (''NASDAQ'') similarly makes a 40 Gb fiber connection available to users of its co-location facilities.[13]

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[14] of the Act and subparagraph (f)(2) of Rule 19b–4[15] thereunder, because it establishes a due, fee, or other charge imposed by NYSE.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[16] 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–NYSE–2013–60 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–NYSE–2013–60. 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–NYSE–2013–60 and should be submitted on or before September 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–21574 Filed 9–4–13; 8:45 am]

BILLING CODE 8011–01–P

[13] *See* NASDAQ Rule 7034.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 15 U.S.C. 78s(b)(2)(B).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70289; File No. SR–OCC–2013–10]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change To Amend Its Policy Statement Adopted Under Rule 205 Entitled ''Back-up Communication Channel to Internet Access''

August 29, 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 August 23, 2013, The Options Clearing Corporation (''OCC'' or ''Corporation'') 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 OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

OCC proposes to make certain changes to its Policy Statement adopted under Rule 205 entitled ''Back-up Communication Channel to Internet Access'' requiring clearing members that use the Internet as their primary means to access OCC's information and data systems to maintain a secure back-up means of communication in order to provide for business continuance in the event of an Internet outage.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

OCC Rule 205 prescribes that OCC clearing members are required to submit instructions, notices, reports, data and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

other items to the Corporation electronically in accordance with procedures prescribed by the Corporation. The Rule is designed to promote operational efficiency and effectiveness and reduce input errors. Position-related post-trade (e.g., exercise notices, position adjustments) and collateral transactions are common examples of instructions submitted by clearing members electronically.

OCC supports the submission of these instructions through use of an Internet connection to OCC's secured Web site. In 2006, OCC adopted a Policy Statement under Rule 205 requiring clearing members that primarily use the Internet to access OCC's systems to maintain a secure back-up means of communication as a contingency to perform on a timely basis critical business activities in the event of an Internet outage, as well as to maintain service arrangements with two independent internet service providers.[3]

The Policy Statement adopted at the time required clearing members to maintain: (i) Separate service agreements with two (2) independent service providers, and (ii) an OCC-approved method for accessing OCC's information and data systems even in the case of an Internet outage (the ''Back-Up Communication Channel'').

Guidelines were established so that the Back-Up Communication Channel authorized for a particular clearing member was determined in accordance with the firm's business profile using certain criteria. For example, a clearing member that: (i) ranked among the top twenty-five of cleared volume during a calendar year; (ii) cleared more than one account type as defined in OCC's By-Laws and Rules; (iii) cleared two or more product types; (iv) conducted Clearing Member Trade Assignment (''CMTA'') business; (v) input a high volume of daily post-trade activity; (vi) generally utilized multiple forms of collateral; (vii) utilized most ancillary services offered by OCC; (viii) used a lease line for data transmissions, would generally be designated as a ''Category A'' firm. ''Category A'' firms were required to maintain a T1 line as an acceptable form of back-up communication channel.

A clearing member that: (i) Transacted mid-level cleared volume during a calendar year; (ii) cleared only one or more account types as defined in OCC's By-Laws and Rules; (iii) cleared one or more product types; (iv) input a moderate to small volume of post-trade activity; (v) generally utilized one or two forms of collateral; (vi) may have utilized a lease line for data transmissions, were generally designated as a ''Category B'' firm. Under the Policy Statement, ''Category B'' firms were provided the option to either maintain a T1 line or ISDN connection as acceptable forms of a back-up communication channel.

A clearing member that: (i) Transacted low-level cleared volume during a calendar year; (ii) cleared no more than one account type as defined in OCC's By-Laws and Rules; (iii) cleared no more than one product type; (iv) generally utilized one or two forms of collateral; (v) input minimal amounts of post-trade activity, would generally be designated as a ''Category C'' firm. ''Category C'' firms were given the option to maintain an ISDN connection, utilize OCC equipment if the clearing member was located in or near a city where OCC maintains operational center(s), or rely upon fax transmission in the event an internet connection was not available.

Recent denial of service attacks on financial institutions, along with changes in technology since the Policy Statement was first adopted, have prompted OCC to reassess the risk to operations should Internet connections supporting clearing member access to OCC's information and data systems be interrupted. Through this assessment, OCC has determined that its existing policy should be modified to ensure it is easily understood and properly implemented by the clearing membership.

OCC is now proposing to make updates to the Policy Statement intended to simplify the criteria applied to a given firm in determining the appropriate Back-Up Communication Channel. Instead of having three categories of Business Profiles that include several criteria to be applied, and offering multiple communication options available to a particular firm, the updated Policy Statement will contain two profiles. Clearing Members that rank in the top-25 of cleared volume during a calendar year or act as a facilities manager to one or more Clearing firms will be designated as a ''Category A'' firm, and will be required to maintain a T1 line as its Back-Up Communication Channel. All other firms will be designated as ''Category B'' firms, and will be required to maintain a T1 line or utilize a fax line, telephone or have ready access to an OCC office location.

OCC believes the proposed changes will present minimal to no impact to clearing members. In particular, all firms that were previously designated as ''Category A'' firms under the former policy will continue to be designated as ''Category A'' firms under the revised policy being proposed, and they will still be required to maintain a T1 line, as previously required. Those firms that will be designated as Category B firms under the proposed policy will now have increased flexibility under the back-up options being made available to them, in that they can select between a T1 Line, fax, telephone, or use an OCC office if they are located in a city where OCC maintains an operational center. In preparation for the revisions to the Policy Statement, OCC has acquired new fax servers that have increased bandwidth to support multiple users that may select facsimile transmission as their available back-up communication method. Meanwhile, the telephone features used by OCC's Member Service staff are equipped so that calls are automatically routed to an available representative in the event a firm's designated contact is unavailable. Finally, OCC has confirmed that: (i) The number of Category B firms who are located in a city where OCC maintains an office; and (ii) do not currently maintain a T1 line, is sufficiently small enough so that OCC will be able to accommodate those firms who may need to utilize OCC's equipment in the event of an internet outage.

OCC also proposes to clarify the Policy Statement by expressly adding a requirement for each clearing member to provide OCC with an annual statement that the Clearing Member: (i) Has been and continues to be in compliance with the Policy Statement; (ii) has successfully tested its ability to access OCC's information and data systems using its Back-Up Communication Channel since the last reporting period; and (iii) will notify OCC within a reasonable period of any changes to their Internet Service Providers since the date of the last notice provided to OCC. While OCC believes that the existing policy reasonably and fairly implies that clearing members would not only remain in compliance with its requirements, but that clearing members would perform periodic testing of its Back-Up Communication Channel, we believe that the proposed modifications eliminate any ambiguity that may exist and help ensure that OCC has sufficient information to troubleshoot in case of an Internet outage, thereby helping to ensure that critical business activities can still be performed in a timely manner in such instances.

(2) Statutory Basis

The proposed changes to OCC's Rules are consistent with the purposes and

[3] Securities Exchange Act Release No. 53980 (June 14, 2006), 71 FR 36155 (June 23, 2006)(SR–OCC–2006–04).

requirements of Section 17A(b)(3)(F) of the Securities Exchange Act of 1934 (''Act'')[4] and the rules and regulations thereunder because they are designed to promote the prompt and accurate clearance and settlement of securities transactions by simplifying the criteria used to determine the authorized Back-Up Communication Channel(s) that may be used by a given clearing member in the event the Internet is not available, and reducing the administrative oversight associated with making such determinations. The updates to OCC's Policy Statement further clarify the means by which clearing members are required to notify OCC of the Back-Up Communication Channel(s) adopted by each clearing member, along with the internet service providers being used, and confirmation that each clearing member has successfully tested its ability to access OCC's systems, thereby helping to ensure that critical business activities can still be performed in a timely manner even in the event of an Internet outage. The proposed rule change is not inconsistent with the existing rules of OCC, including any rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

OCC believes that the proposed rule change will impose little to no burden on competition and in no way impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. While the updates to the Policy Statement now expressly provide for clearing members to: (i) Notify OCC of the Back-Up Communication Channel(s) adopted by each clearing member; (ii) provide OCC with the names of its internet service providers, and (iii) confirm for OCC that it has successfully tested its ability to access OCC's systems, OCC believes that each of these measures impose little to no burden on competition, individually or collectively, and any such burden imposed will facilitate the prompt and accurate clearance and settlement of securities transactions at all times.

In particular, Clearing Members are already required to maintain a secure back-up means of communication under OCC's existing Policy Statement, as well as, maintain service arrangements with two independent internet service providers. Clearing Members are also already required under OCC Rule 215 to provide information as OCC may from time to time require. As such, OCC believes that requiring Clearing Members to provide OCC with information they are already required to maintain imposes little to no additional burden on competition.

In addition, while the updated Policy Statement now expressly requires Clearing Members to confirm that it has successfully tested its ability to access OCC's systems, OCC also believes that such requirement imposes little to no additional burden on competition and is consistent with existing regulatory requirements pertaining to business continuity planning and disaster recovery. First, OCC believes that the testing requirement itself was already implied in the existing Policy Statement to ensure the Back-Up Communication Channel was effective and operational, so the only additional requirement being imposed is an obligation to notify OCC. Again, given Clearing Members' existing obligation to provide information that OCC may request, OCC believes such requirement imposes little to no additional burden on competition. Second, to the extent a particular Clearing Member may not have understood the existing Policy Statement to include an obligation to test its Back-Up Communication Channel, then OCC believes the Policy Statement clarifies the obligations applicable to all Clearing Members and is consistent with existing regulatory requirements pertaining to business continuity planning and disaster recovery applicable to Clearing Members.

Collectively, the updates to the Policy Statement are consistent with requirements of the Act applicable to clearing agencies and are designed to promote the prompt and accurate clearance and settlement of securities transactions at all times. The updates ensure that OCC has sufficient information to troubleshoot in case of an Internet outage, and clarifies Clearing Members' obligations to confirm their ability to successfully access OCC's information and data systems using their Back-Up Communication Channel in the event of an Internet outage. Accordingly, OCC believes that that [sic] updates will impose little to no burden on competition and in no way impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

[4] 15 U.S.C. 78q–1(b)(3)(F).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment for (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–OCC–2013–10 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–OCC–2013–10. 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 OCC and on OCC's Web site at *http://www.theocc.com/about/publications/bylaws.jsp.* 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–OCC–2013–10 and should be submitted on or before September 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[5]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–21537 Filed 9–4–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70286; File No. SR–NYSEARCA–2013–82]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Options Fee Schedule and NYSE Arca Equities Fee Schedule To Provide for Fees for a 40 Gigabit Liquidity Center Network Connection in the Exchange Data Center

August 29, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 21, 2013, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule and, through its wholly owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities''), proposes to amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services (the ''Equities Fee Schedule'' and, together with the Options Fee Schedule, the ''Fee Schedules'') in order to provide for fees for a 40 gigabit (''Gb'') Liquidity Center Network (''LCN'') connection in the Exchange's data center. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedules in order to provide for fees for a 40 Gb LCN connection in the Exchange's data center.[4] The Exchange proposes to implement the fee change effective September 3, 2013.

Users are currently able to purchase access to the Exchange's LCN, a local area network that is available in the data center and that provides Users with access to the Exchange's trading and execution systems via the Common Customer Gateway (''CCG'') and to the Exchanges' proprietary market data products.[5] LCN access is currently available in one and 10 Gb capacities, for which Users incur an initial and monthly fee per connection. The Exchange also recently submitted a proposal to expand its co-location services to include 40 Gb LCN connections.[6] This higher-capacity LCN access is designed to have lower latency in the transmission of data between Users and the Exchange. The Exchange proposed to expand its co-location services to include 40 Gb LCN connections in order to make an additional service available to its co-location Users and thereby satisfy demand for more efficient, lower-latency connections.

The Exchange hereby proposes to establish the following fees for 40 Gb LCN connections:

Type of service	Description	Amount of charge
LCN Access	40 Gb Circuit	$15,000 per connection initial charge plus $20,000 monthly per connection.

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Securities and Exchange Commission (''Commission'') initially approved the Exchange's co-location services in Securities Exchange Act Release No. 63275 (November 8, 2010), 75 FR 70048 (November 16, 2010) (SR–NYSEArca–2010–100) (the ''Original Co-location Approval''). The Exchange operates a data center in Mahwah, New Jersey (the ''data center'') from which it provides co-location services to Users. The Exchange's co-location services allow Users to rent space in the data center so they may locate their electronic servers in close physical proximity to the Exchange's trading and execution system. *See id.* at 70049.

[5] For purposes of the Exchange's co-location services, the term ''User'' includes (i) ETP Holders and Sponsored Participants that are authorized to obtain access to the NYSE Arca Marketplace pursuant to NYSE Arca Equities Rule 7.29 (see NYSE Arca Equities Rule 1.1(yy)); (ii) OTP Holders, OTP Firms and Sponsored Participants that are authorized to obtain access to the NYSE Arca System pursuant to NYSE Arca Options Rule 6.2A (see NYSE Arca Options Rule 6.1A(a)(19)); and (iii) non-ETP Holder, non-OTP Holder and non-OTP Firm broker-dealers and vendors that request to receive co-location services directly from the Exchange. *See, e.g.,* Securities Exchange Act Release Nos. 65970 (December 15, 2011), 76 FR 79242 (December 21, 2011) (SR–NYSEArca–2011–74) and 65971 (December 15, 2011), 76 FR 79267 (December 21, 2011) (SR–NYSEArca–2011–75).

