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FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 330

RIN 3064–AE00

Deposit Insurance Regulations; Definition of Insured Deposit

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The FDIC is adopting a final rule (''Final Rule'') that amends its deposit insurance regulations with respect to deposits in foreign branches of U.S. insured depository institutions (''IDI'' or ''U.S. bank''). The Final Rule clarifies that deposits in branches of U.S. banks located outside the United States are not FDIC-insured deposits. This would be the case even if they are also payable at an office within the United States (''dual payability''). As discussed further below, a pending proposal by the United Kingdom's Prudential Regulation Authority (''U.K. PRA''), formerly known as the Financial Services Authority, has made it more likely that large U.S. banks will change their U.K. foreign branch deposit agreements to make their U.K. deposits payable both in the United Kingdom and the United States. This action has the potential to expose the Deposit Insurance Fund (''DIF'') to expanded deposit insurance liability and create operational complexities if these types of deposits were treated as insured. The purpose of the Final Rule is to protect the DIF against the liability that it would otherwise face as a potential global deposit insurer, preserve confidence in the FDIC deposit insurance system, and ensure that the FDIC can effectively carry out its critical deposit insurance functions.

DATES: The effective date of the Final Rule is October 15, 2013.

FOR FURTHER INFORMATION CONTACT: F. Angus Tarpley III, Supervisory Counsel, Legal Division, (202) 898–6646; Catherine Ribnick, Counsel, Legal Division, (202) 898–6803; Matthew Green, Associate Director, Division of Insurance and Research, (202) 898–3670.

SUPPLEMENTARY INFORMATION:

I. Background

Congress created the FDIC in 1933 to end the banking crisis experienced during the Great Depression, to maintain stability and public confidence in the nation's financial system, and to safeguard bank deposits through deposit insurance. If a bank fails, the FDIC pays out deposit insurance from the DIF, which is funded by assessments on IDIs. In the most recent financial crisis, the FDIC's deposit insurance guarantee, with its backing by the full faith and credit of the United States Government, contributed significantly to financial stability in an otherwise unstable financial environment. In the FDIC's history, no depositor has ever lost a penny of an insured deposit.

The Federal Deposit Insurance Act (''FDI Act'') [1] mandates the payment of deposit insurance ''as soon as possible'' to reduce the economic disruptions caused by bank failures and to preserve stability in the financial markets of the United States.[2] The FDIC generally pays out deposit insurance on the next business day after a bank failure, and insured depositors often have uninterrupted access to their insured deposits through ATMs and other means. The prompt payment of deposit insurance preserves confidence in the deposit insurance system and promotes financial stability. Prompt payment depends on a number of key factors, including the FDICs having immediate access to the deposit records of a failed bank and clarity about the application of laws and practices that could affect deposits in a particular location.

A. Definition of ''Deposit''

The term ''deposit'' is defined in section 3(*l*) of the FDI Act.[3] Since the establishment of the FDIC in 1933, Congress has made distinctions between domestic and foreign deposits. The current statutory definition of ''deposit'' under section 3(*l*) makes clear that foreign branch deposits are not ''deposits'' for any purpose under the FDI Act, except under certain prescribed circumstances. In relevant part, the law specifies that ''any obligation of a depository institution which is carried on the books and records of an office of such bank or savings association located outside of any State'' shall not be a deposit for any of the purposes of the FDI Act or be included as part of the total deposits or of an insured deposit, ''unless—(i) such obligation would be a deposit if it were carried on the books and records of the depository institution, and would be payable at, an office located in any State; and (ii) the contract evidencing the obligation provides by express terms, and not by implication, for payment at an office of the depository institution located in any State.'' [4]

Therefore, deposit obligations carried on the books and records of a foreign branch of a U.S. bank that would otherwise fall within one of the categories of deposits created by section 3(*l*) are not deposits unless they (1) would be deposits if carried on the books and records of the IDI in the United States and (2) are expressly payable in the United States.[5]

The vast majority of deposit agreements governing relationships between U.S. banks and their foreign branch depositors have to date not expressly provided for payment of foreign branch deposits at an office in the United States. Accordingly, these foreign branch deposits would not qualify as ''deposits'' for any purpose under the FDI Act, including deposit insurance and the priority regime for the distribution of a failed bank's receivership assets, known as ''depositor preference,'' as further discussed below. While ''deposit'' has a defined legal meaning under the FDI Act, for ease of reference, these obligations in foreign branches will generally be called ''foreign branch deposits'' in this Final Rule.

B. National Depositor Preference

When a U.S. bank fails, uninsured depositors share in the proceeds from the liquidation of the failed bank's

[1] 12 U.S.C. 1811, *et seq.*

[2] *See* FDI Act section 11(f)(1), 12 U.S.C. 1821(f)(1).

[3] 12 U.S.C. 1813(*l*).

[4] FDI Act section 3(*l*)(5), 12 U.S.C. 1813(*l*)(5).

[5] *Id.* The FDI Act provides that the FDIC Board may prescribe a deposit by regulation.

assets. In 1993, Congress amended the FDI Act to establish a system of depositor preference in failed-bank resolutions.[6] In general, ''depositor preference'' refers to a resolution distribution regime in which the claims of depositors have priority over (that is, are satisfied before) the claims of general unsecured creditors.

Under this regime, set forth in section 11(d)(11) of the FDI Act, the receiver of a failed bank distributes amounts realized from its liquidation to pay claims in the following order of priority.[7] Administrative expenses of the receiver are reimbursed first.[8] Any ''deposit liability'' is reimbursed next, followed in order by general or senior liabilities, subordinated liabilities, and obligations to shareholders. The term ''deposit liability'' in section 11(d)(11) is not defined.

C. The 1994 Advisory Opinion

Shortly after Congress added the national depositor preference provisions, the FDIC's Acting General Counsel was asked whether the term ''deposit liability'' would include deposit obligations payable solely at a foreign branch of a U.S. bank.[9] As described in the Acting General Counsel's 1994 Advisory Opinion (''General Counsel Advisory Opinion 94–1''), national depositor preference makes general unsecured creditor claims subordinate to any ''deposit liability'' of the institution. General Counsel Advisory Opinion 94–1 concluded that the term ''deposit liability'' should be defined with reference to ''deposit'' under section 3(*l*) of the FDI Act, which excluded, for any purpose, any obligation of a bank payable only at an office of that bank located outside the United States.[10]

Under the interpretation set forth in General Counsel Advisory Opinion 94–1, ''deposit liability'' for purposes of national depositor preference includes only deposits payable in the United States and excludes obligations payable solely at a foreign branch of a U.S. bank. Accordingly, an obligation in a foreign branch of a U.S. bank has not been considered a ''deposit liability'' for purposes of the national depositor preference provisions of section 11(d)(11) of the FDI Act. Thus, if a U.S. bank were to fail, its foreign branch depositors would share in the distribution of the bank's liquidated assets as general creditors after the claims of uninsured domestic depositors and the FDIC as subrogee of insured depositors have been satisfied.[11] If a foreign branch deposit of a U.S. bank were expressly payable at an office of the bank in the United States, however, that deposit would be treated equally with uninsured domestic deposits in the depositor preference regime.

D. Foreign Branch Deposits of U.S. Banks

Many U.S. banks currently operate through branches in foreign countries, often to provide banking, foreign currency and payment services to multinational corporations. Foreign branch deposits have doubled since 2001 and total approximately $1 trillion today. In many cases, these branches do not engage in retail deposit taking or other retail banking services. Often, their typical depositors are large businesses that choose to bank in a foreign branch of a U.S. bank under deposit agreements governed by non-U.S. law to take advantage of a large bank's multi-country branch network, which allows the transfer of funds to and from branch offices located in different countries and in different time zones.

Currently, the overwhelming majority of the foreign branch deposits of U.S. banks are payable only outside the United States. In the past, making deposits in foreign branches dually payable would have been costly to U.S. banks for several reasons. First, dually payable deposits would have increased a bank's deposit insurance assessment base (which, in the past, excluded deposits payable solely outside the United States) and, therefore, its deposit insurance assessment. Second, the dually payable deposits would have become subject to the Federal Reserve's Regulation D.[12] Third, U.S. banks may have refrained from making foreign deposits dually payable out of concern that doing so could cause them to lose the protection from sovereign risk accorded them under section 25(c) of the Federal Reserve Act.[13]

Recent events have reduced the cost of making foreign deposits dually payable. First, in section 331(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act,[14] Congress changed the deposit insurance assessment base so that it now in effect covers all liabilities, including foreign branch deposits. Thus, a U.S. bank's use of dual payability would no longer increase a bank's assessment base or deposit insurance assessment. Second, the Federal Reserve now pays interest on reserves and allows more flexibility with respect to the reserves it requires. Finally, as discussed below, nothing in this Final Rule is intended to preclude a U.S. bank from protecting itself against sovereign risk.