[6] *See* Securities Exchange Act Release No. 70173 (August 13, 2013) (SR–NYSEArca–2013–80). The Exchange did not propose making LCN content service provider access (''LCN CSP Access'') available at a 40 Gb bandwidth because, at least initially, User demand was not anticipated to exist. Also, the Exchange noted that, for a 40 Gb ''Bundle,'' SFTI and optic connections would be at 10 Gb and only the LCN connections would be at 40 Gb, because 40 Gb bandwidths are not currently offered for SFTI and optic connections. The Exchange proposes to include language in the Fee Schedules to reflect this fact. The Exchange's affiliates, NYSE MKT LLC (''NYSE MKT'') and New York Stock Exchange LLC (''NYSE,'' and together with NYSE MKT, ''Affiliates'') have filed substantially the same proposed rule change to expand their co-location services to include 40 Gb LCN connections. *See* Securities Exchange Act Release No. 70176 (August 13, 2013) (SR–NYSEMKT–2013–67) and Securities Exchange Act Release No. 70206 (August 15, 2013) (SR–NYSE–2013–59).

Type of service	Description	Amount of charge
Bundled Network Access, Option 1 (2 LCN connections, 2 SFTI connections, and 2 optic connections to outside access center).	40 Gb Bundle (LCN connections at 40 Gb; SFTI and optic connections at 10 Gb).	$60,000 initial charge plus $64,500 monthly charge.
Bundled Network Access, Option 2 (2 LCN connections, 2 SFTI connections, 1 optic connection to outside access center, and 1 optic connection in data center).	40 Gb Bundle (LCN connections at 40 Gb; SFTI and optic connections at 10 Gb).	$60,000 initial charge plus $71,000 monthly charge.
Bundled Network Access, Option 3 (2 LCN connections, 2 SFTI connections, and 2 optic connections in data center).	40 Gb Bundle (LCN connections at 40 Gb; SFTI and optic connections at 10 Gb).	$60,000 initial charge plus $77,500 monthly charge.

As with the existing pricing for one and 10 Gb LCN connections, Users of the proposed 40 Gb LCN connections would be subject to an initial charge plus a monthly recurring charge per connection. However, in order to incentivize Users to upgrade to the proposed higher-bandwidth connections, the Exchange proposes that a User that submits a written order for a 40 Gb Circuit or 40 Gb Bundle between September 3, 2013 and September 30, 2013 would not be subject to the portion of the initial charge related to the LCN connections.[7]

As is the case with all Exchange co-location arrangements, (i) neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a member organization, a Sponsored Participant or an agent thereof (e.g., a service bureau providing order entry services); (ii) use of the co-location services proposed herein would be completely voluntary and available to all Users on a non-discriminatory basis;[8] and (iii) a User would only incur one charge for the particular co-location service described herein, regardless of whether the User connects only to the Exchange or to the Exchange and one or both of its Affiliates.[9]

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed change is reasonable because the Exchange proposes to offer the additional services described herein (i.e., the proposed 40 Gb LCN connection) as a convenience to Users, but in doing so will incur certain costs, including costs related to the data center facility, hardware and equipment and costs related to personnel required for initial installation and ongoing monitoring, support and maintenance of such services.

The Exchange further believes that the proposed change is reasonable because the proposed fees directly relate to the level of services provided by the Exchange and, in turn, received by the User. In this regard, the fees proposed for 40 Gb LCN connections are higher than, for example, the fees for 10 Gb LCN connections because costs for the initial purchase and ongoing maintenance of the 40 Gb connections are generally higher than those of the lower-bandwidth connections. However, these costs are not anticipated to be four times higher than the existing 10 Gb LCN connection. The Exchange therefore notes that while the proposed bandwidth of the 40 Gb LCN connection is four times greater than the existing 10 Gb LCN connection, the proposed fees for the 40 Gb LCN connection are significantly less than four times the fees for the 10 Gb LCN connection. Specifically, the proposed initial charge of $15,000 is only 50% greater than the initial charge of $10,000 for the existing 10 Gb LCN connection and the proposed monthly recurring charge of $20,000 is less than double the $12,000 monthly charge for the existing 10 Gb LCN connection. The Exchange believes that this supports a finding that the proposed pricing is reasonable because the Exchange anticipates realizing efficiencies as customers adopt higher-bandwidth connections, and, in turn, reflecting such efficiencies in the pricing for such connections.

The Exchange also believes that not charging the initial charge to a User that submits a written order for a 40 Gb Circuit or 40 Gb Bundle between September 3, 2013 and September 30, 2013 is reasonable because the Exchange believes it will incentivize Users to upgrade to higher-bandwidth connections during the first month that they are available, which will assist Users in meeting the growing needs of their business operations.

As with fees for existing co-location services, the fees proposed herein would be charged only to those Users that voluntarily select the related services, which would be available to all Users. Accordingly, the Exchange believes that the proposed change is equitable and not unfairly discriminatory because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users. Furthermore, the Exchange believes that the services and fees proposed herein are not unfairly discriminatory and are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an

[7] For a Bundle, this would mean that a User would not be subject to the $30,000 LCN portion of the initial charge. The Exchange notes that each 40 Gb Bundle would include two 40 Gb LCN connections. The initial charge proposed for a non-Bundled LCN Circuit is $15,000. Therefore, the LCN portion of the initial Bundle charge would be $30,000. A User would remain subject to the remaining $30,000 non-LCN portion of the initial Bundle charge, i.e. for SFTI and optic connections.

[8] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[9] *See* SR–NYSEArca–2013–80, *supra* note 6. The Exchange's Affiliates have also submitted the same proposed rule change to provide for fees for a 40 Gb LCN connection. *See* SR–NYSEMKT–2013–67 and SR–NYSE–2013–59.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

equal basis (i.e., the same products and services are available to all Users).

The Exchange also believes that it is equitable and not unfairly discriminatory to not charge the initial charge to a User that submits a written order for a 40 Gb Circuit or 40 Gb Bundle between September 3, 2013 and September 30, 2013 because not charging such fee will incentivize Users to upgrade to higher-bandwidth connections, which, in turn, will assist Users in meeting the growing needs of their business operations. In this regard, all Users would have the option to submit a written order for a 40 Gb Circuit or 40 Gb Bundle and, if done so between September 3, 2013 and September 30, 2013, any such User would not be charged the initial charge related thereto.

For the reasons above, the proposed change would not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[12] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change will enhance competition by making a service available to its co-location Users and thereby satisfying demand for more efficient, lower-latency connections. The proposed 40 Gb LCN connection would make a service available to Users that require the increased bandwidth, but Users that do not require the increased bandwidth could continue to request an existing lower-bandwidth LCN connection and pay the correspondingly lower fees. Moreover, the Exchange believes that the proposed change will enhance competition between competing marketplaces by enabling the Exchange to provide a service to Users that is similar to services available on other markets. In this regard, the Exchange notes that The NASDAQ Stock Market LLC (''NASDAQ'') similarly makes a 40 Gb fiber connection available to users of its co-location facilities.[13]

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[14] of the Act and subparagraph (f)(2) of Rule 19b–4[15] thereunder, because it establishes a due, fee, or other charge imposed by NYSE Arca.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[16] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov. Please include File Number* SR–NYSEARCA–2013–82 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2013–82. 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–NYSEARCA–2013–82 and should be submitted on or before September 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–21573 Filed 9–4–13; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78f(b)(8).

[13] *See* NASDAQ Rule 7034.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 15 U.S.C. 78s(b)(2)(B).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70283; File No. SR–ICEEU–2013–08]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Account for Sections 1471 through 1474 of the U.S. Internal Revenue Code and U.S. Treasury Regulations and Other Guidance Thereunder (Commonly Known as the Foreign Account Tax Compliance Act or ''FATCA'')

August 29, 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 August 20, 2013, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I and II below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposal pursuant to Section 19(b)(3)(A)(ii) [3] of the Act and Rule 19b-4(f)(2) [4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ICE Clear Europe submits proposed amendments to its CDS Procedures, as described below, in connection with the implementation of sections 1471 through 1474 of the Internal Revenue Code of 1986, as amended, which sections were enacted as part of the Foreign Account Tax Compliance Act, and the Treasury Regulations or other official interpretations thereunder (collectively ''FATCA'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe 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

ICE Clear Europe submits proposed amendments to its CDS Procedures in order to clarify the scope of the obligation of CDS Clearing Members to pay additional amounts to (or otherwise indemnify) ICE Clear Europe for any tax imposed or collected pursuant to FATCA in connection with CDS clearing.

FATCA was enacted on March 18, 2010, as part of the Hiring Incentives to Restore Employment Act, and became effective, subject to transition rules, on January 1, 2013. The U.S. Treasury Department finalized and issued various implementing regulations (''FATCA Regulations'') [5] on January 17, 2013. FATCA's intent is to curb tax evasion by U.S. citizens and residents through their use of offshore bank accounts. FATCA generally requires foreign financial institutions (''FFIs'') [6] to become ''participating FIs'' by entering into agreements with the Internal Revenue Service (''IRS''). Under these agreements, FFIs are required to report to the IRS information on U.S. persons and entities that have (directly or indirectly) accounts with these FFIs. If an FFI does not enter into such an agreement with the IRS, FATCA will generally impose a 30% withholding tax on U.S.-source interest, dividends and other periodic amounts paid to such ''nonparticipating FFI'' (''Income Withholding''), as well as on the payment of gross proceeds arising from the sale, maturity or redemption of securities or any instrument yielding U.S.-source interest and dividends (''Gross Proceeds Withholding,'' and, together with Income Withholding, ''FATCA Withholding''). The 30% FATCA Withholding taxes will apply to payments made to a nonparticipating FFI acting in any capacity, including payments made to a nonparticipating FFI that is not the beneficial owner of the amount paid and acting only as a custodian or other intermediary with respect to such payment. To the extent that U.S.-source interest, dividend, and other periodic amount or gross proceeds payments are due to a nonparticipating FFI in any capacity, a U.S. payor transmitting such payments to the nonparticipating FFI will be liable to the IRS for any amounts of FATCA Withholding that the U.S. payor should, but does not, withhold and remit to the IRS.

In addition, under FATCA, a U.S. payor could be required to deduct Income Withholding with regard to a participating FFI if either: (x) the participating FFI makes a statutory election to shift its withholding responsibility under FATCA to the U.S. payor; or (y) the U.S. payor is required to ignore the actual recipient and treat the payment as if made instead to certain owners, principals, customers, account holders or financial counterparties of the participating FFI.

As an alternative to FFIs entering into individual agreements with the IRS, the U.S. Treasury Department provided another means of complying with FATCA for FFIs which are resident in Non-U.S. jurisdictions that enter into intergovernmental agreements (''IGAs'') with the United States.[7] Generally, such a jurisdiction (''FATCA Partner'') would pass laws to eliminate the conflicts of law issues that would otherwise make it difficult for FFIs in its jurisdiction to collect the information required under FATCA and transfer this information, directly or indirectly, to the United States. An FFI resident in a FATCA Partner jurisdiction would either transmit FATCA reporting to its local competent tax authority, which in turn would transmit the information to the IRS, or the FFI would be authorized/required by FATCA Partner law to enter into an FFI agreement and transmit FATCA reporting directly to the IRS. Under both IGA models, payments to such FFIs would not be subject to FATCA Withholding so long as the FFI complies with the FATCA Partner's laws mandated in the IGA.

In preparation for FATCA's implementation, FFIs are being asked to identify their expected FATCA status as a condition of continuing to do business. Customary legal agreements in the financial services industry already contain provisions allocating the risk of any FATCA Withholding tax that will need to be collected, and requiring that, upon FATCA's effectiveness, foreign

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b-4(f)(2).

[5] Regulations Relating to Information Reporting by Foreign Financial Institutions and Withholding on Certain Payments to Foreign Financial Institutions and Other Foreign Entities, 78 FR 5874 (Apr. 15, 2013).

[6] Non-U.S. financial institutions are referred to as ''foreign financial institutions'' or ''FFIs'' in the FATCA Regulations.

[7] As of the date of this proposed rule change filing, the United Kingdom, Mexico, Ireland, Switzerland, Spain, Norway, Denmark, Italy, and Germany have signed or initialed an IGA with the United States. The U.S. Treasury Department has announced that it is engaged in negotiations with more than 50 countries and jurisdictions regarding entering into an IGA.

counterparties must certify (and periodically recertify) their FATCA status using the relevant tax forms that the IRS has announced it will provide. Advance disclosure by an FFI client or counterparty would permit a withholding agent to readily determine whether it must, under FATCA, withhold on payments it makes to the FFI. If an FFI fails to provide appropriate compliance documentation to a withholding agent, such FFI would be presumed to be a nonparticipating FFI and the withholding agent will be obligated to withhold on certain payments.

FATCA will require ICE Clear Europe to deduct FATCA Withholding on payments to certain clearing members arising from certain transactions processed by ICE Clear Europe on behalf of such clearing members. Because FATCA treats any entity holding financial assets for the account of others as a ''financial institution,'' ICE Clear Europe believes that almost all of its clearing members which are treated as non-U.S. entities for federal income tax purposes will likely be FFIs under FATCA (collectively, ''FFI Members''). As such, ICE Clear Europe will be liable to the IRS for any failures to withhold correctly under FATCA on payments made to its FFI Members.

Accordingly, the proposed amendments are intended to clarify the scope of the obligation of CDS Clearing Members to pay additional amounts to (or otherwise indemnify) ICE Clear Europe for any tax imposed or collected as a result of FATCA. This also includes any tax that results from current or future regulations or interpretations of FATCA, as well as any fiscal or regulatory legislation, rules or practices adopted pursuant to any IGA entered into in connection with the implementation of FATCA.