E. The U.K. PRA Consultation Paper

In September 2012, the U.K. PRA published a Consultation Paper addressing the implications of national depositor preference regimes in countries outside the European Economic Area (''EEA''). The Consultation Paper proposes to prohibit banks from non-EEA countries, including U.S. banks, from operating deposit-taking branches in the United Kingdom unless U.K. depositors in those branches would be on an equal footing in the national depositor preference regime with domestic (uninsured) depositors in a failure resolution of the bank. A significant percentage of foreign branch deposits of U.S. banks are located in the United Kingdom and would be subject to this requirement.

The Consultation Paper proposes several options to ensure that depositors in U.K. branches would be treated equally in the event of a multinational bank's resolution. U.S. banks with branches in the United Kingdom could comply in one of these ways. First, the U.S. bank could accept deposits in the United Kingdom using a U.K.-incorporated subsidiary. Second, U.S. banks could create a trust arrangement to segregate assets of the U.K. branch to meet its deposit liabilities, under which the trust would specify the U.K. branch depositors as beneficiaries of the trust.

[6] Omnibus Budget Reconciliation Act of 1993, Public Law 103–66, 107 Stat. 312.

[7] 12 U.S.C. 1821(d)(11).

[8] Secured creditors' claims are satisfied to the extent of their security.

[9] *See* FDIC Advisory Opinion 94–1, Letter of Acting General Counsel Douglas H. Jones (Feb. 28, 1994).

[10] Section 3(*l*) was later amended to specify that an obligation carried on the books and records of a foreign office of a U.S. bank would not be a ''deposit'' for any purpose unless it were payable at an office located in the United States and the contract evidencing the obligation expressly provided for such payment and met other criteria. Riegle Community Development and Regulatory Improvement Act, Public Law 103–325 (1994), section 326(b)(2).

[11] While section 41 of the FDI Act, 12 U.S.C. 1831r, generally prohibits the FDIC in its corporate capacity and other agencies from making any payment that would satisfy any claim against a bank for foreign branch deposits, the FDIC as receiver of a failed bank may make payments from the receivership estate to satisfy such claims.

[12] 12 CFR Part 204. Regulation D imposes uniform reserve requirements on all depository institutions with transaction accounts or non-personal time deposits.

[13] 12 U.S.C. 633. This section provides that a member bank is not required to repay a deposit in a foreign branch if it cannot do so because of ''war, insurrection, or civil strife'' or actions taken by the foreign government, unless the member bank has explicitly agreed in writing to repay foreign deposits in such circumstances.

[14] Public Law 111–203, 124 Stat. 1538.

Third, U.S. banks could take other actions to comply, such as making their U.K. deposits payable both in the United States and in the United Kingdom. The Consultation Paper indicates that dual payability should allow U.K. depositors to participate in the preference given to home country (that is, United States) depositors in the resolution of a U.S. bank. The U.K. PRA is still considering comments on the Consultation Paper and has not provided a date by which the requirements proposed in the Consultation Paper will be implemented.

F. Notice of Proposed Rulemaking

In light of the U.K. PRA's proposal and subsequent action required of U.S. banks with branches in the United Kingdom, the FDIC proposed to amend its deposit insurance regulations with respect to deposits payable in branches of U.S. banks located outside the United States. On February 19, 2013, the FDIC published in the **Federal Register** and invited public comment on a Notice of Proposed Rulemaking: Deposit Insurance Regulations; Definition of Insured Deposit (the ''Proposed Rule'').[15] The Proposed Rule proposed to amend the FDIC's deposit insurance regulations to clarify that deposits in foreign branches of U.S. banks are not FDIC-insured deposits. The FDIC is now adopting as final the proposed amendments to its deposit insurance regulations, 12 CFR 330.3(e), with minor technical changes.

II. Statutory Framework

A. Definition of ''Insured Deposit''

The Final Rule clarifies that foreign branch deposits are not insured deposits for purposes of the FDI Act, regardless of the location at which the deposit is payable. The FDI Act defines ''insured deposit'' as the net amount due any depositor for deposits in an insured depository institution as determined under section 11(a) of the FDI Act.[16] Section 11(a) of the FDI Act,[17] cross-referenced in the definition of ''insured deposit,'' instructs the FDIC to ''insure the deposits of all insured depository institutions as provided in this Act,'' but does not expressly address foreign deposits. The FDI Act definition of ''deposit'' in section 3(*l*)(5)(A) makes clear that obligations carried on the books and records of an office located outside the United States shall not be deposits for any purpose under the FDI Act, but it does not address whether they must be considered deposits for all purposes, including for purposes of deposit insurance, if they would qualify as deposits under 3(*l*)(5)(A) because they are payable at an office within the United States under express contractual terms.

B. Rulemaking Authority

The FDIC issues rules and regulations necessary to carry out the statutory mandates of the FDI Act and other laws that the FDIC is charged with administering or enforcing. In instances such as this one where a statute is silent or general in nature on issues critical to the FDIC's fundamental responsibilities, the FDIC has used its rulemaking authority to effectuate its statutory duties.

Providing deposit insurance to IDIs and maintaining public confidence in the banking system through deposit insurance in the event of a U.S. bank's insolvency are two central functions of the FDIC. In order to permit the FDIC to carry out these functions successfully, the FDIC is authorized to undertake rulemaking to implement the FDI Act effectively, particularly with respect to its deposit insurance functions. The FDI Act gives the FDIC explicit rulemaking and definitional authorities to ensure that it can adapt to changed circumstances as necessary to carry out its deposit insurance responsibilities.

The FDI Act contains several provisions granting the FDIC authority to issue regulations to carry out its core functions and responsibilities, which include the duty ''to insure the deposits of all insured depository institutions.'' Notably, FDI Act section 11(d)(4)(B)(iv) authorizes the FDIC to promulgate ''such regulations as may be necessary to assure that the requirements of this section [FDI Act section 11, which addresses, in section 11(f) the payment of deposit insurance] can be implemented with respect to each insured depository institution in the event of its insolvency.'' [18]

Other grants of FDIC rulemaking authority can be found in FDI Act section 9(a)(Tenth) (authorizing the FDIC Board to prescribe ''such rules and regulations as it may deem necessary to carry out the provisions of this chapter . . . '') and FDI Act section 10(g) (authorizing the FDIC to ''prescribe regulations'' and ''to define terms as necessary to carry out'' the FDI Act).[19]

III. Summary of Comments in Response to Proposed Rule

As noted above, the FDIC solicited public comment on the Proposed Rule on February 19, 2013. The comment period ended on April 22, 2013. The FDIC received comments from three industry groups and two individuals in response to the Proposed Rule. After careful consideration of the comments, the FDIC is adopting the Proposed Rule as final, with technical format changes.

A. Comments in Response to Proposed Rule

Overall, commenters did not object to the concept that foreign branch deposits are not insured, as clarified in the Proposed Rule. One individual acknowledged that the Proposed Rule would limit the DIF's exposure, but argued that it would adversely affect public relations. The commenter suggested that foreign deposits be insured up to the domestic limit, with U.S. banks with foreign branches paying double their current assessments in order to strengthen the DIF. However, the FDIC believes that it is inconsistent with congressional intent and the FDIC's statutory mandate of promoting confidence in the U.S. banking system to insure foreign deposits in the manner the commenter proposed. The FDIC believes that the better approach is to make clear that foreign branch deposits, whether or not deposit liabilities for the purpose of national depositor preference, are not ''insured deposits.''

Commenters did not object to the Proposed Rule itself, but most of the commenters raised several issues related to risks they assert would result if U.S. banks employed dual payability to satisfy the U.K. PRA requirement to treat domestic and foreign branch deposits equally. These commenters advocated an alternative approach, which they believe would better address their concerns. The FDIC has carefully considered their comments and discusses them below.

B. Section 11(d)(11) Approach

Instead of adopting the FDIC's Proposed Rule, the commenters suggested that the FDIC formally interpret ''deposit liability'' for purposes of the depositor preference regime in section 11(d)(11) of the FDI Act, to include all deposits of a U.S. bank, wherever payable (the ''section 11(d)(11) approach''). According to the commenters, this alternative would achieve the result of equal treatment of uninsured domestic deposits and foreign branch deposits in the event of a U.S. bank's resolution without

[15] 78 FR 11604 (February 19, 2013).

[16] FDI Act section 3(m)(1), 12 U.S.C. 1813(m)(1).

[17] 12 U.S.C. 1821(a).

[18] 12 U.S.C. 1821(d)(4)(B)(iv).

[19] 12 U.S.C. 1819(a)(Tenth); 1820(g).

creating global liability for the DIF. They also argued that this would eliminate the risk of litigation over depositor preference, as well as reduce the risk of litigation by foreign depositors over deposit insurance because banks would be less likely to employ dual payability. Alternatively, commenters suggested a ''combined approach'' in which a formal interpretation of ''deposit liability'' could be issued in addition to a rule clarifying that deposits in foreign branches are not insured, even if they are also payable at a U.S. branch.

The commenters acknowledged that the proposed alternative would contradict FDIC General Counsel Advisory Opinion 94–1, but they argued that their interpretation of ''deposit liability'' is supported by the plain meaning of the term deposit liability, its uses elsewhere in the FDI Act, legislative history, and reference to state law priority regimes. They further argued that the depositor preference provision in the FDI Act does not distinguish among depositors because it accords priority to any ''deposit liability.''

Commenters argued that the term ''deposit liability'' in the FDI Act should not be bound by the Act's definition of ''deposit.'' They cite to a canon of statutory construction that suggests that where Congress chooses to use two different terms, they are intended to have two different meanings. Commenters argued that the term ''deposit liability'' is used elsewhere in the FDI Act to suggest a broader definition than the term ''deposit,'' from which foreign deposit obligations are excluded. They contended that there is legislative history supporting the notion that Congress did not intend to distinguish between foreign and domestic depositors under the depositor preference provisions of the FDI Act. In particular, these commenters pointed to congressional committees which used broad and general language to describe depositor preference. Moreover, the commenters suggested that Congress intended to follow state depositor preference statutes, and that one of these states specifically included foreign branch deposits in its depositor preference statute, while the majority of other states with depositor preference statutes did not refer to foreign deposits specifically, but referred to deposits in a broad and general manner.

From a practical standpoint, several commenters noted that the section (11)(d)(11) approach is also consistent with current bank reporting requirements. For instance, deposit liabilities on a bank's balance sheet would include all deposits, domestic and foreign. Similarly, the general instructions for Schedule RC–E to the Consolidated Reports of Condition and Income (''Call Report''), which all insured depository institutions must file, refer to both domestic and foreign branch deposits as ''deposit liabilities.'' The Call Report also requires foreign deposits to be reported as ''deposit liabilities.''

According to these commenters, the approach of reinterpreting ''deposit liability'' as used in section 11(d)(11) not only bolsters international cooperation, but also eliminates the potential for inconsistent treatment of deposits in different foreign jurisdictions. They argued that the section 11(d)(11) approach would be compatible with the FSB's Key Attributes and the most recent draft of the European Commission's proposed Resolution and Recovery Directive. It would also eliminate potential risks and costs to the FDIC and the ongoing need for guidance to banks, foreign depositors, and foreign regulators on how dual payability would work.

Ultimately, commenters argued that the section 11(d)(11) approach would better address industry concerns about ensuring equal treatment of depositors under the U.S. depositor preference regime in a liquidation than if U.S. banks were to change their deposit agreements to make foreign branch deposits dually payable. The commenters contended that the FDIC would be justified in changing its previous position, set forth in General Counsel Advisory Opinion 94–1, by adopting their proposed approach under section 11(d)(11) of the FDI Act. According to the commenters, General Counsel Advisory Opinion 94–1 reached its conclusion without sufficient substantive discussion. Furthermore, they noted that General Counsel Advisory Opinion 94–1 was not a binding interpretation approved by the FDIC Board of Directors and would therefore not be entitled to significant deference.

The FDIC believes that formally interpreting ''deposit liability'' as the commenters proposed would be inconsistent with current statutory language, and as commenters acknowledged, would overturn a longstanding Advisory Opinion. General Counsel Advisory Opinion 94–1 is based on a reasonable interpretation of the FDI Act. While the term ''deposit liability'' is not defined in the FDI Act, the definition of ''deposit'' under section 3(*l*) explicitly refers to the term ''deposit liabilities.'' In addition, the legislative history of the depositor preference provision does not define ''deposit liability'' under section 11(d)(11) and does not explicitly include foreign branch deposits in the class of depositors who are entitled to depositor preference.[20] The FDI Act does allow a deposit in a foreign branch of a U.S. bank to receive depositor preference, but only under the circumstances specifically stated in the statute; that is, the deposit must be dually payable.

C. Comments Relating to Dual Payability

The commenters also presented a number of arguments related to the negative consequences that would result if they employ dual payability, in support of their proposed alternative approach. These arguments include contentions that:

- In the future, other foreign financial regulators might not allow banks to use dual payability as an acceptable means to ensure equal treatment of domestic and foreign branch deposits.
- The Proposed Rule would weaken efforts to facilitate international cooperation for cross-border resolution.
- It is unclear whether a U.S. bank with foreign branches would retain the protections of section 25C of the Federal Reserve Act on its dually payable deposits.
- Bank resolutions would become more complex and burdensome for the FDIC under the Proposed Rule if U.S. banks made deposits dually payable.
- Banks would incur significant operational and administrative expenses if they employed dual payability to satisfy the U.K. PRA.
- Both retail customers and multinational corporate depositors would also be confused about changes to their deposit contracts and the implications of dually payable deposits.

Finally, some commenters argued that the section 11(d)(11) approach would eliminate the litigation risk to the FDIC that they believe could occur under the Proposed Rule. The commenters contended that the terms ''deposit'' and ''insured deposit'' are equivalent. Under this interpretation, a dually payable foreign branch deposit would also be an ''insured deposit'' under section 3(m).[21]

The FDIC is cognizant of the fact that the industry considers dual payability and the other options that the U.K. PRA suggested for compliance with the Consultation Paper to be undesirable for a variety of reasons. Without expressing

[20] *See* House Budget Committee Report, H.R. Rep. No. 103–111, 103rd Cong., 1st Sess. 1993 at 87, 1993 U.S.C.C.A.N. 378, 462 (May 25, 1993).

[21] 12 U.S.C. 1813(m).

an opinion as to the merits of the commenters' various policy arguments in support of the section 11(d)(11) approach, the FDIC believes that their proposed approach is inconsistent with current statutory language, as discussed above. However, the FDIC does have authority to adopt this Final Rule. The FDIC is authorized under the FDI Act to issue regulations and has used its rulemaking authority in the past to address the conditions under which it will insure deposits and believes it may use that authority in a similar manner to address the insurance status of foreign branch deposits.[22] Ultimately, the Final Rule only clarifies that foreign branch deposits are not insured, a concept to which commenters were not opposed. The Final Rule does not affect the ability to employ dual payability to comply with the U.K. PRA, which is an option under current law for U.S. banks.

D. Other Comments

The FDIC sought comment on whether it should consider another option that would not entirely preclude deposit insurance for dually payable deposits, but only if enumerated conditions designed to protect the DIF and facilitate deposit insurance determinations were satisfied. The FDIC did not receive any comments addressing this alternative.

The FDIC also requested comment on the Proposed Rule's effect on deposits at Overseas Military Banking Facilities located on Department of Defense installations or similar facilities or programs authorized under Federal statute. The FDIC did not receive any comments in response to this request.

While not a formal comment in response to the Proposed Rule, the FDIC received an inquiry on the deposit insurance status of a former member of the Trust Territory of the Pacific Islands.

IV. Description of the Final Rule

A. Overview

The Final Rule amends the deposit insurance regulations, 12 CFR 330.3(e), as they relate to deposits payable outside of the United States. The Final Rule states explicitly that an obligation of an IDI that is carried on the books and records of a foreign branch of a U.S. bank shall not be an insured deposit for the purposes of the deposit insurance regulations, even if the obligation is also payable at an office within the United States. This ensures that the FDIC will be able to fulfill its statutory mission and protect the DIF from potential global liability.

The Final Rule would not affect the ability of a U.S. bank to make a foreign deposit dually payable. Should a bank do so, its foreign branch deposits would be treated as deposit liabilities under the FDI Act's depositor preference regime in the same way as, and on an equal footing with, domestic uninsured deposits.