ICE Clear Europe believes that the proposed rule changes are consistent with the requirements of Section 17A of the Act [8] and the regulations thereunder applicable to it. Specifically, the proposed rule changes promote the prompt and accurate clearing and settlement of CDS transactions by eliminating any uncertainty in payment settlement that would arise if ICE Clear Europe were subject to FATCA Withholding Obligations. The proposed rule changes are also consistent with Section 17A of the Act because they provide for the equitable allocation of reasonable due, fees and other charges among ICE Clear Europe's CDS Clearing Members. Finally, the proposed rule changes allow ICE Clear Europe to be in compliance with FATCA Regulations.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule changes would have any impact, or impose any burden, on competition. The proposed rule changes would apply to all CDS Clearing Members of ICE Clear Europe that may be subject to FATCA. The proposed rule changes are for the purpose of ensuring that ICE Clear Europe, as well as its CDS Clearing Members, are in compliance with FATCA Regulations and thereby permit the operation of ICE Clear Europe's clearing services consistent with the FATCA Regulations. As a result, ICE Clear Europe believes that the obligations imposed under the proposed rule changes are appropriate in furtherance of the purposes of the Act, and should not have any effect on the competitive position of CDS Clearing Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

ICE Clear Europe has solicited written comments relating to the proposed rule change, but has not received any written comments to date. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A) [9] of the Act and Rule 19b–4(f)(2) [10] thereunder because it primarily establishes a fee or other charge imposed by ICE Clear Europe on its CDS Clearing Members. Specifically, the proposed rule changes will require CDS Clearing Members to pay additional amounts to ICE Clear Europe for tax imposed or collected pursuant to FATCA in connection with CDS clearing. 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–ICEEU–2013–08 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–ICEEU–2013–08. 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 filings also will be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/notices/Notices.shtml?regulatoryFilings.*

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–ICEEU–2013–08 and should be submitted on or before September 26, 2013.

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–21534 Filed 9–4–13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70284; File No. SR–NYSEArca–2013–83]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Investments in Leveraged Loans by the Peritus High Yield ETF

August 29, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on August 21, 2013, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 reflect a change to the holdings of the Peritus High Yield ETF to achieve its investment objective to include leveraged loans. Peritus High Yield ETF is currently listed and traded on the Exchange under NYSE Arca Equities Rule 8.600. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved listing and trading of shares (''Shares'') of the Peritus High Yield ETF (''Fund'') on the Exchange under NYSE Arca Equities Rule 8.600)[4] (''Managed Fund Shares'').[5] The Shares are offered by AdvisorShares Trust (the ''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[6] Peritus High Yield ETF is currently listed and traded on the Exchange under NYSE Arca Equities Rule 8.600.

The investment adviser to the Fund is AdvisorShares Investments, LLC (the ''Adviser''). Peritus I Asset Management, LLC is the Fund's sub-adviser (''Peritus'' or the ''Sub-Adviser'').

According to the Registration Statement and as stated in the Prior Release, the Fund's investment objective is to achieve high current income with a secondary goal of capital appreciation. The Exchange proposes to reflect a change to the holdings of the Fund to achieve its investment objective to include up to 20% of its net assets in ''leveraged loans'', in addition to the other permitted investments set forth in the Prior Release.[7] The Adviser represents that the investment objective of the Fund will not be changing.

Leveraged loans will include loans referred to as senior loans, bank loans and/or floating rate loans. The Fund will invest in such leveraged loans that the Adviser or Sub-Adviser deems to be highly liquid with readily available prices. The Fund will invest in leveraged loans rated C or higher by a credit rating agency registered as a nationally recognized statistical rating organization (''NRSRO'') with the Commission (for example, Moody's Investors Service, Inc.), or is unrated but considered to be of comparable quality by the Adviser or Sub-Adviser.[8] The Fund will not invest in leveraged loans that are in default at time of purchase. The Fund will only invest in U.S. dollar-denominated leveraged loans. In addition, for investment purposes, the leveraged loan must have a par amount outstanding of U.S. $150 million or greater at the time the loan is originally issued.[9]

Leveraged loans are borrowings by non-investment grade companies (*i.e.,* loans rated below Ba1 by Moody's

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 63329 (November 17, 2010), 75 FR 71760 (November 24, 2010) (SR–NYSEArca–2010–86) (''Prior Order''). The notice of filing of SR–NYSEArca–2010–86 was published in Securities Exchange Act Release No. 63041 (October 5, 2010), 75 FR 62905 (October 13, 2010) (''First Prior Notice''). In addition, the exchange filed a proposed rule change to reflect a change to the Fund's holdings to achieve its investment objective to include equity securities. See Securities Exchange Act Release No. 66818 (April 17, 2012), 77 FR 24233 (April 23, 2012) (SR–NYSEArca–2012–33) (notice of filing and immediate effectiveness of proposed rule change (''Second Prior Notice'' and, together with the First Prior Notice and the Prior Order, the ''Prior Release'')). The Fund and the Shares are currently in compliance with the listing standards and other rules of the Exchange and the requirements set forth in the Prior Release.

[5] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment advisor consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[6] The Trust is registered under the 1940 Act. On October 29, 2012, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) and the 1940 Act relating to the Fund (File Nos. 333–157876 and 811–22110) (the ''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the1940 Act. *See* Investment Company Act Release No. 29291 (May 28, 2010) (File No. 812–13677).

[7] The change to the Fund's holdings to include leveraged loans will be effective upon filing with the Commission of an amendment to the Trust's Registration Statement and upon the effectiveness and operativeness of this proposal.

[8] In determining whether a security is of ''comparable quality,'' the Adviser or Sub-Adviser will consider, for example, whether the borrower of the security has issued other rated securities; whether the obligations under the security are guaranteed by another entity and the rating of such guarantor (if any); whether and (if applicable) how the security is collateralized; other forms of credit enhancement (if any); the security's maturity date; liquidity features (if any); relevant cash flow(s); valuation features; other structural analysis; macroeconomic analysis; and sector or industry analysis.

[9] The Commission previously has approved listing and trading on NYSE Arca of an issue of Managed Fund Shares that primarily holds senior loans that include leveraged loans. *See* Securities Exchange Act Release No. 69244 (March 27, 2013), 78 FR 19766 (April 2, 2013) (SR–NYSEArca–2013–08) (order approving listing and trading of SPDR Blackstone/GSO Senior Loan ETF under NYSE Arca Equities Rule 8.600).

Investor Service and BBB+ by Standard & Poor's or are non-rated). The word ''leveraged'' refers to the credit quality of the borrower—a non-investment grade company—not to any sort of use of leverage or margin within the loan structure. These are debt obligations that are structured between the borrower and the lender or lender group. The terms of the loan are negotiated up front and defined in the credit agreement. Just as high yield bonds have indentures that govern the terms of the debt obligation, leveraged loans have credit agreements that specify the terms, including maturity, prepayment obligations, financial covenants, and security. The terms of the loan can be restructured throughout the life of the loan via an amendment process that requires a certain percentage of holder approval. Once issued, various pieces of the loan often trade in an active secondary market.

The four basic features of leveraged loans are as follows:

1. Seniority in the Capital Structure: Leveraged loans are generally among the most senior debt obligations in the borrower's capital structures and, as such, would generally have first priority in payment.

2. Security Backing: Leveraged loans are generally secured by the borrower's assets and operations. This usually includes both the physical assets as well as other assets of the company. In the case of a default, the loan holder would have a claim to those assets.

3. Covenant Protection: Pursuant to the credit agreement governing the loan, loan holders are usually protected by a variety of covenants. These covenants can include a maximum leverage test, minimum interest coverage test, a restricted payments basket potentially limiting payments for subordinate obligations and dividends, and/or prepayment criteria. The covenants governing leveraged loans are generally more restrictive than those governing high yield bonds, providing the loan holder with added protections.

4. Floating Rate Interest Payments: These loans generally pay interest with 3 month LIBOR as the base rate. The structure is usually a specified spread over the floating LIBOR rate. However, in some cases a LIBOR floor or ceiling may be specified.

As stated in the Prior Release, the Fund will not invest in options contracts, futures contracts or swap agreements. The Fund's investments will be consistent with its investment objective and will not be used to enhance leverage.

As stated in the Prior Release, on each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund discloses on its Web site the Disclosed Portfolio that will include, among other portfolio components, leveraged loans, and that will form the basis for the Fund's calculation of net asset value (''NAV'') at the end of the business day. The intra-day, closing and settlement prices of the portfolio securities, including any leveraged loans held by the Fund, will also be readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, or on-line information services.

In calculating the Fund's NAV per Share, the Fund's investments will generally be valued using market valuations.[10] A market valuation generally means a valuation (i) obtained from an exchange, a pricing service, or a major market maker (or dealer), (ii) based on a price quotation or other equivalent indication of value supplied by an exchange, a pricing service, or a major market maker (or dealer) or (iii) based on amortized cost.[11] The Adviser may use various pricing services, or discontinue the use of any pricing service, as approved by the Trust's Board of Trustees from time to time. A price for leveraged loans obtained from a pricing service based on such pricing service's valuation matrix may be considered a market valuation. Valuations with respect to leveraged loans will be based on information supplied by pricing services or major market makers or dealers, as indicated in (i) and (ii) above. Any assets or liabilities denominated in currencies other than the U.S. dollar will be converted into U.S. dollars at the current market rates on the date of valuation as quoted by one or more sources.

In the event that current market valuations are not readily available or such valuations do not reflect current market value, the Trust's procedures require that a security's fair value be determined if a market price is not readily available.[12] In determining such value the Adviser or Sub-Adviser may consider, among other things, (i) Price comparisons among multiple sources, (ii) a review of corporate actions and news events, and (iii) a review of relevant financial indicators (*e.g.,* movement in interest rates, market indices, and prices from the Fund's index providers). In these cases, the Fund's NAV may reflect certain portfolio securities' fair values rather than their market prices. Fair value pricing involves subjective judgments and it is possible that the fair value determination for a security is materially different than the value that could be realized upon the sale of the security.

All representations made in the Prior Release regarding the availability of information relating to the Shares, trading halts, trading rules, the Portfolio Indicative Value, and surveillance, among others, will continue to apply to trading in the Shares.

Except for the changes noted above, all other representations made in the Prior Release remain unchanged.[13] The Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[14] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Fund may invest up to 20% of its net assets in leveraged loans, in addition to the other permitted investments set forth in the Prior Release. The Fund will invest in such leveraged loans that the Adviser or Sub-Adviser deems to be highly liquid with readily available prices. The Fund will invest in leveraged loans rated C or higher by an NRSRO or is unrated but considered to be of comparable quality by the Adviser or Sub-Adviser. The Fund will not invest in leveraged loans that are in default at time of purchase.

[10] Markit will be the primary price source for leveraged loans in calculating the NAV of the Fund's portfolio.

[11] For market valuation purposes, amortized cost will only apply to securities that have a remaining maturity of 60 days or less.

[12] The Trust's Board of Trustees has established Fair Value Procedures responsible for the valuation and revaluation of any portfolio investments for which market quotations or prices are not readily available. The Fund has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding valuation and revaluation of any portfolio investments.

[13] See note 4, supra.

[14] 15 U.S.C. 78f(b)(5).

The Fund will only invest in U.S. dollar-denominated leveraged loans. In addition, for investment purposes, the leveraged loan must have a par amount outstanding of U.S. $150 million or greater at the time the loan is originally issued. The Adviser represents that the investment objective of the Fund will not be changing.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the net asset value (''NAV'') per Share is calculated daily and that the NAV and the Disclosed Portfolio is made available to all market participants at the same time. The intra-day, closing and settlement prices of the portfolio securities, including any leveraged loans held by the Fund, will also be readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, or on-line information services. The Portfolio Indicative Value, as defined in NYSE Arca Equities Rule 8.600 (c)(3), is disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund discloses on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares is and will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last-sale information is available via the Consolidated Tape Association high-speed line. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Shares is subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. The Web site for the Fund includes a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. In addition, as stated in the Prior Release, investors have ready access to information regarding the Fund's holdings, the Portfolio Indicative Value, the Disclosed Portfolio, and quotation and last-sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. As noted in the Prior Release, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via the Intermarket Surveillance Group (''ISG'') from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as stated in the Prior Notice, investors have ready access to information regarding the Fund's holdings, the Portfolio Indicative Value, the Disclosed Portfolio, and quotation and last-sale information for the Shares. As noted above, the Fund may invest up to 20% of its net assets in only highly liquid leveraged loans with readily available prices. The Fund will invest in leveraged loans rated C or higher by an NRSRO or is unrated but considered to be of comparable quality by the Adviser or Sub-Adviser. The Fund will not invest in leveraged loans that are in default at time of purchase. The Fund will only invest in U.S. dollar-denominated leveraged loans. In addition, for investment purposes, the leveraged loan must have a par amount outstanding of U.S. $150 million or greater at the time the loan is originally issued.

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 purpose of the Act. The Exchange believes that the proposed rule change, in permitting the Fund to utilize leveraged loans as part of its portfolio to achieve its investment objective, will enhance competition among issues of Managed Fund Shares that invest in leveraged loans.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6) thereunder.[16]

A proposed rule change filed under Rule 19b–4(f)(6)[17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that waiver of the operative delay would permit the Fund to invest immediately in leveraged loans that the Sub-Adviser believes will further the Fund's investment objective to achieve high current income with a secondary goal of capital appreciation.

Under the proposal, the Fund's investments in leveraged loans would be limited to 20% of its net assets. The Exchange states that the Fund will not invest in leveraged loans that are in default at time of purchase and that the Fund will only invest in U.S. dollar-denominated leveraged loans. In addition, for investment purposes, each leveraged loan must have a par amount outstanding of U.S. $150 million or greater at the time the loan is originally issued. The Commission notes that it has approved the listing and trading of shares of another exchange-traded fund that principally invests in similar leveraged loans.[19] The Exchange represents that the Fund's investment objective is not changing, all other representations made in the Prior Release remain unchanged, and the Fund will continue to comply with all of the listing requirements under NYSE Arca Equities Rule 8.600. For the foregoing reasons, the Commission believes that the proposed change does not raise novel or unique regulatory issues and is consistent with the protection of investors and the public interest. Therefore, the Commission waives the 30-day operative delay requirement and designates the

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 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. The Exchange has satisfied this requirement.