The Final Rule clarifies that it does not affect the operation of Overseas Military Banking Facilities operated under Department of Defense regulations, 32 CFR Parts 230 and 231, or similar facilities authorized under Federal statute. These types of facilities are established under statutory authority, separate from State or Federal laws that govern the broader banking industry, for the benefit of specific U.S. persons. These include active duty and reserve U.S. military personnel, Department of Defense U.S. civilian employees, and U.S. employees of other U.S. government departments stationed abroad. Consistent with this approach, an U.S. Overseas Military Banking Facility located in a foreign country has been treated as a domestic office for purposes of the Call Report. Accordingly, deposits placed at these facilities overseas would not be affected by this Final Rule and would continue to receive FDIC deposit insurance if they meet the definition of ''deposit'' in section 3(*l*) of the FDI Act.[23]

As noted above, the FDIC received an inquiry about the intended effect of the Proposed Rule on one of the former members of the Trust Territory of the Pacific Islands. The Final Rule is not intended to affect the status of insured deposits, if any, in depository institutions located in any of the former members.[24]

The Final Rule also makes a technical change in section 330.3(e) to streamline the regulation by incorporating the definition of ''State'' under the FDI Act.[25]

B. Objective of the Final Rule

The Final Rule addresses several key concerns: (1) Maintaining public confidence in the nation's financial system; (2) protecting the DIF; (3) ensuring that, in the event of a U.S. bank's insolvency, the FDIC is in a position to effectively administer deposit insurance payments; and (4) addressing global financial issues of importance to the deposit insurance system and the banking public.

The goal of the Final Rule is to ensure that the FDIC can carry out its mandate to provide deposit insurance and to protect the DIF. Absent this rulemaking, the extension of deposit insurance to foreign branch deposits could potentially compromise the DIF, and by implication, the U.S. Government, which provides a full faith and credit backing to the deposit insurance guarantee. This threat is aggravated by the higher deposit insurance limits the FDIC provides in contrast with the deposit insurance systems of many other countries. There is no indication that Congress ever intended the DIF to have global liability.

Moreover, by its very nature, performing a deposit insurance determination for deposits in foreign branches could compromise the FDIC's ability to make timely deposit insurance payments. The FDI Act directs the FDIC to pay deposit insurance ''as soon as possible.'' [26] The FDIC usually makes this prompt payment by the next business day after a closing, and the timely payment of deposit insurance plays a key role in promoting depositor confidence in the U.S. deposit insurance system and stability in the banking industry.

The FDIC would likely face obstacles in trying to satisfy this statutory obligation when dealing with deposits in foreign branches. These challenges could include interference with the FDIC's prompt and unfettered access to books and records of the foreign branch and being forced to deal with the impact of the local law applicable to the branch, including the appropriate role of the foreign jurisdiction's regulatory authorities. In an extreme case, for example, FDIC representatives might be unable to obtain visas or other travel permits to enter the foreign jurisdiction. Even if full access to the foreign branch's premises and deposit records were provided to the FDIC, access could be delayed for an indeterminate period of time. Further, operational issues could not only impede the FDIC's prompt payment of deposit insurance to

[22] FDI Act sections 11(d)(4)(B)(iv), 12 U.S.C. 1821(d)(4)(B)(iv); 9(a)(Tenth), 12 U.S.C. 1819(a)(Tenth); 10(g), 12 U.S.C. 1820(g); *see, e.g.,* Unlimited Coverage for Noninterest-Bearing Transaction Accounts, 75 FR 69577 (Nov. 15, 2010) (codified at 12 CFR part 330); Permanent Increase in Standard Coverage Amount, 75 FR 49363 (Aug. 10, 2010) (codified at 12 CFR part 330).

[23] 12 U.S.C. 1813(*l*); *see* FDIC Advisory Opinion 96–6, Letter of Assistant General Counsel Alan J. Kaplan (Mar. 5, 1996).

[24] Micronesia, the Marshall Islands, and Palau, formerly among the members of the Trust Territory of the Pacific Islands, are independent countries. The FDI Act refers to the Trust Territory of the Pacific Islands, but the trusteeship of its former members has been terminated. *See* section 3(a)(3), 12 U.S.C. 1813(a)(3).

[25] *Id.* The term ''State'' means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

[26] Section 11(f)(1), 12 U.S.C. 1821(f)(1).

depositors of foreign branches of failed U.S. banks, but could also aggravate a financial crisis that transcends national borders.

C. Section-by-Section Analysis of the Final Rule

The Final Rule makes three changes to the deposit insurance rules. First, it adds to the current list of authorities two additional statutory references: FDI Act section 10(g) and FDI Act section 11(d).[27] Next, the Final Rule amends the definition of ''insured deposit'' in section 330.1(i) of Part 330 to add the phrase ''and this part'' to the existing definition.

Lastly, in section 330.3(e), which deals with ''General Principles,'' the Final Rule amends the existing text relating to ''Deposits payable solely outside of the United States and certain other locations.'' The Final Rule strikes ''solely'' from the subsection heading and makes the existing text the first of three paragraphs. The Final Rule also makes a technical change to the existing text by substituting ''any State'' for ''the States of the United States, the District of Columbia, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.'' This amendment streamlines the regulation by incorporating the definition of ''State'' under the FDI Act.

The second paragraph clarifies that any deposit carried on the books and records of an office of a U.S. bank located outside any State, regardless of where payable—that is, even if dually payable—is not an insured deposit. In the third paragraph the Final Rule establishes, by rule of construction, that Overseas Military Banking Facilities operated under Department of Defense regulations, 32 CFR Parts 230 and 231, are not to be considered as located outside any State, as defined in section 3(a)(3) of the FDI Act.

V. Summary Evaluation

In identifying the need to clarify that deposits in foreign branches of U.S. banks are not FDIC-insured deposits, the FDIC has evaluated legally available and viable alternatives, as well as the benefits and costs associated with such alternatives, based on available information. The Final Rule is consistent with statutory authority and objectives and would achieve the FDIC's mission of maintaining stability and public confidence in the nation's financial system by insuring deposits. It would also help ensure the FDIC's ability to administer a failed U.S. bank's receivership. Further, the Final Rule would benefit the public by clarifying the treatment of foreign branch deposits during a resolution and by limiting the exposure to the DIF that could occur as a result of changes in the requirements for U.S. banks to operate in foreign countries.

The FDIC seeks to minimize to the extent practicable the burdens which the Final Rule could impose on the banking industry and the public. While the FDIC recognizes that some U.S. banks may employ dual payability for their foreign branch deposits to address the U.K. proposal, the final rule does not change this avenue available under current law. Therefore, based on available information, the FDIC believes that the Final Rule itself would not impose any additional costs on the banking industry or the public.

VI. Regulatory Analysis and Procedure

A. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501, *et seq.,* the FDIC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (''OMB'') control number. The Final Rule clarifies that deposit insurance is not available for deposits in foreign branches of U.S. banks. It does not require any new collections of information as contemplated by the PRA. Consequently, no information has been submitted to the Office of Management and Budget for review. If a future modification to the Call Report is warranted, it would be issued separately and published in the **Federal Register** for notice and comment.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601, *et seq.,* requires each Federal agency to prepare a final regulatory flexibility analysis in connection with the promulgation of a final rule, or certify that the final rule will not have a significant economic impact on a substantial number of small entities.[28] The RFA provides that an agency is not required to prepare and publish a regulatory flexibility analysis if the agency certifies that the proposed rule will not have a significant impact on a substantial number of small entities.

Pursuant to Section 605(b) of the RFA, the FDIC certifies that the Final Rule will not have a significant economic impact on a substantial number of small entities. The Final Rule specifies that deposit insurance is inapplicable to deposits in foreign branches of U.S. banks. Using reports of condition and income and FFIEC form 030 reports filed within recent years, the FDIC has been able to identify only one bank that is considered a small entity for the purposes of the RFA that has a foreign branch and, thus, could be affected by the Final Rule. The Final Rule, however, imposes no burdens on IDIs of any size because it clarifies only that foreign branch deposits are not insured and does not require any action on the part of U.S. banks.

C. Small Business Regulatory Enforcement Fairness Act

The Office of Management and Budget has determined that the Final Rule is not a ''major rule'' within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''), 5 U.S.C. 801 *et seq.* As SBREFA requires, the FDIC will file the appropriate reports with Congress and the General Accounting Office so that the Final Rule may be reviewed.

D. Plain Language

Section 722 of the Gramm-Leach-Bliley Act (Pub. L. 106–102, 113 Stat. 1338, 1471) requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The FDIC has sought to present the Final Rule in a simple and straightforward manner.

List of Subjects in 12 CFR Part 330

Bank deposit insurance, Banks, Banking, Reporting and recordkeeping requirements, Savings and Loan associations, Trusts and trustees.