[17] *Id.*

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] *See* note 9, supra.

proposed rule change as operative upon filing.[20]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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–NYSEArca–2013–83 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2013–83. 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 No. SR–NYSEArca–2013–83 and should be submitted on or before September 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–21535 Filed 9–4–13; 8:45 am]

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[20] 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).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70281; File No. SR–ICEEU–2013–10]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Regulatory Reporting of Swap Data

August 29, 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 August 20, 2013, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I and II below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposal pursuant to Section 19(b)(3)(A)(iii) [3] of the Act and Rule 19b–4(f)(4)(ii) [4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ICE Clear Europe submits the proposed amendment to its clearing rules in order to add Rule 411 which facilitates swap data repository (''SDR'') reporting by and at ICE Clear Europe that is consistent with Part 45 of Commodity Futures Trading Commission (''CFTC'') Rules and Regulations. Proposed Rule 411 provides that ICE Clear Europe will report creation and continuation data to ICE Trade Vault, LLC (''ICE Trade Vault''), a provisionally registered SDR selected by ICE Clear Europe.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule amendment includes proposed Rule 411, which provides that with respect to all swaps cleared by ICE Clear Europe and resulting positions, ICE Clear Europe will report creation and continuation data to ICE Trade Vault for purposes of complying with applicable CFTC rules and regulations governing the regulatory reporting of swaps, specifically CFTC Regulations 45.3,[5] 45.4(b) [6] and 45.9.[7] Proposed Rule 411 is consistent with CFTC Regulations 45.3 [8] and 45.4(b) [9] that require that creation and continuation data must be reported by both the derivatives clearing organization and the reporting counterparty. ICE Clear Europe currently complies with CFTC Regulations 45.3 [10] and 45.4(b) [11] by reporting swap data to ICE Trade Vault. In order to codify ICE Clear Europe's practice of reporting relevant Part 45 data to ICE Trade Vault, ICE Clear Europe proposed to add to its Clearing Rules, Rule 411 (Swap Data Repository ''SDR'' Reporting).

Proposed Rule 411 further provides that upon the request of a clearing member counterparty to a swap cleared at ICE Clear Europe, ICE Clear Europe

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(4)(ii).

[5] 17 CFR 45.3.

[6] 17 CFR 45.4(b).

[7] 17 CFR 45.9.

[8] 17 CFR 45.3.

[9] 17 CFR 45.4(b).

[10] 17 CFR 45.3.

[11] 17 CFR 45.4(b).

will provide the same creation and continuation data reported by ICE Clear Europe to ICE Trade Vault to an SDR selected by such counterparty. In this regard, proposed Rule 411 is also consistent with CFTC Regulation 45.9 [12] that provides that swap counterparties required by Part 45 to report swap creation or continuation data may contract with third-party service providers to facilitate reporting. Proposed Rule 411 ensures that ICE Clear Europe, in the capacity of a third-party service provider, will be responsible for reporting required swap creation and continuation data on behalf of ICE Clear Europe's clearing members.

The addition of proposed Rule 411 is in response to swap dealers' mandatory compliance with CFTC Regulations 45.3 [13] and 45.4,[14] which was required as of February 28, 2013.

ICE Clear Europe believes that the proposed rule change is consistent with the requirements of Section 17A of the Act [15] and the regulations thereunder applicable to it. ICE Clear Europe notes that proposed Rule 411 mirrors ICE Clear Credit LLC (''ICC'') Rule 211, approved by the Commission on an accelerated basis pursuant to Section 19(b)(2) of the Act [16] on April 9, 2013, in every substantive respect. ICE Clear Europe notes that in the Commission's notice of filing and order granting accelerated approval of ICC Rule 211, the Commission found that ''by facilitating compliance with the swap data reporting requirements of [the CFTC], [ICC Rule 211] is consistent with promoting the prompt and accurate clearance and settlement of derivative agreements, contracts, and transactions, assuring the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and protecting investors and the public interest'' as required under Section 17A(b)(3)(F) of the Act.[17]

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule change would have any impact, or impose any burden, on competition. In general, proposed Rule 411 does not have any effect on competition because it is not a restraint. The proposed rule in no way keeps reportable trade data regarding swaps from being reported to any other SDR and, in fact, explicitly allows a clearing member that is a counterparty to a swap cleared at ICE Clear Europe to designate any SDR to receive swap creation and continuation data. While an affiliate of ICE Clear Europe, ICE Trade Vault, is available to handle SDR reporting obligations, ICE Clear Europe's rule is designed to permit ICE Clear Europe's clearing members to be able to designate any SDR to receive the required reports. The ability of ICE Clear Europe clearing members to designate any SDR ensures the competitiveness of the various reporting facilities.

Additionally, proposed Rule 411 complies with the swap data reporting requirements of the Commodity Exchange Act and the CFTC's rules thereunder that further the goals of reducing systemic risk, increasing transparency and promoting market integrity within the financial system. The Commission has found that a rule that facilitates compliance with the swap data reporting requirements of another regulator is consistent with the requirements of the Act, in particular the requirements of Section 17A of the Act [18] and the rules and regulations thereunder applicable to a clearing agency.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the rule change have been solicited from clearing members as part of the rule change process. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act [19] and Rule 19b–4(f)(4)(ii) [20] thereunder because it is effecting a change in an existing service of a registered clearing agency that primarily affects the clearing operations of the clearing agency with respect to products that are not securities, including swaps that are not security-based swaps or mixed swaps, and does not significantly affect the securities clearing operations of the clearing agency or any related rights or obligations of the clearing agency with respect to securities clearing or persons using such service. 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–ICEEU–2013–10 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–ICEEU–2013–10. 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 filings also will be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/notices/Notices.shtml?regulatoryFilings.*

All comments received will be posted without change; the Commission does not edit personal identifying

[12] 17 CFR 45.9.

[13] 17 CFR 45.3.

[14] 17 CFR 45.4.

[15] 15 U.S.C. 78q–1.

[16] 15 U.S.C. 78s(b)(2).

[17] 15 U.S.C. 78q–1(b)(3)(F); *see* Securities Exchange Act Release No. 69628 (Apr. 9, 2013), 78 FR 22350, 22351–52 (Apr. 15, 2013) (SR–ICC–2013–05).

[18] 15 U.S.C. 78q–1.

[19] 15 U.S.C. 78s(b)(3)(A)(iii).

[20] 17 CFR 240.19b–4(f)(4)(ii).

information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICEEU–2013–10 and should be submitted on or before September 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–21532 Filed 9–4–13; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 8449; No. 2013–5]

Determination Pursuant to the Foreign Missions Act

Pursuant to the authority vested in me under the Foreign Missions Act, 22 U.S.C. 4301 *et seq.* (''the Act''), and Department of State Delegation of Authority No. 198 of September 16, 1992, I hereby determine that the plans submitted by the Embassy of the Republic of South Africa to the Public Space Committee of the District of Columbia's Department of Consumer and Regulatory Affairs concerning the location of a flagpole in public space at its chancery located at 3051 Massachusetts Avenue NW., demonstrate substantial compliance with District of Columbia building and related codes in a manner determined by the Secretary to be inconsistent with the international obligations of the United States, in accordance with section 206(g) of the Act.

Dated: August 20, 2013.

Patrick F. Kennedy,

Under Secretary for Management.

[FR Doc. 2013–21600 Filed 9–4–13; 8:45 am]

BILLING CODE 4710–43–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Registration and Financial Security Requirements for Brokers of Property and Freight Forwarders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice.

SUMMARY: FMCSA announces guidance concerning the implementation of certain provisions of the Moving Ahead for Progress in the 21st Century Act (MAP–21) concerning persons acting as a broker or a freight forwarder. Section 32915 of MAP–21 requires anyone acting as a broker or a freight forwarder and subject to FMCSA jurisdiction, including motor carriers, to register and obtain broker or freight forwarder authority from FMCSA. Section 32918 amended the financial security requirements applicable to property brokers and created new requirements for freight forwarders. FMCSA provides guidance for brokers and freight forwarders on how to comply with the new requirements and information regarding FMCSA's enforcement of these provisions.

DATES: This guidance is effective October 1, 2013.

FOR FURTHER INFORMATION CONTACT: Jeffrey Secrist or Gerald Folsom, Office of Registration and Safety Information, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590–0001, (202) 385–2367/2405 regarding financial security requirements or Kenneth Rodgers, Office of Enforcement and Compliance, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590–0001, (202) 385–2400 regarding enforcement.

SUPPLEMENTARY INFORMATION: On July 6, 2012, the President signed MAP–21 (Pub. L. 112–141, 126 Stat. 405 (2012)) into law, which included a number of mandatory, non-discretionary changes to FMCSA programs. Some of these changes amended the financial security requirements applicable to property brokers and freight forwarders operating under FMCSA's jurisdiction. Others required motor carriers to register as brokers if they were also performing brokerage functions. The FMCSA provides guidance to ensure that all interested parties are aware of the self-executing statutory provisions that take effect on October 1, 2013, and how those subject to the requirements can achieve compliance with the law.

A. General Broker/Freight Forwarder Information

FMCSA has received a number of requests from motor carriers and other transportation companies requesting additional information about when registration as a broker or freight forwarder is required. The Agency has compiled a list of the most common questions and our responses and presents the information below in question-and-answer format.

Question 1: What is a broker?

Answer: A broker is a person or an entity that, for compensation, arranges, or offers to arrange, for the transportation of property by a motor carrier. A broker does not transport the property and does not assume responsibility for the property. Although MAP–21 left in place the previous statutory definition of ''broker,'' which expressly excludes motor carriers and their agents and employees (49 U.S.C. 13102(2)), the new law separately prohibits motor carriers from brokering transportation services unless they are registered as a broker (49 U.S.C. 13902(a)(6)).

Question 2: What is a freight forwarder?

Answer: A freight forwarder is a person or entity that holds itself out to the general public as providing transportation of property for compensation, and in the ordinary course of its business:

- Assembles and consolidates, or provides for assembling and consolidating, shipments and performs or provides for break-bulk and distribution operations of the shipments;
- Assumes responsibility for the transportation from the place of receipt to the place of destination; and
- Uses for any part of the transportation a rail, motor or water carrier subject to the jurisdiction of either FMCSA or the Surface Transportation Board.

Question 3: Are freight forwarders and brokers required to register with FMCSA?

Answer: Yes. Freight forwarders and brokers that are involved in interstate commerce and subject to FMCSA jurisdiction are required to register with FMCSA. Freight forwarders that perform both freight forwarder services and motor carrier services (beyond the scope of their freight forwarding operations) must register both as freight forwarders and as motor carriers. Additionally, as noted in Q1 above, MAP–21 requires motor carriers that broker loads, even occasionally, to register both as motor carriers and as brokers.

Question 4: How would a motor carrier that also brokers loads apply for broker authority?

Answer: Anyone seeking broker authority must file a Form OP–1 and submit it to FMCSA. Companies with existing motor carrier authority should include their current USDOT Number on the OP–1 form but leave the MC Number field blank. FMCSA will issue a separate MC Number for the broker authority. While MAP–21 requires FMCSA to establish an indicator of the type of transportation or service for which the USDOT registration number is issued, including whether the

[21] 17 CFR 200.30–3(a)(12).

registration number is issued for registration of a motor carrier, freight forwarder, or broker, FMCSA will implement this provision at a later time.

Question 5: What is freight interlining?

Answer: To interline a shipment is to transfer the property between two or more carriers for movement to its final destination. For example, where the point of origin of the shipment is Washington, DC, and the final destination is Los Angeles, CA, Motor Carrier ''A'' may transport the shipment from Washington, DC, and then interline with Motor Carrier ''B'' in San Antonio, TX. Motor Carrier ''B'' will then complete the transportation of the shipment from San Antonio to Los Angeles.

Question 6: Does FMCSA require an interline carrier to obtain operating authority?

Answer: FMCSA requires all non-exempt for-hire motor carriers to obtain operating authority to provide transportation in interstate commerce. However, a motor carrier that is performing part of a single continuous transportation movement as an interline operation can perform that service under either (1) its own operating authority or (2) the authority of the originating motor carrier.

Question 7: Is a broker required to process loss and damage claims?

Answer: No. A claim for cargo loss and damage must be filed with the appropriate motor carrier, which usually would be the originating carrier responsible for transporting and delivering the freight or the carrier causing the loss and/or damage to the freight. Brokers may, however, assist shippers in filing claims with the responsible motor carrier.

Question 8: What is the civil penalty for a broker or freight forwarder who engages in interstate operations without the required operating authority (registration)?

Answer: A broker or freight forwarder who knowingly engages in interstate brokerage or freight forwarding operations without the required operating authority is liable to the United States for a civil penalty not to exceed $10,000 and can be liable to any injured third party for all valid claims regardless of the amount (49 U.S.C. 14916(c)). The penalties and liability to injured parties apply jointly and severally to all corporations or partnerships involved in the transportation and individually to all officers, directors, and principals of these business forms (49 U.S.C. 14916(d)). Under 49 U.S.C. 14901(d)(3), a broker of household goods (HHG) who engages in interstate operations without the required operating authority is liable to the United States for a civil penalty of not less than $25,000 for each violation.

B. Financial Security Requirements

FMCSA has received a number of requests from brokers, freight forwarders, bonding companies and other financial institutions requesting additional information about how to comply with these new requirements. The Agency has compiled a list of the most common questions and our responses and presents the information below in question-and-answer format.

Question 1: What is the minimum level of financial security that a broker or freight forwarder must maintain on file with FMCSA?

Answer: Beginning October 1, 2013, all FMCSA regulated brokers and freight forwarders must obtain and file with FMCSA a surety bond or trust fund agreement in the amount of $75,000.

Question 2: May I use group surety bonds or trust funds to satisfy FMCSA's financial responsibility requirement?

Answer: No. Although FMCSA is authorized, pursuant to 49 U.S.C. 13906(b) and (c), to accept group financial security products to meet property broker and freight forwarder financial responsibility requirements on the condition that those products otherwise meet the requirements set forth in 49 U.S.C. 13906 and 49 CFR part 387, the Agency is not required to accept these group financial security products. At this time, FMCSA is considering the enforcement implications of group sureties as well as the effect on small entities and new entrants. FMCSA is committed to reexamining this issue as part of its enforcement phase-in plan described under section C, FMCSA Implementation and Enforcement Timelines, below.

Question 3: If my surety bonding company or trustee previously filed Forms BMC–84 or BMC–85, do I need to file a new one reflecting the new $75,000 minimum financial security requirement?

Answer: Yes. *All* brokers and freight forwarders subject to FMCSA jurisdiction must file new BMC–84 or BMC–85 forms reflecting the new minimum financial security amount of $75,000 as of October 1, 2013. FMCSA will develop new BMC forms for use by surety bonding companies and trust fund institutions in advance of the October 1, 2013, deadline.

Question 4: My company has both broker and freight forwarder authority. Is one $75,000 bond or trust fund sufficient or do I need 2 separate bonds/trust funds?

Answer: One $75,000 bond or trust fund is sufficient as long as the legal entity holding the authorities is the same. Your company will need to file separate BMC–84/BMC–85 forms for the broker and freight forwarder operations. However, the underlying bond or trust fund can be the same for both operations. If your broker and freight forwarder operations are conducted under separate but affiliated companies, each entity must have a separate bond or trust fund.

Question 5: What happens if my bonding company or trust fund institution does not file new BMC–84 or BMC–85 forms reflecting the new $75,000 minimum financial security requirement beginning October 1, 2013?

Answer: See ''Section C: FMCSA Implementation and Enforcement Timelines'' below.

Question 6: MAP–21 says that I have to use a surety bond company that is approved by the U.S. Treasury Department. How do I know whether my surety bond company is approved by the Treasury Department?

Answer: The Treasury Department's Financial Management Service maintains a list of certified surety bond companies at *http://fms.treas.gov/c570/index.html*. This and other information about certified surety bond companies can be obtained from the U.S. Department of the Treasury, Financial Management Service, Surety Bond Branch, 3700 East West Highway, Room 6F01, Hyattsville, MD 20782, Telephone (202) 874–6850 or Fax (202) 874–9978.

Question 7: MAP–21 revised 49 U.S.C. 13906(c)(3)(C) to state that FMCSA *may* require freight forwarders to provide cargo insurance. How do I know if this applies to me?

Answer: Existing regulations at 49 CFR 387.403 require household goods freight forwarders to obtain cargo insurance in the amount of $5,000 for loss of, or damage to, household goods carried on any one motor vehicle; and $10,000 for loss of, or damage to, or the aggregate of losses or damages of, or to, household goods occurring at any one time and place. Non-household goods freight forwarders are *not* required to obtain cargo insurance. FMCSA did not make any changes to these requirements as a result of MAP–21.

Question 8: MAP–21 instituted a new requirement that surety bond and trust fund institutions ''provide electronic notification'' to FMCSA at least 30 days before a surety bond or trust fund is cancelled. How do these institutions provide this electronic notice?

Answer. Surety bond and trust fund institutions should send their electronic notification of cancellation through: *http://li-public.fmcsa.dot.gov.*

Question 9: Will existing surety bonds be cancelled and replaced by the new surety bonds? Alternatively, will the existing surety bonds remain in place and be revised by rider or endorsement?

Answer. Pursuant to 49 CFR 387.307(a), a surety bond ''for the full limits of liability prescribed'' must be in effect before FMCSA will issue property broker or household goods broker operating authority. Riders/endorsements are a permissible means of complying with the new $75,000 financial responsibility requirement, provided that a new BMC–84 form for the full limits of liability is on file with FMCSA.

C. FMCSA Implementation and Enforcement Timelines

Companies providing broker or freight forwarder services, including motor carriers, are required to obtain the appropriate operating authorities and, as of October 1, 2013, are required to meet the new minimum financial responsibility requirements. FMCSA will be providing a 60-day phase-in period beginning October 1, 2013, to allow the industry to complete all necessary filings. Beginning November 1, 2013, FMCSA will mail notifications to all brokers and freight forwarders that have not met the $75,000 minimum financial security requirement. FMCSA will provide 30 days advance notice before revoking the freight forwarder and broker operating authority registrations.

FMCSA acknowledges there are motor carriers that occasionally broker loads that have not previously been required to obtain operating authority registration from FMCSA as brokers. However, FMCSA is unable to determine at this time how many motor carriers may be engaged in some brokering activities, making implementation of a comprehensive enforcement program difficult. Therefore, FMCSA will phase in its enforcement of the broker registration requirements for motor carriers that also broker loads. During the first phase-in period, FMCSA will accept complaints regarding unregistered brokerage activities of motor carriers through our National Consumer Complaint Database (see *http://nccdb.fmcsa.dot.gov/*). FMCSA will work with industry groups to use this complaint information and other data to ascertain the extent of the unlicensed broker population subset within the motor carrier industry. The agency will then work toward developing a comprehensive enforcement program.

FMCSA strongly encourages all motor carriers *not* to accept loads from unregistered brokers or freight forwarders, as these entities might not have the financial security mandated by MAP–21. FMCSA also notes that motor carriers brokering loads without properly registering with FMCSA as brokers may be subject to private civil actions pursuant to 49 U.S.C. 14707.

Issued on: August 29, 2013.

Anne S. Ferro,

Administrator.

[FR Doc. 2013–21539 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0088]

Reports, Forms and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed extension, without change, of a currently approved collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, the agency must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. In compliance with the Paperwork Reduction Act of 1995, this notice describes one collection of information for which NHTSA intends to seek OMB approval, relating to confidential business information.

DATES: Comments must be submitted on or before November 4, 2013.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Regardless of how you submit your comments, please be sure to mention the docket number of this document and cite OMB Clearance No. 2127–0025, ''49 CFR Part 512, Confidential Business Information.''

You may call the Docket at 202–366–9322.

Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: For questions contact Nicholas Englund in the Office of the Chief Counsel at the National Highway Traffic Safety Administration, telephone (202) 366–5263.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of

information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comment on the following extension of clearance for a currently approved collection of information:

Confidential Business Information

Type of Request—Extension of clearance.

OMB Clearance Number—2127–0025.

Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—Three (3) years from the date of approval of the collection.

Summary of the Collection of Information—Persons who submit information to the agency and seek to have the agency withhold some or all of that information from disclosure under the Freedom of Information Act (''FOIA''), 5 U.S.C. 552, must provide the agency with sufficient support that justifies the confidential treatment of that information. In addition, a request for confidential treatment must be accompanied by: (1) A complete copy of the submission; (2) a copy of the submission containing only those portions for which confidentiality is not sought with the confidential portions redacted; and (3) either a second complete copy of the submission or alternatively those portions of the submission that contain the information for which confidentiality is sought. Furthermore, the requestor must submit a completed certification as provided in 49 CFR part 512, Appendix A. *See generally* 49 CFR part 512 (NHTSA Confidential Business Information regulations).

Part 512 ensures that information submitted under a claim of confidentiality is properly evaluated in an efficient manner under prevailing legal standards and, where appropriate, accorded confidential treatment. To facilitate the evaluation process, in their requests for confidential treatment, submitters of information may make reference to certain limited classes of information that are presumptively treated as confidential, such as blueprints and engineering drawings, future specific model plans (under limited conditions), and future vehicle production or sales figures for specific models (under limited conditions). Further, most early warning reporting (EWR) data are confidential under class determinations provided in 49 CFR part 512, with the exception of information on death, injury, and property damage claims and notices, which would be handled on an individual basis according to the procedures of part 512 and are, therefore, covered by this notice. 72 FR 59434 (Oct. 19, 2007).

Description of the Need for the Information and Use of the Information—NHTSA receives confidential information for use in its activities, which include investigations, rulemaking actions, program planning and management, and program evaluation. The information is needed to ensure the agency has sufficient relevant information for decision-making in connection with these activities. Some of this information is submitted voluntarily, as in rulemaking, and some is submitted in response to compulsory information requests, as in investigations.

Description of the Likely Respondents, Including Estimated Number and Proposed Frequency of Response to the Collection of Information—This collection of information applies to entities that submit to the agency information that the entities wish to have withheld from disclosure under the FOIA. Thus, the collection of information applies to entities that are subject to laws administered by the agency or agency regulations and are under an obligation to provide information to the agency. It also includes entities that voluntarily submit information to the agency. Such entities would include manufacturers of motor vehicles and of motor vehicle equipment. Importers are considered to be manufacturers. It may also include other entities that are involved with motor vehicles or motor vehicle equipment but are not manufacturers.

Estimate of the Total Annual Reporting and Recordkeeping Burdens Resulting from the Collection of Information—3680 hours.

The agency receives requests for confidential treatment that vary in size from requests that ask the agency to withhold as little as a portion of one page to multiple boxes of documents. NHTSA estimates that it will take on average approximately eight (8) hours for an entity to prepare a submission requesting confidential treatment. This estimate will vary based on the size of the submission, with smaller and voluntary submissions taking considerably less time to prepare. The agency based this estimate on the volume of requests received over the past three years.

NHTSA estimates that it will receive approximately 460 requests for confidential treatment annually. This figure is based on the average number of requests received over the past three years. We selected this period because it provides an estimate based on incoming requests for the most recent three years. The agency estimates that the total burden for this information collection will be approximately 3680 hours, which is based on the number of requests (460) multiplied by the estimated number of hours to prepare each submission (8 hours).

Since nothing in the rule requires those persons who request confidential treatment pursuant to part 512 to keep copies of any records or requests submitted to us, recordkeeping costs imposed would be zero hours and zero costs.

Authority: 44 U.S.C. 3506; delegation of authority at 49 CFR 1.95.

Issued in Washington, DC, under authority delegated in 49 CFR part 1.95.

O. Kevin Vincent,

Chief Counsel.

[FR Doc. 2013–21517 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Request for Comment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces that the Information Collection Request (ICR) abstracted below will be submitted to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the information collection and its expected burden. A **Federal Register** Notice with a 60-day comment period soliciting public comments on the following information collection was published on April 22, 2013 (**Federal Register**/Vol. 78, No. 77/pp. 23824–23825).

DATES: Submit comments to the Office of Management and Budget (OMB) on or before October 7, 2013.

FOR FURTHER INFORMATION CONTACT: Dr. Kathy Sifrit at the National Highway Traffic Safety Administration, Office of Behavioral Safety Research (NTI–132), W46–472, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. Dr. Sifrit's phone number is 202–366–0868

and her email address is *kathy.sifrit@dot.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2127–New.

Title: Older Driver Compliance with Licensing Restrictions.

Form No.: NHTSA Form 1186.

Type of Review: Regular.

Respondents: Drivers age 70 and older who have responded to a solicitation for participation in a study of licensing restrictions and provided a phone number for contact.

Estimated Number of Respondents: A maximum of 240 respondents to a solicitation who have provided a phone number to call.

Estimated Time Per Response: The average amount of time to respond to the questions is estimated at 10 minutes for each telephone conversation with a respondent.

Total Estimated Annual Burden Hours: 40 hours.

Frequency of Collection: The questions will be presented a single time.

Abstract

Some States impose restrictions on drivers who have impairments that may affect safety, for example, limiting a driver whose vision is declining to daytime driving only. However, it is unclear whether drivers comply with those restrictions. This study will explore this issue by documenting driving habits of drivers with restrictions imposed by the licensing authority, drivers with restrictions recommended by a driving rehabilitation specialist but without State-imposed restrictions, and a control group of unrestricted drivers of similar age. The National Highway Traffic Safety Administration (NHTSA) proposes to collect information from older adult licensed drivers about their driver license status and driving habits. Drivers will volunteer for the study by responding to a mailed or individually-delivered solicitation. Researchers will ask drivers seven questions to determine eligibility to participate in the study, then describe the proposed study to respondents who qualify. Each driver who meets study inclusion criteria will then be asked if he or she wishes to participate. If yes, a project assistant will ask for a description of the car in order to identify it and install a data collection system that will collect all remaining data necessary for the study. In sum, the proposed questions will allow research staff to ensure that prospective participants meet study inclusion criteria and facilitate installing data collection instruments in the participants' vehicles. Findings will provide information about the extent to which drivers comply with license restrictions and with certified driving rehabilitation specialist recommendations, and whether such restrictions lead to reduced driving exposure. NHTSA will provide the findings to States for their use in developing restricted licensing practices aimed at reducing injuries and loss of life on the highway.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for Department of Transportation, National Highway Traffic Safety Administration, or by email at *oira_submission@omb.eop.gov*, or fax: 202–395–5806.

Comments are Invited On: whether the proposed collection of information is necessary for the proper performance of the functions of the Department of Transportation, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; 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, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication of this notice.

Authority: 44 U.S.C. 3506(c)(2)(A).

Issued in Washington, DC on August 30, 2013.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2013–21552 Filed 9–4–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Request for Comment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces that the Information Collection Request (ICR) abstracted below will be submitted to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the information collection and its expected burden. A **Federal Register** Notice with a 60-day comment period soliciting public comments on the following information collection was published on May 8, 2013 (**Federal Register**/Vol. 78, No. 89/pp. 26848–26849).

DATES: Submit comments to the Office of Management and Budget (OMB) on or before October 7, 2013.

FOR FURTHER INFORMATION CONTACT: Randolph Atkins at the National Highway Traffic Safety Administration, Office of Behavioral Safety Research (NTI–131), W46–500, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. Dr. Atkins' phone number is 202–366–5597 and his email address is *randolph.atkins@dot.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2127–New.

Title: Matching Countermeasures to Driver Types and Speeding Behaviors.

Form No.: NHTSA 1198.

Type of Review: Regular.

Respondents: The survey respondents will be a random sample of drivers currently licensed and living in Idaho. The sample will be stratified by age, gender, and numbers of citations for speeding in the previous three years.

Estimated Number of Respondents: An estimated sample size of 3200 drivers is projected for the survey mailing with a projected response rate of 50% (1600 drivers).

Estimated Time per Response: The average amount of time for each respondent to complete the survey is estimated at 25 minutes. This includes any time needed to retrieve information.

Total Estimated Annual Burden Hours: 444.6 hours.

Frequency of Collection: The survey will be administered a single time.