For the reasons stated above, the Board of Directors of the Federal Deposit Insurance Corporation amends part 330 of title 12 of the Code of Federal Regulations as follows:

PART 330—DEPOSIT INSURANCE COVERAGE

■ 1. The authority citation for part 330 is revised to read as follows:

Authority: 12 U.S.C. 1813(*l*), 1813(m), 1817(i), 1818(q), 1819(a)(Tenth), 1820(f), 1820(g), 1821(a), 1821(d), 1822(c).

■ 2. In § 330.1, revise paragraph (i) to read as follows:

§ 330.1 Definitions.

* * * * *

(i) *Insured deposit* has the same meaning as that provided under section

[27] 12 U.S.C. 1820(g); 12 U.S.C. 1821(d).

[28] *See* 5 U.S.C. 603, 604 and 605.

3(m)(1) of the Act (12 U.S.C. 1813(m)(1)) and this part.

* * * * *

■ 3. In § 330.3, revise paragraph (e) to read as follows:

§ 330.3 General principles.

* * * * *

(e) *Deposits payable outside of the United States and certain other locations.* (1) Any obligation of an insured depository institution which is payable solely at an office of that institution located outside any State, as the term ''State'' is defined in section 3(a)(3) of the Act (12 U.S.C. 1813(a)(3)), is not a deposit for the purposes of this part.

(2) Except as provided in paragraph (e)(3) of this section, any obligation of an insured depository institution which is carried on the books and records of an office of that institution located outside any State, as referred to in paragraph (e)(1) of this section, shall not be an insured deposit for purposes of this part, or any other provision of this part, notwithstanding that the obligation may also be payable at an office of that institution located within any State.

(3) *Rule of construction.* For purposes of this paragraph (e), Overseas Military Banking Facilities operated under Department of Defense regulations, 32 CFR Parts 230 and 231, are not considered to be offices located outside any State, as referred to in paragraph (e)(1) of this section.

* * * * *

Dated at Washington, DC, this 10th day of September, 2013.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2013–22340 Filed 9–12–13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0527; Directorate Identifier 2013–CE–014–AD; Amendment 39–17577; AD 2013–18–04]

RIN 2120–AA64

Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all PIAGGIO AERO INDUSTRIES S.p.A Model P–180 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks at the joint between the hinge pin sub-assembly and the lock pin of the main landing gear lever hinge fitting. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective October 18, 2013.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of October 18, 2013.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at 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 service information identified in this AD, contact Piaggio Aero Industries S.p.A—Airworthiness Office, Via Luigi Cibrario, 4–16154 Genova-Italy; phone: +39 010 6481353; fax: +39 010 6481881; email: *airworthiness@piaggioaero.it;* Internet: *http://www.piaggioaero.com/#/en/aftersales/service-support;* and Messier-Dowty Limited, Cheltenham Road, Gloucester, GL2 9QH, England; phone: +44(0)1452 712424; fax: +44(0)1452 713821; email: *americatassc@safranmbd.com;* Internet: *www.safranmbd.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on June 19, 2013 (78 FR 36691). The NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

> During scheduled maintenance, cracks have been detected at the joint between the hinge pin sub-assembly and the lock pin of the main landing gear (MLG) lever hinge fitting (LHF) of a Piaggio P.180 aeroplane.
>
> The results of the subsequent investigation revealed that the cracks were initiated by an unforeseen friction in the MLG wheel lever sub-assembly.
>
> This condition, if not detected and corrected, could lead to a structural failure of the MLG, possibly resulting in loss of control of the aeroplane during take-off or landing runs.
>
> To address this potential unsafe condition, Piaggio Aero Industries (PAI) issued Service Bulletin (SB) 80–0345 to provide instructions for early identification of cracks in the MLG LHF and, in case of identification of the crack, replacement of the MLG.
>
> For the reasons described above, this AD required inspections of the MLG LHF and, depending on findings, replacement of the MLG.
>
> This AD is considered to be an interim action, and based on gathered experience, further AD action may follow.

You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal and the FAA's response to each comment.

Request To Change Compliance Time From Hours Time-in-Service (TIS) to Landings

Carlo Cardu of PIAGGIO AERO INDUSTRIES S.p.A requested the compliance time be changed from hours TIS to landing, as recommended in the related service bulletin, to take into account actual landing gear usage.

We partially agreed with the commenter to include landings as a measure for the compliance of this AD because the unsafe condition addressed in this AD is a function of cycles on the landing gear. We disagreed with only using landings because this class of airplane does not require landings to be recorded. If an operator does document landings, this is an acceptable measure. However, if an operator does not record landings, TIS is also an acceptable measure for compliance.

We have changed the final rule AD action based on this comment.

Request To Change the Requirement To Replace the Main Landing Gear (MLG) Lever Hinge Fitting (LHF)

Carlo Cardu of PIAGGIO AERO INDUSTRIES S.p.A requested we change the corrective action from replacing the MLG LHF with a

serviceable part to replacing the MLG with a serviceable part based on the description of a serviceable part in the related service bulletin.

The commenter also requested we change the language from MLG LHF to MLG when referring to the inspections required after replacement of the MLG.

We agreed with the commenter. Based on the description of a serviceable part in the service bulletin, the operator has options to meet the intent of a serviceable part that do not increase the burden on the owners/operators of the affected airplanes. We have changed the final rule AD action based on this comment.

Request To Clarify Inspection Requirements for Newly Installed MLG

Carlo Cardu of PIAGGIO AERO INDUSTRIES S.p.A requested changing all repetitive inspection language for newly installed MLG. The commenter suggested changing this AD to specify that a newly installed MLG is subject to specific inspection reqirements.

We agreed with the commenter and have changed the final rule AD action based on this comment.

Request To Expand Criteria for Determining a ''Serviceable'' MLG

Carlo Cardu of PIAGGIO AERO INDUSTRIES S.p.A requested additional language be added to clarify the definition of a ''serviceable'' MLG.

We agreed with the commenter and have changed the final rule AD action based on this comment.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (78 FR 36691, June 19, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 36691, June 19, 2013).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Interim Action

We consider this AD interim action. We are requiring inspection(s) of the left and right MLG LHF with a report to the manufacturer of the results if cracks are found. We will work with the type certificate holder to evaluate the report results to determine repetitive inspection intervals and subsequent terminating action. Based on this evaluation, we may initiate further rulemaking action to address the unsafe condition identified in this AD.

Costs of Compliance

We estimate that this AD will affect 109 products of U.S. registry. We also estimate that it will take about 11 total work-hours, which is 2 work-hours for the initial visual inspection; 2 work-hours for the detailed visual inspection; and 7 work-hours for the fluorescent penetrant inspection, per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $101,915, or $935 per product.

In addition, we estimate that any necessary follow-on actions will take about 7 work-hours and require parts costing $21,540 to replace a left-hand LHF, for a cost of $22,153, and $20,662 to replace a right-hand LHF, for a cost of $21,257.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

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

For the reasons discussed above, I certify this AD:

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

Examining the AD Docket

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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2013–18–04 PIAGGIO AERO INDUSTRIES S.p.A: Amendment 39–17577; Docket No. FAA–2012–0962; Directorate Identifier 2012–CE–033–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective October 18, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to PIAGGIO AERO INDUSTRIES S.p.A Model P–180 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 32: Landing Gear.

(e) Reason

This AD was prompted by results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks at the joint between the hinge pin sub-assembly and the lock pin of the main landing gear (MLG) lever hinge fitting (LHF). We are issuing this AD to prevent structural failure of the MLG LHF, which could result in loss of control during take-off or landing runs.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (f)(8), including all subparagraphs, of this AD:

(1) Within the next 200 landings after October 18, 2013 (the effective date of this AD), or within the next 3 months after October 18, 2013 (the effective date of this AD), whichever occurs first, and before further flight after each MLG replacement, visually inspect each MLG LHF for cracks and verify freedom of rotation of the MLG wheel lever subassemblies. Do the inspection following Part 1 of the Accomplishment Instructions in PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, dated September 20, 2012; and Paragraph A of the Accomplishment Instructions in Appendix A of PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, dated September 20, 2012, which includes Messier-Dowty Service Bulletin No. P180–32–32, dated September 10, 2012. The compliance times for the entire AD are presented in landings; however, it is not mandatory to track landings for this class of airplane. If an operator does not track landings, 1 hour time-in-service (TIS) corresponds to 1 landing for compliance with this AD.

(2) If, during the inspection required in paragraph (f)(1) of this AD, freedom of rotation of the MLG wheel lever subassembly is not assured, before further flight, mark the LHF on the affected MLG as ''inspect as per SB–80–0345'' with an indelible pen, and replace the MLG with a serviceable part as defined in paragraph (f)(7) of this AD. Do the replacement following Part 1 of the Accomplishment Instructions in PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, dated September 20, 2012. The newly installed MLG is subject to the inspection requirement specified in paragraph (f)(1) of this AD and all repetitive inspection requirements specified in paragraphs (f)(3) and (f)(4) of this AD.