Abstract: In this study, NHTSA will be conducting a survey of a random sample of licensed drivers in the State of Idaho, stratified by age, gender and number of speeding convictions, in order to further explore typologies of driver speeding types developed in our recent *Motivations for Speeding* project and our *2011 National Survey of Speeding Attitudes and Behavior* with a focus on finding appropriate countermeasures for various speeder types. This project will collect

information on the attitudes and experiences of the drivers surveyed with regard to speeding countermeasures as well as actual driving records and match countermeasures with driver types.

One objective of this project is to further examine the driver speeding typologies from the two previous studies. Each of the typologies provides a different way of defining speeder types. The four speeder types from the *Motivations for Speeding* project are based on the actual driving behaviors of a small sample of volunteer drivers. The three speeder types from the 2011 national phone survey are based on self-reports from a nationally representative sample of drivers. This project will compare these two ways of defining types of drivers with regard to their speeding behavior using driver records and the results of a mail survey of a representative sample of fully-licensed drivers and examine the utility of each way of defining types of speeders.

A second objective of this project is the exploration of appropriate speeding countermeasures for various driver speeding types and roadways. This includes examining various countermeasures applied to speeding, such as traditional law enforcement, in-vehicle technologies, and driver education. This project will collect information on the attitudes and experiences of the drivers surveyed with regard to speeding countermeasures and match countermeasures with driver types from the two speeding typologies. Based on the analysis of this matching, recommendations for the most appropriate speeding countermeasures for various driver types will be produced.

The third objective of this project is to match actual driver records with individual survey responses in order to compare patterns of actual driving violations with speeding types and other responses, and to validate self-report information found in the survey. The driver records data will also be used to conduct a non-response bias analysis for the survey.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for Department of Transportation, National Highway Traffic Safety Administration, or by email at *oira_submission@omb.eop.gov*, or fax: 202–395–5806.

Comments Are Invited On: whether the proposed collection of information is necessary for the proper performance of the functions of the Department of Transportation, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; 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, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication of this notice.

Authority: 44 U.S.C. Section 3506(c)(2)(A).

Issued in Washington, DC, on August 30, 2013.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2013–21554 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0099]

Notice of Buy America Waiver

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of Buy America waiver.

SUMMARY: This Notice provides NHTSA's finding that a waiver of the Buy America requirements is appropriate for the purchase of Can-Am Spyder motorcycles by the Wisconsin Department of Transportation (WisDOT), using Federal grant funds, for use as training vehicles in its Motorcycle Safety Program. NHTSA has determined that a waiver is appropriate because there are no comparable three-wheeled ''trike'' motorcycles produced domestically that use the same wheel configuration as the Spyder.

DATES: The effective date of this waiver is October 7, 2013. Written comments regarding this notice may be submitted to NHTSA and must be received on or before: September 16, 2013.

ADDRESSES: Written comments may be submitted using any one of the following methods:

- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Fax:* Written comments may be faxed to (202) 493–2251.
- *Internet:* To submit comments electronically, go to the Federal regulations Web site at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Instructions: All comments submitted in relation to this waiver must include the agency name and docket number. Please note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You may also call the Docket at 202–366–9324.

FOR FURTHER INFORMATION CONTACT: For program issues, contact Barbara Sauers, Office of Regional Operations and Program Delivery, NHTSA (phone: 202–366–0144). For legal issues, contact Andrew DiMarsico, Office of Chief Counsel, NHTSA (phone: 202–366–5263). You may send mail to these officials at National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: This Notice provides NHTSA's finding that a waiver of the Buy America requirements is appropriate for the Wisconsin Department of Transportation (WisDOT) to purchase Can-Am Spyder model motorcycles (Spyders) using grant funds, authorized under 23 U.S.C. 402 (Section 402). *See* 23 U.S.C. 313. Section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users (SAFETEA–LU) authorized NHTSA to award grant funds to States that implement programs to reduce the number of crashes involving motorcyclists. Public Law 109–54, 119 Stat. 1535 (23 U.S.C. 402 note, repealed by the Moving Ahead for Progress in the 21st Century Act, Pub. L. 112–141, Div. C, Title I, § 31109(g), 126 Stat. 757 (2012), recodified as amended at 23 U.S.C. 405(f)). Awarded funds must be used for the purpose of implementing and improving motorcyclist safety training and awareness programs, which includes, among other things, the procurement of practice motorcycles. *Id.*

The Buy America Act provides that NHTSA ''shall not obligate any funds authorized to be appropriated to carry out the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or Title 23 and administered by the Department of Transportation, unless steel, iron, and manufactured products used in such project are produced in the United States.'' 23 U.S.C. 313. However, NHTSA may waive those requirements

if (1) Their application would be inconsistent with the public interest; (2) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent. 23 U.S.C. 313(b). In this instance, NHTSA has determined that a waiver is appropriate for the purchase of Can-Am Spyder three-wheeled motorcycles because there are no comparable trike motorcycles produced domestically that use the same wheel configuration as the Spyder.

The Can-Am Spyder is a three-wheeled motorcycle, commonly referred to as a ''trike.'' Unlike a traditional trike motorcycle, however, the Spyder does not utilize two rear wheels. Rather, the Spyder uses a chassis similar to an all-terrain vehicle (ATV) with two front wheels and one wheel in the rear. A typical Spyder RS model has 100 horse power @ 7500 RPM with a 5-speed transmission and a gross vehicle weight rating (GVWR) of 798 lbs. It is equipped with traction and stability control, anti-lock braking, and power steering. The starting purchase price for a Spyder RS model ranges from $16,699 (for a 5-speed RS model with manual transmission) to $19,999 (for an RS–S model with semi-automatic transition). Can-Am Spyders are considered a manufactured product under the Buy America Act and are assembled by Bombardier Recreational Products, Inc. (BRP) in Valcourt, Quebec, Canada.

WisDOT seeks a waiver to purchase Spyder model motorcycles for use as training vehicles in the Wisconsin Motorcycle Safety Program. WisDOT states that three-wheeled vehicles are becoming an increasingly popular style of motorcycle and WisDOT believes it is important to provide rider training on vehicles that reflect this particular configuration. According to WisDOT, the unique configuration of the Spyder vehicles, with two front wheels and one rear wheel, will offer riders a different configuration than the existing three-wheeled bikes in Wisconsin's training program, all of which have two wheels in the rear. Thus, adding the Spyder to WisDOT's existing training vehicles will provide riders with a wider variety of training options and help meet the needs of changing motorcycle rider demographics. WisDOT intends to purchase up to four Spyder trikes for this program at approximately $20,000 per unit, for a total cost of $80,000.

NHTSA is not aware of a trike with a comparable wheel configuration that is produced in the United States. In the trike market, Harley-Davidson, a domestic manufacturer, produces a three-wheeled motorcycle called the Tri-Glide. However, the Tri-Glide is distinguishable from the Spyder because of its wheel configuration with one wheel in front and two in the rear. WisDOT has already purchased two Tri-Glide trikes for its training program and is seeking the addition of the Spyder models to provide a distinctive training opportunity on an increasingly popular motorcycle configuration. The Spyder is the only full-sized three-wheel motorcycle configuration with two wheels in the front and one driver wheel at the rear. Accordingly, NHTSA's review has determined that there is no comparable, domestically produced three-wheeled motorcycle that fits the needs of WisDOT's Motorcycle Safety Program. However, the Agency invites public comment on the availability of domestically-produced models with similar wheel configurations to the Can-Am Spyder.

In light of the above discussion, and pursuant to 23 U.S.C. 313(b)(2), NHTSA finds that it is appropriate to grant a waiver from the Buy America requirements to WisDOT in order to purchase Can-Am Spyder model motorcycles. In accordance with the provisions of Section 117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), NHTSA is providing this notice as its finding that a waiver of the Buy America requirements is appropriate. Written comments on this finding may be submitted through any of the methods discussed above.

Authority: 23 U.S.C. 313; Pub. L. 110–161.

Issued on: September 5, 2013.

O. Kevin Vincent,

Chief Counsel.

[FR Doc. 2013–21519 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0098]

Notice of Buy America Waiver

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of Buy America waiver.

SUMMARY: This Notice provides NHTSA's finding that a waiver of the Buy America requirements is appropriate for the purchase of Combi Navette infant car seats by the Maryland Highway Safety Office (MHSO), using Federal grant funds. NHTSA has determined that a waiver is appropriate because there are no comparable car seats produced in the United States that are designed to seat infants under four pounds.

DATES: The effective date of this waiver is October 7, 2013. Written comments regarding this notice may be submitted to NHTSA and must be received on or before: September 16, 2013.

ADDRESSES: Written comments may be submitted using any one of the following methods:

- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Fax:* Written comments may be faxed to (202) 493–2251.
- *Internet:* To submit comments electronically, go to the Federal regulations Web site at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Instructions: All comments submitted in relation to this waiver must include the agency name and docket number. Please note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You may also call the Docket at 202–366–9324.

FOR FURTHER INFORMATION CONTACT: For program issues, contact Barbara Sauers, Office of Regional Operations and Program Delivery, NHTSA (phone: 202–366–0144). For legal issues, contact Andrew DiMarsico, Office of Chief Counsel, NHTSA (phone: 202–366–5263). You may send mail to these officials at National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: This Notice provides NHTSA's finding that a waiver of the Buy America requirements, 23 U.S.C. 313, is appropriate for the Maryland Highway Safety Office (MHSO) to purchase Combi Navette infant car seats, Model No.836584, using grant funds authorized under 23 U.S.C. 402 (section 402). Section 402 funds are available for use by State Highway Safety Programs that, among other things, encourage the proper use of occupant protection devices, including child restraint

systems. 23 U.S.C. 402(a). The Buy America Act provides that NHTSA ''shall not obligate any funds authorized to be appropriated to carry out the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or Title 23 and administered by the Department of Transportation, unless steel, iron, and manufactured products used in such project are produced in the United States.'' 23 U.S.C. 313. However, NHTSA may waive those requirements if (1) Their application would be inconsistent with the public interest; (2) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent. 23 U.S.C. 313(b). In this instance, NHTSA has determined that a waiver is appropriate for the purchase of Combi Navette child seats because there is no comparable product produced domestically that meets the need identified by MHSO—specifically, the transport of low birth weight infants under four pounds.

MHSO seeks a waiver to purchase Combi Navette car seats for use by the Maryland Institute for Emergency Medical Services Systems (MIEMSS) and by Maryland's Kids in Safety Seats (KISS) Car Seat Loaner Program. Both KISS and MIEMSS operate programs that provide resources to hospitals that discharge healthy, under-four-pound infants. MHSO states that it is a best practice to send healthy, low birth weight infants home in car seats instead of car beds. This is because car seats are easier to use and install in vehicles, require only one seating position in a vehicle (as opposed to two, depending on the vehicle), and the harness dimensions of car seats are not as limiting as car beds.

The Combi Navette model is preferred by these programs because it has a birth-to-22-pound weight allowance, which allows for the transport of under-four-pound infants. The model is also equipped with low harness slots, a 5-point front harness adjuster with a splitter plate that allows an easy and accurate harness fit for babies under four pounds, and an anti-rebound bar which allows for easy angle positioning without the need for noodles or rolled towels to support the infant. The institutional model, sold through Child Source, retails for approximately $60.00 per seat and is sold in packs of three units. It is considered a manufactured product under the Buy America Act and is produced by the Combi Corporation, a Japan-based company which operates manufacturing subsidiaries in China.

NHTSA is not aware of a comparable child seat produced in the United States. The Combi Navette is unique in the child seat market because it does not specify a minimum child weight. Rather, it is designed to safely seat children from birth-weight to 22 pounds. In contrast, all domestically-produced car seats on the market specify a minimum infant weight of at least four pounds. NHTSA is aware of only one other car seat, the Nania Baby Ride, which is designed to seat infants under four pounds; however, to the best of NHTSA's knowledge, the Baby Ride is currently manufactured by France-based Team-Tex and, therefore, for purposes of the Buy America Act, is not produced in the United States. NHTSA invites public comment on this conclusion.

Therefore, in light of the above discussion, and pursuant to 23 U.S.C. 313(b)(2), NHTSA finds that it is appropriate to grant a waiver from the Buy America requirements to MHSO in order to purchase Combi Navette infant car seats. In accordance with the provisions of Section 117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), NHTSA is providing this notice as its finding that a waiver of the Buy America requirements is appropriate. Written comments on this finding may be submitted through any of the methods discussed above.

Authority: 23 U.S.C. 313; Pub. L. 110–161.

Issued on: September 5, 2013.

O. Kevin Vincent,

Chief Counsel.

[FR Doc. 2013–21518 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA–2013–0087]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes an Information Collection Request (ICR) for which NHTSA intends to seek OMB approval.

DATES: Comments must be submitted on or before November 4, 2013.

ADDRESSES: You may submit comments identified by DOT Docket ID Number NHTSA–2013–0087 using any of the following methods:

Electronic submissions: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail: Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Kristie Johnson, Ph.D., Contracting Officer's Technical Representative, Office of Behavioral Safety Research (NTI–131), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46–498, Washington, DC 20590. Dr. Johnson's phone number is 202–366–2755 and her email address is *kristie.johnson@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the

agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

Title—Evaluation of a New Child Pedestrian Curriculum.

Type of Request—New information collection requirement.

OMB Clearance Number—None.

Form Number—NHTSA Forms 1215, 1216, and 1217.

Requested Expiration Date of Approval—3 years from date of approval.

Summary of the Collection of Information—Several elementary schools who are adopting the Child Pedestrian Curriculum will be recruited to help evaluate the curriculum. Assisting faculty and staff and participating students' parents/caregivers will be surveyed regarding the implementation of a new child pedestrian curriculum. Participating students in grades K–5 will be surveyed regarding their knowledge, behavior, and attitudes about the curriculum. Student assessments are included as part of the curriculum for each of the focused topic lessons and contain age appropriate question and response formats (pictures, easy to read). (The curriculum is available at *www.nhtsa.gov/ChildPedestrianSafetyCurriculum.)* The student assessments will be administered by the curriculum instructor. Depending on the school system, parental permission for the student to participate may not be necessary because the curriculum is being implemented by the school. If parental permission is required, appropriate informed consent will be obtained. Contact with prospective adult respondents will be conducted through flyers sent home in backpacks and the internet. Faculty/staff and parents/caregivers will be given the choice of completing the surveys online or via a paper version that can be filled out and sent back to school with students. Students would be surveyed at school before and after implementation of the curriculum to assess knowledge, behavior, and attitude changes. NHTSA would seek participation by up to four elementary schools. No personally identifiable information will be collected; all results will be reported in the aggregate.

Description of the Need for the Information and Proposed Use of the Information—The National Highway Traffic Safety Administration (NHTSA) was established by the Highway Safety Act of 1970 (*23 U.S.C. 101*) to carry out a Congressional mandate to reduce the mounting number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of motor vehicle standards and traffic safety programs.

As part of its mission, NHTSA proposes to conduct an implementation and impact evaluation of its new child pedestrian curriculum. In 2010, nearly 20% of elementary school-aged children killed in motor vehicle crashes were pedestrians. To help reduce the number of child pedestrians killed or injured, NHTSA developed the new Child Pedestrian Safety Curriculum to teach and encourage safe pedestrian behaviors for students at the elementary school level (grades K–5). The overall goal of the curriculum is to aid elementary age school children in developing age appropriate traffic safety knowledge and practical pedestrian safety skills. NHTSA wants to implement strong and pertinent curricula. It is therefore particularly important for a child pedestrian safety curriculum to be demonstrably successful in reducing the likelihood of harm and/or injury for elementary-aged children.

If approved, the proposed survey would assist NHTSA in evaluating the implementation and impact of the child pedestrian curriculum. The proposed implementation survey would determine the usability and usefulness of the curriculum materials, determine the most appropriate strategies to deliver the curriculum to produce an effect, ascertain any obstacles to implementing the curriculum, and assess instructional strategies and training. The results of the implementation survey would be used to help refine how the curriculum is implemented. The proposed impact survey would assess students' knowledge, self-reported behaviors, and attitudes regarding pedestrian safety and the course materials. The results of the impact evaluation would be used to assess the degree to which the Child Pedestrian Safety Curriculum translates to increasing pedestrian safety, and overall safe behaviors. Overall, the findings would be used to refine the curriculum, to describe the best practices for implementation, and to evaluate behavior changes.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—This proposed effort would involve students completing paper version surveys and faculty/staff and parents/caregivers completing surveys online or via paper versions. Students would be surveyed at school before and after implementation of the curriculum to assess knowledge, behavior, and attitude changes. NHTSA would seek participation by up to four elementary schools, one of which would function as a control school. Approximately 180 students would be trained at each school using the curriculum. In addition to the before and after surveys, students would be assessed after each of the five lessons for a total of 7 surveys—each lasting about 5 minutes. The adult surveys would be conducted with either electronic or paper survey versions. Parents/caregivers would be made aware of the surveys via flyers sent home with their participating child. The parents/caregivers will be furnished with both paper versions of the surveys and internet links to take the surveys. If paper versions are used, they would be sent back to school with the participating child. Parents/caregivers would be surveyed before and after curriculum implementation with each survey lasting about 10 minutes. For faculty/staff assisting with curriculum implementation, the surveys would be distributed at school and the participants would have the option of completing a paper or electronic version of the survey. Faculty/staff would be surveyed before the implementation, after each of the five lessons, and at the conclusion of the effort—for a total of 7 surveys. Each survey would be approximately 15 minutes long. Five faculty/staff members from each of the three target schools would be surveyed. No personally identifiable information would be collected; all results would be reported in the aggregate.

Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information—NHTSA estimates that students learning the curriculum would average 35 minutes completing assessments, for a total of 315 hours for the surveys/assessments (180 students ×

3 schools × 7 assessments × 5 minutes). The parent surveys, with an average duration of 10 minutes, would produce a burden of 180 hours (180 parents × 3 schools × 2 surveys × 10 minutes). The faculty/staff surveys, with an average duration of 15 minutes, would produce a burden of 26.25 hours (5 faculty/staff members × 3 schools × 7 surveys × 15 minutes). The maximum annual reporting burden for the child pedestrian curriculum evaluation would be 315 hours for student assessments, 180 hours for parent surveys, and 26.25 hours for faculty/staff surveys for a grand total of 521.25 hours.

Information collection would occur during a single school year. Therefore, the average annual burden would be the entire 521.25 hours. The respondents would not incur any reporting cost from the information collection. The respondents also would not incur any record keeping burden or record keeping cost from the information collection.

Authority: 44 U.S.C. Section 3506(c)(2)(A).

Issued on: August 30, 2013.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2013–21553 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA–2013–0086]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed revision of the previously approved collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes an Information Collection Request (ICR) for which NHTSA intends to seek OMB approval.

DATES: Comments must be submitted on or before November 4, 2013.

ADDRESSES: You may submit comments identified by DOT Docket ID Number NHTSA–2013–0086 using any of the following methods:

Electronic submissions: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Mail: Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Kristie Johnson, Ph.D., Contracting Officer's Technical Representative, Office of Behavioral Safety Research (NTI–131), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46–498, Washington, DC 20590. Dr. Johnson's phone number is 202–366–2755 and her email address is *kristie.johnson@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

Title—NHTSA Distracted Driving Survey Project.

Type of Request—Revision of previously approved collection of information.

OMB Clearance Number—2127–0665.

Form Number—NHTSA Form 1082.

Requested Expiration Date of Approval—3 years from date of approval.

Summary of the Collection of Information—The National Highway Traffic Safety Administration (NHTSA) proposes to collect information from a random sample of 6,000 members of the general public age 16 and older. The sample will be stratified by NHTSA region, age, and gender. The National Survey on Distracted Driving Attitudes and Behaviors (NSDDAB) will ask about (a) attitudes, behaviors, and perceptions related to driving distractions and electronic device use while driving, and (b) the effectiveness of high visibility enforcement demonstration programs to increase public awareness of the dangers of, and legislation related to, distracted and unsafe driving behaviors. The estimated average amount of time to complete the survey is 20 minutes. This approval would be for the third and fourth administrations of the NSDDAB. Participation by respondents would be voluntary and anonymous. The survey will be conducted over the phone, with respondents including those in landline telephone households as well as those who primarily or exclusive use a cell phone. All results will be reported in the aggregate.

The telephone interviewers would use computer-assisted telephone interviewing. A Spanish-language translation and bilingual interviewers would be used to minimize language barriers to participation. In 2010 and 2012, NHTSA conducted the NSDDAB. The findings from the proposed information collection would build on and add to the existing knowledge on distracted driving and would help track behavior and attitude changes that can be used to tailor distraction program efforts.

Description of the Need for the Information and Proposed Use of the Information—NHTSA was established by the Highway Safety Act of 1970 (*23 U.S.C. 101*) to carry out a Congressional mandate to reduce the mounting number of deaths, injuries, and

economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of motor vehicle standards and traffic safety programs.

Driver distraction contributes to crash-related fatalities and injuries, particularly among younger drivers, with 13% of drivers in fatal distraction-affected crashes under age 20. Overall, 9% of fatal crashes in the United States in 2010 involved driver distraction, and 13% of the drivers in these fatal crashes were reported to have been using a cell phone at the time of the crash (National Center for Statistics and Analysis, 2012). In support of its mission, NHTSA proposes to conduct a series of telephone surveys that will examine the extent to which drivers are distracted by various activities; demographic and typological descriptions of drivers prone to distractions; the extent and frequency of using cell phones and texting while driving; attitudes and perceptions about distracted driving; knowledge of and attitudes toward measures to deter distracted driving; perceptions about the danger of distracted driving; exposure to the consequences of distracted driving; willingness to intervene when someone is distracted while driving; and changes and trends in distracted driving behavior and attitudes. The increase in cell phone ownership and usage combined with the widespread availability of many other devices that can easily divert drivers' attention from the task of driving an automobile have made information on drivers' behaviors and attitudes toward distracted driving important to the safety of America's roadways. An essential part of this effort is to compare behavior and attitude trends to determine the effects of efforts to reduce distracted driving and to identify areas where efforts should be targeted and where new strategies may be needed. Up-to-date information is essential to plot the direction of future activities aimed at reducing driver distraction and achieving reductions in crash injuries and fatalities in the coming years.

As part of its collection of information used to develop and implement effective countermeasures to improve highway traffic safety, NHTSA conducted its first NSDDAB in 2010. As in previous years, NHTSA proposes to make a small number of revisions to the survey instrument to address new information needs. This will include adding a small number of drowsy driving questions. If approved, the proposed survey would assist NHTSA in identifying distracted driving behaviors and attitudes and in formulating programs and recommendations. The results of the proposed survey would be used to: (a) identify commonalities among distracted drivers so that current programs can be targeted to achieve the greatest benefit; (b) develop new programs and initiatives aimed at reducing distracted driving; and (c) provide informational support to States in their traffic safety efforts to reduce distracted driving.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—This proposed effort would involve cognitive testing of the questionnaires (if significant changes are made to the questionnaire), and telephone survey administration. The cognitive testing would consist of one-on-one cognitive interviews with each of nine persons selected from the general public for the questionnaire, for a total of 9 cognitive interviews. All would be drivers 18 and older. For the national telephone survey, the 20 minute survey will be administered biennially to 6,000 randomly selected members of the general public age 16 and older who drive, including those in landline telephone households as well as those who primarily or exclusive use a cellular phone. For interviews conducted with persons using landline phones, no more than one respondent per household would be selected. For interviews conducted with persons on cell phones, a single user of the cell phone would be selected. Each sample member would complete just one interview. Businesses are ineligible for the sample and would not be interviewed. The respondent sample would be selected from all 50 States plus the District of Columbia.

Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information—NHTSA estimates that the respondents participating in the cognitive interviewing would average 1½ hours to carry out that activity, for a total of 13.5 hours for the 9 cognitive interviews. The 6,000 survey interviews, with an average duration of 20 minutes, would produce a burden of 2,000 hours. The maximum annual reporting burden for the NSDDAB would be 13.5 hours for the cognitive testing and 2,000 hours for the telephone survey for a grand total of 2,027 hours. Interviewing for each round of the questionnaire would occur during a single calendar year with the survey conducted biennially. Thus, the annual reporting burden would be 2,027 hours × 2 collection periods for a total of 4,054 hours. The respondents would not incur any reporting cost from the information collection. The respondents also would not incur any record keeping burden or record keeping cost from the information collection.

Authority: 44 U.S.C. 3506(c)(2)(A).

Issued on: August 30, 2013.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2013–21556 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

Advisory Board; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation (SLSDC), to be held from 10:00 a.m. to 12:00 p.m. (EDT) on Wednesday, October 23, 2013 via conference call at the SLSDC's Policy Headquarters, 55 M Street SE., Suite 930, Washington, DC 20003. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Quarterly Report; Old and New Business; Closing Discussion; Adjournment.

Attendance at the meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact, not later than Friday, October 18, 2013, Anita K. Blackman, Senior Advisor to the Administrator, Saint Lawrence Seaway Development Corporation, Suite W32–300, 1200 New Jersey Avenue SE., Washington, DC 20590; 202–366–0091.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on August 29, 2013.

Betty Sutton,

Administrator.

[FR Doc. 2013–21596 Filed 9–4–13; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Update to the List of Basic Medical Supplies

AGENCY: Office of Foreign Assets Control.

ACTION: Notice, publication of updated list of items defined as basic medical supplies.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing an updated list of items defined as basic medical supplies under section 560.530(a)(3)(ii) of the Iranian Transactions and Sanctions Regulations, 31 CFR part 560 (''ITSR''), and generally licensed for exportation or reexportation to Iran pursuant to § 560.530(a)(3)(i), to include additional items.

DATES: *Effective Date:* July 25, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490, Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Policy, tel.: 202–622–2746, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202–622–2410, Office of the General Counsel, Department of the Treasury, Washington, DC 20220 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202–622–0077.

Background

On October 22, 2012, OFAC published a final rule in the **Federal Register** (77 FR 64664) changing the heading of the Iranian Transactions Regulations, 31 CFR part 560, to the Iranian Transactions and Sanctions Regulations, 31 CFR part 560 (the ''ITSR''), amending the renamed ITSR, and reissuing them in their entirety, to implement Executive Order 13599 of February 5, 2012 (''E.O. 13599''), and sections 1245(c) and (d)(1)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81). As part of those revisions, OFAC amended section 560.530 to add a general license, in new paragraph (a)(3), authorizing the exportation or reexportation of medicine and basic medical supplies to Iran. The term *basic medical supplies* is defined in paragraph (a)(3)(ii) to mean those medical devices, as defined in paragraph (e)(3) of section 560.530, that are included on the List of Basic Medical Supplies on the OFAC Web site (*www.treasury.gov/ofac*) on the Iran Sanctions page, but not including replacement parts.

As highlighted in the note to paragraph (a)(3)(ii) of section 560.530 of the ITSR, the List of Basic Medical Supplies is maintained on OFAC's Web site and will be published in the **Federal Register**, as will any changes to the list. On October 22, 2012, OFAC posted the following List of Basic Medical Supplies on its Web site:

Adhesive, surgical
Bandages (all)/Gauze/First aid dressings
Beds, hospital
Bed pans
Blood lancets
Blood collecting tubes
Burn dressings
Canes
Cannulae
Carts, all
Casts
Catheters, all
Chair, dental
Clips, surgical
Coils, guidewire
Contact Lenses, corrective
Cotton swabs
Crutches
Forceps
Glasses, corrective
Gloves, medical exam, surgical
Guidewires, all
Limb prosthesis
Medicine cup holder
Meter, portable (temperature/pH)
Monitor, glucose management
Needles, all
Padding, under cast
Pads, elbow & foot
Patient gowns, underpads, under garments
Pouches, urostomy
Scale, chair
Scalpels, disposable
Scrubs
Splints
Staples, surgical
Stents, all
Suture removal kits
Syringes
Thermometers, mercury for measuring human body temperature
Tongue depressors
Tube, drainage
Walkers
Wash basin, plastic
Wound drainage tubes
Wrist band, patient I.D.