(3) Within the compliance times specified in paragraphs (f)(3)(i), (f)(3)(ii), and (f)(3)(iii) of this AD, and repetitively thereafter at intervals not to exceed 200 landings, do a detailed visual inspection of each MLG LHF for cracks. Do the inspection following Part 2 of the Accomplishment Instructions in PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, dated September 20, 2012; and Paragraph B of the Accomplishment Instructions in Appendix A of PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, dated September 20, 2012, which includes Messier-Dowty Service Bulletin No. P180–32–32, dated September 10, 2012.

(i) As of October 18, 2013 (the effective date of this AD), if the MLG LHF has accumulated 2,300 landings or less since new, inspect before exceeding 2,500 landings since new.

(ii) As of October 18, 2013 (the effective date of this AD), if the MLG LHF has accumulated more than 2,300 landings since new, but less than 2,500 landings since new, inspect within the next 200 landings after October 18, 2013 (the effective date of this AD).

(iii) As of October 18, 2013 (the effective date of this AD), if the MLG LHF has accumulated 2,500 landings or more since new, inspect within the next 200 landings after October 18, 2013 (the effective date of this AD), or within the next 3 months after October 18, 2013 (the effective date of this AD), whichever occurs first.

(4) Within the compliance times specified in paragraphs (f)(3)(i), (f)(3)(ii), and (f)(3)(iii) of this AD and repetitively thereafter at intervals not to exceed 750 landings, do a fluorescent penetrant inspection on each MLG LHF for cracks. Do the inspection following Part 3 of the Accomplishment Instructions in PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, dated September 20, 2012; and Paragraph C in Appendix A of PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, dated September 20, 2012, which includes Messier-Dowty Service Bulletin No. P180–32–32, dated September 10, 2012.

(5) If, during any inspection required by paragraphs (f)(1), (f)(3), (f)(4), (f)(7), and (f)(8) of this AD, including all subparagraphs, any crack is found, before further flight, replace the MLG with a serviceable part as defined in paragraph (f)(7) of this AD. Do the replacement following the Accomplishment Instructions in PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, dated September 20, 2012. The newly installed MLG is subject to the inspection requirement specified in paragraph (f)(1) of this AD and all repetitive inspection requirements specified in paragraphs (f)(3) and (f)(4) of this AD.

(6) Within 30 days after each MLG replacement, submit an inspection result report to PIAGGIO AERO INDUSTRIES S.p.A at the address specified in paragraph (h) of this AD using the Confirmation Slip attached to PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, dated September 20, 2012.

(7) For the purpose of this AD, a ''serviceable'' MLG is defined as an airworthy MLG that has had the freedom of rotation verified before installation and that has been inspected following paragraphs (f)(3), (f)(4), and (f)(8) (paragraph (f)(8) only applies if the LHF on the MLG has been marked ''inspect as per SB–80–0345'' as specified in paragraph (f)(2) of this AD) of this AD, including all subparagraphs, and is found free of cracks. If status of detailed visual inspections intervals, fluorescent penetrant inspections intervals, or landings since new cannot be determined from the Authorized Release Certificate of the MLG to be installed, before next flight after installation, inspect the MLG LHF as specified in paragraphs (f)(1), (f)(3), and (f)(4) of this AD. For the purpose of this AD, a serviceable MLG replacement is defined in paragraphs (f)(7)(i), (f)(7)(ii), and (f)(7)(iii) of this AD. All newly installed MLG LHF is subject to the inspections required in paragraphs (f)(1), (f)(3), and (f)(4) of this AD.

(i) Remove the unserviceable MLG and replace it with a different serviceable MLG.

(ii) Rework the unserviceable MLG following Part 2 and Part 3 of the Accomplishment Instructions in PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, dated September 20, 2012, until it passes the check for freedom of rotation and no cracks are found.

(iii) Replace the cracked LHF in the unserviceable MLG with a new LHF and, after LHF replacement, check the MLG for freedom of rotation.

(8) As of October 18, 2013 (the effective date of this AD), any MLG with LHF marked ''inspect as per SB 80–0345'' that was removed as specified in paragraph (f)(2) of this AD may be reinstalled provided that before installation, freedom of rotation has been restored. Before further flight after installation, the MLG LHF must be inspected as specified in paragraphs (f)(1), (f)(3), and (f)(4) of this AD. Continue thereafter with the repetitive inspections at the intervals specified in paragraphs (f)(3) and (f)(4) of this AD.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2013–0084, dated April 5, 2013, which can be found in the AD docket on the Internet at *http://www.regulations.gov;* Messier-Dowty PCS–2700 Paint Stripping document, dated January 2011; Messier-Dowty PCS–2622 Cold Degreasing (Solvent) document, Issue 2, dated May 12, 2008; and Messier-Dowty Ltd 201034005 and 201034006 Component Maintenance Manual, page 2, dated May 1, 2004, and page 1020, dated March 17, 2006, which can be found on the Internet at: *http://www.safranmbd.com,* for related information.

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, dated September 20, 2012.

(ii) PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin No. 80–0345, Appendix A, dated September 20, 2012, which includes Messier-Dowty Service Bulletin No. P180–32–32, dated September 10, 2012.

(3) For PIAGGIO AERO INDUSTRIES S.p.A. service information identified in this AD, contact Piaggio Aero Industries S.p.A—Airworthiness Office, Via Luigi Cibrario, 4–16154 Genova-Italy; phone: +39 010 6481353; fax: +39 010 6481881; email: *airworthiness@piaggioaero.it;* Internet: *http://www.piaggioaero.com/#/en/aftersales/service-support;* and Messier-Dowty Limited, Cheltenham Road, Gloucester, GL2 9QH, England; phone: +44(0)1452 712424; fax: +44(0)1452 713821; email: *americatassc@safranmbd.com;* Internet: *www.safranmbd.com.*

(4) You may view this service information at FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Kansas City, Missouri, on August 29, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–22203 Filed 9–12–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0379; Directorate Identifier 2009–SW–26–AD; Amendment 39–17580; AD 2013–18–07]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron, Inc. (Bell) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding revised Airworthiness Directive (AD) 76–12–07 for all Bell Model 204B and certain serial-numbered Model 205A–1 helicopters with a certain tail rotor pitch control chain (chain) installed. AD 76–12–07 required visually inspecting the chain to detect a crack in the link segments and, for affected Model 205A–1 helicopters, replacing the chain and cable control system with a push-pull control system. This new AD requires, for Bell Model 204B, inspecting certain chains at specified intervals, revising the inspection procedures, installing a tail rotor cable and chain damper kit (damper kit), and revising the maintenance manual or Instructions for Continued Airworthiness (ICAs) to include the inspection intervals. This new AD also requires, for certain Bell Model 205A–1 helicopters, replacing the chain and cable control system with an airworthy tail rotor push-pull control system kit. This AD was prompted by the rapid growth of a crack leading to premature chain failure. The actions are intended to prevent failure of the chain, loss of tail rotor blade pitch control, and subsequent loss of control of the helicopter.

DATES: This AD is effective October 18, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 18, 2013.

ADDRESSES: For service information identified in this AD, contact Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, TX 76101; telephone (817) 280–3391; fax (817) 280–6466; or at *http://www.bellcustomer.com/files/.*

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.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Michael Kohner, Aviation Safety Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5170; email *7-AVS-ASW-170@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On June 3, 1976, we issued AD 76–12–07, Amendment 39–2640 (41 FR 23939, June 14, 1976), Docket No. 76–SW–19, which required repetitive inspections at specified intervals for a certain part-numbered chain installed on Model 204B and 205A–1 helicopters. AD 76–12–07 also required, before further flight, replacing chains with cracked or broken links or segments.

On September 12, 1979, we revised AD 76–12–07 by issuing Amendment 39–3569 (44 FR 55555, September 27, 1979). The revised AD 76–12–07 limited the applicability for the Model 205A–1 helicopter to certain serial numbers; decreased the inspection interval of the chain; and required replacing the existing chain and cable control system with a push-pull control system.

Both amendments were prompted by several chain failures occurring in flight and reports of cracked chain links on Model 205A–1 helicopters. Those actions were intended to detect cracks in the chain link segments to prevent failure of a chain and subsequent loss of directional control of the helicopter.