On July 25, 2013, OFAC updated the List of Basic Medical Supplies on its Web site to read as follows:

General Medical Equipment and Supplies

- Syringes, cannulas, and needles—all sizes and types; including kits
- Catheters—all sizes and types; including kits
- Coils, guidewire
- Guidewires, all
- Medical tubing or hoses less than 2″ diameter; including associated adaptors, connectors, caps, clamps, retainers, brackets, valves, washers, vents, stopcocks, or flow sensors; and peristaltic pumps with flowrates of less than 600 liters/hr for such tubing (note: does not include tubing made of butyl rubber or greater than 35% fluoropolymers)
- Endoscopic devices including laryngoscopes, laparoscopes, anascopes, proctoscopes, arthroscopes, sinuscopes, dematoscopes, ophthalmoscopes, sigmoidscopes, otoscopes, retinoscopes, or colposcopes
- Blood pressure monitors, gauges, cuffs, aneroids, or infusors
- Monitor for glucose management
- Medical defibrillators
- Medical lavage systems
- IV sets, bags, and armboards
- Medical penlights
- Stethoscopes
- Speculums
- Medical scissors
- Forceps
- Single-use medical procedure trays and kits
- Medical diagnostic kits, point-of-care; including EAR99 reagents
- Reflex hammers
- Blood lancets
- Ear plugs and muffs
- Otology sponges
- Ear syringes
- Ear wax removers
- Clinical swabs, applicators, specimen collectors, sponges, pads, tongue depressors, wooden spoons, cotton balls, or cotton rolls
- Antiseptic wipes for human use (including alcohol, antimicrobial, benzalkonium, betadine, iodine, and witch hazel)
- Splints
- Canes, crutches, walkers, rollators
- Patient wheelchairs, chairs, gurneys, stretchers, mats, and cots
- Patient transfer chairs, lifts, benches, boards, slides, discs, slings, and sheets
- Safety poles, rails, handles, benches, grab bars, commode aids, and shower aids
- Patient vital-sign monitoring devices

- Limb prosthesis devices
- Orthopedic supports, braces, wraps, shoes, boots, or pads
- Medical casts, padding; and casting and removal equipment
- Orthopedic traction devices and tables
- Human body positioners including pads, wedges, cradles, pillows, rests, straps, supports, and holders
- Human specimen collectors and containers (e.g., urine, blood, tissue)
- Medical bandages, gauze, dressings, tape, swabs, sponges, and burn dressings
- Surgical sutures and staples; and removal kits
- Tourniquets
- Thermometers for measuring human body temperature
- Clinical basins, bowls, baths, pans, urinals, bags, and buckets; and holding devices for such items
- Medical carafes, cups, containers and tumblers
- Medicine cups
- Syringe aspirators
- Medical bags for medical supplies and equipment; including pre-packed bags
- Condoms
- Medical labels, labellers, stickers, forms, charts, signage, tags, cards, tape, wrist bands, documents, brochures, and graphics
- Non-electronic patient medical record file systems and organizers
- Beds: hospital beds, cribs, or bassinets; including mattresses, overlays, pillows, and bumpers
- Medical linens (e.g., blankets, sheets, pillow cases, towels, washcloths, drapes, covers)
- Chairs: exam, treatment, surgical, dental, or phlebotomy
- Stools: designed for clinical use
- Stands: IV, instrument, solution, or hamper
- Carts: medical, medical utility, medical supply, food service, or hospital laundry carts
- Tables: operating, exam, therapy, overbed, treatment, medical utility, or medical instrument
- Jars and containers designed for medical supplies and instruments less than 5 L internal volume
- Privacy screens and curtains
- Cabinets: medical supply or pharmaceutical
- Floor mats: safety, anti-fatigue or special-purpose medical floor mats
- Hydrocollator heating units
- Warmers: bottle, gel, lotion, or blanket
- Patient heating and cooling devices: pads, packs, bottles, bags, warmers, blankets, patches, lamps, bags
- Paraffin baths
- Lights and lamps: surgical, or medical exam, magnifying
- Scales, stadiometers, rulers, sticks, tapes, protractors, volumeters, gauges, or calipers designed for human measurement
- Patient safety devices including vests, aprons, finger mitts, limb or body holders, jackets, belts, restraints, cuffs, straps, or protectors
- Human body or cadaver bags and shrouds
- Adhesive designed for human use
- Adhesive remover designed for human use
- Telemetry pouches designed for human use

Anaesthesiology

- Air bags and tidal volume bags
- Air bellows
- Anaesthesia circuits
- Anaesthesia machines, vaporizers, nebulizers, and inhalers designed for individual human use
- Anaesthesia masks (including laryngeal)
- Anti-siphon equipment
- Block and epidural trays packaged for individual use
- Endotrach tubes
- Head straps and harnesses
- Hyperinflation systems
- In-line filters and cartridges, thermometers, CO_2 detectors, sodalime canisters, and temperature and moisture exchangers (note: gas mask canisters, other than sodalime canisters designed for anaesthesia systems, require a specific license)
- Intubation sets, probes and related equipment
- Anaesthesiometers
- Oral airways
- Peripheral nerve stimulators
- Anaesthesia pressure tubes and controllers
- Cardiopulmonary resuscitation (CPR) training manikins and lung bags
- Vibration dampening mounts

Apparel

- Medical gowns, scrubs, aprons, uniforms, lab coats, and coveralls; only those without integrated hoods
- Patient clothing including gowns, slippers, underpads, or undergarments
- Head or beard covers and nets
- Medical shoe and boot covers
- Surgical sleeve protectors
- Ventilated Safety eyeshields and goggles (does not include full face shield or indirectly-vented goggles)
- Disposable latex, nitrile, polyethylene, vinyl gloves/finger cots or other medical gloves
- Surgical face or dust masks (does not include masks with respirators)

Cardiology

- Electrocardiography machines

Dental Equipment and Supplies

- Dental instruments—all types and sizes
- Dental instrument cases, trays, mats or tray liners, racks, covers, wraps, stands, holders, stringers, or protectors
- Dental and oral implants or devices
- Tooth and denture brushes
- Denture and temporary oral device containers
- Yankauers

Gynecology & Urology

- Bladder scanners
- Pouches, urostomy
- Bladder control pads, briefs, liners, underwear, pants and diapers
- Feminine hygiene products
- Fecal/stool management devices, kits, and catheters
- Enema sets

Laboratory

- Laboratory balances and scales not to exceed 10 Kg
- Patient blood gas analyzers
- Medical specimen centrifuges
- Automated clinical chemistry analyzers for patient care
- Coagulation analyzers
- Co-oximeters for haemoglobin analysis
- Medical bone densitometers
- Medical differential counters
- Bench-top dry bath incubators
- Electrolyte analyzers
- Hematology analyzers
- Histology and cytology strainers and tissue baths
- Laboratory hot plates with less than 1.0 sq. ft. heating surface
- Clinical immunoassay analyzers
- Luminometers
- Laboratory pH meter (with or without temperature probe)
- Automated blood culture systems
- Microplate readers/washers
- Light microscopes
- Osmometers
- Pipettes
- Medical refrigerators and freezers with less than 5.0 cu. ft. internal volume
- Spectrophotometers, photometers, and colorimeters designed for clinical use
- Urinalysis analyzers
- Clinical laboratory water baths less than 10 liter

Nephrology

- Hemodialysis machines; and dialysis filters designed for such machines (Note: Other dialysis equipment, filters, and parts not used for hemodialysis require a specific license and may be controlled under 15 CFR, part 774, supp. 1, ECCN 2B352.d)
- Hemodialysis connection or tubing kits

Neurology

- Electroencephalography machines

Obstetrics and Maternity Care

- Umbilical cord clamps

Ophthalmology and Optometry

- Contact Lenses, corrective
- Contact Lens cleaning solutions
- Glasses, corrective
- Eyecharts

Physical and Occupational Therapy

- Parallel bars
- Exercise bars
- Hand bars
- Mat Platforms
- Exercise table
- Medical Whirlpools
- Mobility platforms, parallel bars, ladders, stairs
- Balance pads, platforms, and beams
- Cognitive measuring devices and equipment
- Manipulation boards
- Dining aids
- Hydraulic dynamometer
- Scoliometer
- Goniometers
- Pedometers
- Ergometers
- Rulonmeters
- Fine motor assessment equipment designed for human use
- Tactile sensation, sensitization, and desensitization equipment
- Rehabilitation exercise, weights, band, balls, boards, and mobility equipment
- Therapeutic putty
- Aquatic floats and training devices
- Protective headgear
- Electrotherapy, muscle stimulators, and tens units
- Ultrasound stimulators
- Massaging equipment

Radiology

- Medical ultrasound machines

Sterilization

- Aseptic, germicidal, or disinfectant wipes or clothes for medical equipment, devices or furniture
- Ready-to-use disinfectant in 32 oz. containers or less
- Aseptic, germicidal, or medical-grade soap, detergent, pre-soak, or rinse in 1 gallon containers or less
- Hand sanitizer, lotion, soap, scrub, wash, gel, or foam; including dispensing devices
- Medical cleaning brushes for equipment, patients, and furniture
- Sterilization or disinfection indicator strips, tape, or test packs
- Medical instrument sterilization pouches, mats, protector guards, or tubing
- Sterilization containers or cases less than 0.3 cu. ft.
- Autoclaves with chamber sizes less than 0.3 cu. ft.; including trays, containers, cassettes, cases, and filters for such systems.

Surgery

- Surgical clips
- Surgical instruments—all types and sizes
- Surgical instrument cases, trays, mats or tray liners, racks, covers, wraps, stands, holders, stringers, or protectors
- Stents—all types and sizes
- Surgical linens, drapes, or covers
- Chest drains
- Surgical case carts
- Blood transfusion equipment
- Surgical clean-up kits
- Wound drainage equipment
- Stockinettes
- Surgical mesh
- Surgical smoke evacuators and specialized supporting equipment
- Electrosurgery devices and supporting equipment
- Lubricant specially-formulated for surgical equipment in 1 gallon containers or less

EAR99-classifed components, accessories, and optional equipment that are designed for and are for use with an EAR99-classified medical device included elsewhere on the list.

With this notice, OFAC is publishing the updated list of items defined as basic medical supplies in the **Federal Register**.

Dated: August 29, 2013.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2013–21590 Filed 9–4–13; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

National Research Advisory Council; 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 National Research Advisory Council will hold a meeting on Thursday, September 12, 2013, in Conference Room 23 at 131 M Street NE., Washington, DC. The meeting will convene at 9:30 a.m. and end at 3:30 p.m.

The purpose of the Council is to provide external advice and review for VA's research mission. The Council reviews the VA research portfolio and a summary of special projects. In the morning, the Committee will convene an open session to hear from the Committee Chair and VA Acting Chief Research and Development Officer. The Committee will convene a closed session from 9:45 a.m. to noon to discuss optimizing oversight of the Human Subjects Research Protection Programs. Closing portions of this meeting is in accordance with 5 U.S.C. 552b(c)(4) which allows a closed meeting where the agency determines that the portion of its meeting is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential. The Committee will reconvene in open session from noon to 3:30 p.m. to receive briefings on Technology Transfer and Communications Plan.

No time will be allocated at this meeting for receiving oral presentations from the public. However, interested members of the public may submit written statements for the Council's review to Pauline Cilladi-Rehrer, Designated Federal Officer, Office of Research and Development (10P9), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, or by email at *pauline.cilladi-rehrer@va.gov.* Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Therefore, you should allow an additional 15 minutes before the meeting begins. Any member of the public wishing further information should contact Ms. Cilladi-Rehrer at (202) 443–5607.

Dated: August 29, 2013.

By direction of the Secretary.

Vivian Drake,

Committee Management Officer.

[FR Doc. 2013–21528 Filed 9–4–13; 8:45 am]

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Federal Register

Vol. 78, No. 172

Thursday, September 5, 2013

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FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

54147–54372 3
54373–54560 4
54561–54734 5

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

5 CFR
Proposed Rules:
300 54434
315 54434
335 54434
410 54434
537 54434
900 54434

7 CFR
987 54147

10 CFR
Proposed Rules:
431 54197

12 CFR
360 54373
Proposed Rules:
336 54401
344 54403
390 ..... 54401, 54403

14 CFR
39 ..... 54149, 54152, 54377, 54380, 54383, 54385, 54387, 54561
71 54561
97 ..... 54562, 54564
Proposed Rules:
39 ..... 54594, 54596
71 ..... 54412, 54413, 54415

16 CFR
305 54566

21 CFR
1 54568

24 CFR
Proposed Rules:
Ch. IX 54416

26 CFR
1 ..... 54156, 54391, 54568
602 54156
Proposed Rules:
1 54598

30 CFR
Proposed Rules:
250 54417

31 CFR
Proposed Rules:
538 54199
560 54199

33 CFR
100 ..... 54168, 54569, 54571
165 ..... 54171, 54392, 54574, 54576, 54578, 54581, 54583, 54585, 54587, 54588
Proposed Rules:
165 54599

34 CFR
Subtitle A 54588

40 CFR
52 ..... 54173, 54177, 54394, 54396
271 54178
81 54396
Proposed Rules:
52 ..... 54200, 54602
60 54606
63 54606
131 54518
271 54200

42 CFR
Proposed Rules:
84 54432

47 CFR
Proposed Rules:
64 54201
79 54612

49 CFR
593 54182
1121 54589
1150 54589
1180 54589
Proposed Rules:
571 54209

50 CFR
635 54195
648 ..... 54194, 54399
660 54548
679 ..... 54591, 54592
Proposed Rules:
17 ..... 54214, 54218, 54221, 54613, 54614
402 54437
648 54442

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**

Last List August 13, 2013

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