On April 25, 2013, at 78 FR 24368, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would supersede original and revised AD 76–12–07. The NPRM proposed to expand the applicability of AD 76–12–07 to a newly-produced, similarly-designed chain; reduce the inspection interval for the Model 204B; and require installing

a push-pull control system on Model 205A–1 helicopters. Specifically, the NPRM proposed to apply to Model 204B helicopters with a chain, part number (P/N) 204–001–739–003 or –105, installed, and Model 205A–1 helicopters with a serial number 30001 through 30228. The NPRM proposed to require, for certain Model 205A–1 helicopters, before further flight, replacing the chain and cable control system by installing an improved tail rotor hub and blade assembly kit and then installing a certain push/pull anti-torque retrofit kit. The NPRM also proposed, for Model 204B helicopters, visually inspecting certain part-numbered chains at specified intervals using a 10-power or higher magnifying glass and a light; revising the inspection procedures; installing a damper kit; and revising the maintenance manual or ICAs to include the inspection intervals. The proposed requirements were intended to prevent failure of the chain, loss of tail rotor blade pitch control, and subsequent loss of control of the helicopter.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (78 FR 24368, April 25, 2013).

FAA's Determination

We have reviewed the relevant information and determined that an unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information

The FAA has reviewed Bell Alert Service Bulletin (ASB) No. 204–75–4, dated December 16, 1975, for the Model 204B helicopter, which specifies visually inspecting the chain using a 10-power magnifying glass every 10 flight hours. The inspection intervals for a chain were reduced because of several field reports of cracked and broken links. We have also reviewed Bell ASB 204–79–7, dated August 21, 1979, which specifies installing a damper kit. A field evaluation has shown considerable improvement in the reliability of the chain when a damper kit is installed.

Further, we have reviewed Bell ASB No. 205–78–5, dated May 16, 1978, for Model 205A–1 helicopters, serial number 30001 through 30228, which specifies removing the chain and cable control system and installing a push-pull control system kit, P/N 205–704–057–001 or 205–704–057–101. The tail rotor push-pull control system is installed in accordance with Service Instructions (SI) No. 205–38, ''changed'' March 28, 1990, for an improved tail rotor hub and blade assembly kit, P/N 205–704–040–001 and 205–704–040–003, and SI No. 205–46, revised March 7, 1980, for installing a push/pull anti-torque retrofit kit.

Costs of Compliance

We estimate that this AD will affect 13 Model 204B and 52 Model 205A–1 helicopters of U.S. registry, and operators may incur the following costs:

- Visual inspection of the link segments in a chain on a Model 204B helicopter will require .25 work hour for each inspection, 60 per year, at an average labor rate of $85 per work hour for a cost per helicopter of $1,275 and fleet cost of $16,575;
- Replacement of a chain having a cracked or broken link or segment on a Model 204B helicopter will require .5 work hour and a parts cost of $4,922, for a cost per helicopter of $4,965 and a total cost of $9,930 (assuming 2 are replaced);
- Installation of a damper kit on a Model 204B helicopter will require 3 work hours and a parts cost of $14,925, for a cost per helicopter of $15,180 and a total cost of $30,360 (assuming 2 are installed); and
- Installation of a tail rotor push-pull control system on an affected Model 205A–1 helicopter will require 225 work hours and a parts cost of $152,214, for a cost per helicopter of $171,339.

Therefore, we estimate the total cost impact of this AD on U.S. operators to be $228,204.

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

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 76–12–07 Amendment 39–3569 (44 FR 55555, September 27, 1979), which amended Amendment 39–2640 (41 FR 23939; June 14, 1976), and by adding the following new AD:

2013–18–07 BELL HELICOPTER TEXTRON (BELL): Amendment 39–17580; Docket No. FAA–2013–0379; Directorate Identifier 2009–SW–26–AD.

(a) Applicability

This AD applies to Model 204B helicopters with a tail rotor pitch control chain (chain), part number (P/N) 204–001–739–003 or –105, installed, and Model 205A–1 helicopters with a serial number (S/N) 30001 through 30228, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a chain, which can grow quickly

because of oscillatory loads and lead to premature failure of the chain, loss of the tail rotor blade pitch control, and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 76–12–07, Amendment 39–2640 (41 FR 23939, June 14, 1976) as revised by Amendment 39–3569 (44 FR 55555, September 27, 1979).

(d) Effective Date

This AD becomes effective October 18, 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) For Model 205A–1 helicopters, before further flight, replace the tail rotor chain and cable control system with an airworthy tail rotor push-pull control system by installing an improved tail rotor hub and blade assembly kit, P/N 205–704–040–001 or 205–704–040–103, and then installing a push/pull anti-torque retrofit kit, P/N 205–704–057–001 or 205–704–057–101.

(2) For Model 204B helicopters:

(i) Within 10 hours time-in-service (TIS) and thereafter at intervals not to exceed 10 hours TIS, using a 10-power or higher magnifying glass and a light, visually inspect each of the link segments in the chain for a crack. Also, slowly operate the cockpit anti-torque control pedals during the inspection so that the entire surface area of the chain in contact with the control quill sprocket (sprocket) is visibly accessible and can be inspected. Pay particular attention to the portion of the chain that travels over the sprocket and extends 6 inches to each side of the sprocket.

(A) If there is no cracked or broken link segment, lubricate the chain with a light preservative oil (C–125) or wipe with a cloth dampened in lubricating oil (C–010).

(B) If there is a cracked or broken link segment, before further flight, replace the chain with an airworthy chain.

(ii) Within 50 hours TIS, install a tail rotor cable and chain damper kit, P/N 204–706–130–101, as depicted in Figures 1 through 3, and by following the Accomplishment Instructions, paragraphs 2. through 9., of Bell Alert Service Bulletin (ASB) No. 204–79–7, dated August 21, 1979.

(g) Alternative Methods of Compliance (AMOC)

(1) The Manager, Rotorcraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to Michael Kohner, ASW–170, Aviation Safety Engineer, Rotorcraft Directorate, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5170, fax (817) 222–5783, email *mike.kohner @faa.gov.*

(2) For operations conducted under 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

(1) Bell ASB No. 204–75–4, dated December 16, 1975; Bell ASB No. 205–78–5, dated May 16, 1978; Service Instructions (SI) No. 205–38, ''changed'' March 28, 1990; and SI No. 205–46, revised March 7, 1980, which are not incorporated by reference, contain additional information about the subject of this AD. For this service information, contact Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, TX 76101, telephone (817) 280–3391, fax (817) 280–6466, or at *http://www.bellcustomer.com/files/.* 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.

(2) The subject of this AD is addressed in Transport Canada Civil Aviation (TCCA) AD CF–1990–06R1, issued January 7, 2008. You may view the TCAA AD in the AD docket on the Internet at *http://www.regulations.gov.*

(i) Subject

The Joint Aircraft System Component Code is 6720: Tail Rotor Control System.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Bell Alert Service Bulletin No. 204–79–7, dated August 21, 1979.

(ii) Reserved.

(3) For Bell Helicopter Textron, Inc. service information identified in this AD, contact Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, TX 76101; telephone (817) 280–3391; fax (817) 280–6466; or at *http://www.bellcustomer.com/files/.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on August 27, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–22188 Filed 9–12–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0186; Directorate Identifier 2013–NE–11–AD; Amendment 39–17571; AD 2013–17–07]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain General Electric Company (GE) GE90–76B, –85B, –90B, –94B, –110B1, and –115B turbofan engines. This AD was prompted by multiple reports of distress of certain stage 1 high-pressure turbine (HPT) stator shrouds due to accelerated corrosion and oxidation, including one engine in-flight shutdown (IFSD) caused by failure of the HPT stator shrouds. This AD requires initial and repetitive on-wing 360-degree borescope inspections (BSIs) for corrosion and oxidation of stage 1 HPT stator shrouds. If a shroud is found to be distressed, this AD requires reinspection at a reduced interval or removal from service before further flight. We are issuing this AD to prevent failure of stage 1 HPT stator shrouds, resulting in an IFSD of one or more engines, loss of thrust control, and damage to the airplane.

DATES: This AD is effective October 18, 2013.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of October 18, 2013.

ADDRESSES: For service information identified in this AD, contact General Electric Company, One Neumann Way, MD Y–75, Cincinnati, OH; phone: 513–552–2913; email: *geae.aoc@ge.com;* Web site: *www.GE.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

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: Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7747; fax: 781–238–7199; email: *jason.yang@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. The NPRM published in the **Federal Register** on April 2, 2013 (78 FR 19628). The NPRM proposed to require initial and repetitive on-wing 360-degree BSIs for corrosion and oxidation of stage 1 HPT stator shrouds. If a shroud failed the inspection, the NPRM proposed to require removal from service before further flight. We are issuing this AD to prevent failure of stage 1 HPT stator shrouds, resulting in an IFSD of one or more engines, loss of thrust control, and damage to the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal and the FAA's response to each comment.

Request To Clarify the Inspection Threshold for Compliance

Austrian Airlines requested that we specify a compliance threshold of 2,000 cycles to be in agreement with GE Service Bulletin (SB) No. GE90–100 SB 72–0528, dated November 15, 2012, rather than the 2,100 cycles specified in the NPRM (78 FR 19628, April 2, 2013).

We disagree. GE SB No. GE90–100 SB 72–0528, dated November 15, 2012, requires a BSI within 2 months after an engine reaches 2,000 cycles. We estimate that 2 months of utilization is about 100 cycles, which we added to the initial compliance threshold to strengthen enforceability and to lessen the impact on operators with engines having less than 2,000 cycles. We did not change this AD.

Request for Clarification on Affected Part Numbers

American Airlines (AAL) commented that since stage 1 HPT stator shroud, part number (P/N) 1847M52P16, is included in the NPRM (78 FR 19628, April 2, 2013), that stage 1 HPT stator shroud, P/N 1847M52P10, should also be included.

We disagree. Our risk analysis determined that corrective actions are required for stage 1 HPT stator shroud, P/N 1847M52P16. Although stage 1 HPT stator shroud, P/N 1847M52P10, also experienced distress in service, the distress was due to a different root cause. We did not identify a safety issue associated with the distress associated with stage 1 HPT stator shroud, P/N 1847M52P10. We did not change this AD.

Request To Reduce Requirements Due to Service Bulletin Category

AAL commented that we should not mandate corrective actions in an AD since GE did not designate the operable service bulletins as alert service bulletins, and therefore GE did not identify stage 1 HPT stator shroud distress as a safety issue.

We disagree. The corrective actions mandated in this AD are based on the results of a risk analysis of relevant engine operational safety issues. The category of service bulletin issued by GE was not a factor in our decision to issue this AD. We did not change this AD.

Request To Change Applicability

AAL requested that we add GE90 engines that do not have GE SB No. GE90–100 SB 72–0348, which introduces a new stage 1 HPT stator shroud and new shroud hanger, incorporated, to the applicability of this AD. AAL believes that an engine that has GE SB No. GE90–100 SB 72–0348, incorporated, does not require repetitive BSIs.

We disagree. After an engine has GE SB No. GE90–100 SB 72–0348 incorporated, using shrouds with a new P/N, the engine is not affected by this AD. A stage 1 HPT stator shroud P/N not listed in the Applicability of this AD is not affected by this AD. We did not change this AD.

Request To Use Revised GE SB for Compliance Actions

AAL requested that paragraph (f)(4)(i) of the AD also reference GE SB No. SB 72–0528 R01, Revision 1, dated April 1, 2013, in addition to the initial issue of that GE SB.

We agree. We changed paragraphs (f)(4)(i) and (f)(4)(ii) of this AD by adding a reference to GE SB No. SB 72–0528 R01, Revision 1, dated April 1, 2013.

Request To Revise Inspection Instructions

AAL noted that paragraph 3.A. of the Accomplishment Instructions of GE SB No. GE90–100 SB 72–0528, dated November 15, 2012, which we refer to in the compliance paragraphs of this AD, contain elements that do not pertain to this AD, especially elements regarding assembly and disassembly. AAL requested that we revise paragraphs (f)(3)(i) and (f)(4)(i) of this AD by removing accomplishment elements not related to this AD.

We partially agree. We agree that paragraph 3.A. of the Accomplishment Instructions of GE SB No. GE90–100 SB 72–0528, dated November 15, 2012, contains some instructions not directly related to this AD. We do not agree that they are unrelated service information for inspecting and removing a distressed shroud. We changed paragraphs (f)(3)(i) and (f)(4)(i) of this AD to refer to paragraph 3.A. of the Accomplishment Instructions of the GE SB for guidance on how to perform a BSI to detect and remove a distressed shroud.

Request To Detail the Scope of Work for the BSI

AAL requested that we revise paragraph (f)(4)(ii) of this AD to include the scope of work for the BSI.

We partially agree. We do not agree with including the scope of work for the BSI in this AD. We agree to include a reference to the paragraphs of the GE SB that detail the scope of work for the BSI to be performed for this AD, including how to determine if the shrouds are distressed. We changed paragraphs (f)(4)(ii) and (f)(4)(iii) of this AD and also paragraphs (f)(3)(ii) and (f)(3)(iii) of this AD accordingly.

Request To Add a Paragraph Summarizing Credit for Previous Actions

One commenter requested that we add a paragraph granting credit for engines previously inspected in accordance with the GE SBs.

We disagree. Paragraph (e) of this AD already grants credit for previous inspections with the statement, ''Comply with this AD within the compliance times specified, unless already done.'' We did not change this AD.

Request To Clarify Whether Alternate Method of Compliance (AMOC) Is Needed

All Nippon Airways Co., Ltd (ANA) requested clarification as to whether use of a locally manufactured BSI guide tube would require an AMOC request. ANA noted that using a BSI guide tube facilitates insertion of the borescope and does not otherwise affect the procedures described in GE SBs.

We agree that use of a BSI guide tube facilitates insertion of the borescope and does not affect the procedure required by this AD. An AMOC is not required to use a BSI guide tube. We did not change this AD.

Request To Revise Summary and Unsafe Condition Language

GE requested that we change the word ''failure'' to ''distress'' in the Summary and in paragraph (d) of this AD. GE commented that while there have been several reports of distress to the stage 1 HPT stator shrouds, there has been only one failure.

We partially agree. We agree with revising the wording to more accurately describe the service history. We disagree with removing the word ''failure'' from the Summary paragraph and from paragraph (d) of this AD because there has been an IFSD caused by failure of the stage 1 HPT stator shroud.

We changed the Summary paragraph and paragraph (d) of this AD to include ''distress.''

Request To Change the Proposed AD Requirements Paragraph

GE requested that we change the Summary and Proposed AD Requirements paragraphs by adding the words ''reduced interval inspection or . . .'' to more accurately coincide with the intent of GE SB No. GE90–100 SB 72–0528.

We agree. We changed the Summary paragraph of this AD by adding the words ''reinspection at a reduced interval or . . .''. The sentence now reads, ''If a shroud is found to be distressed, this AD requires reinspection at a reduced interval or removal from service before further flight.''

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (78 FR 19628, dated April 2, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 19628, dated April 2, 2013).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Costs of Compliance

We estimate that this AD will affect about 100 GE90 engines installed on airplanes of U.S. registry. We also estimate that it will take about four hours per engine to perform one inspection. The average labor rate is $85 per hour. Based on these figures, we estimate the total cost of this AD on U.S. operators for one inspection to be $34,000.

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2013–17–07 General Electric Company: Amendment 39–17571; Docket No. FAA–2013–0186; Directorate Identifier 2013–NE–11–AD.

(a) Effective Date

This AD is effective October 18, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE):

(1) GE90–76B, –85B, –90B, and –94B turbofan engines with stage 1 high-pressure turbine (HPT) stator shrouds, part number (P/N) 1847M52P14, installed.

(2) GE90–110B1 and –115B turbofan engines with stage 1 HPT stator shrouds, P/N 1847M52P16, installed.

(d) Unsafe Condition

This AD was prompted by multiple reports of distress of certain stage 1 HPT stator shrouds due to accelerated corrosion and oxidation, including one engine in-flight shutdown (IFSD) caused by failure of the HPT stator shrouds. We are issuing this AD to prevent failure of stage 1 HPT stator shrouds, resulting in an IFSD of one or more engines, loss of thrust control, and damage to the airplane.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done.

(f) Borescope Inspections of the Stage 1 HPT Stator Shrouds

(1) Perform an initial on-wing borescope inspection (BSI) of the stage 1 HPT stator shrouds for corrosion and oxidation before accumulating 2,100 cycles since new, or within 100 cycles in service after the effective date of this AD, whichever occurs later.

(2) Thereafter, repeat the BSI of the stage 1 HPT stator shrouds every 250 cycles since last inspection or fewer, depending on the results of the inspection.

(3) For engines listed in paragraph (c)(1) of this AD:

(i) Perform a 360-degree BSI of the stage 1 HPT stator shrouds for corrosion and oxidation. Guidance for performing the BSI

can be found in paragraph 3.A of the Accomplishment Instructions of GE Service Bulletin (SB) No. GE90 S/B 72–1076, dated November 19, 2012.

(ii) Refer to Figure 2 of GE SB No. GE90 S/B 72–1076, dated November 19, 2012, to determine the degree of shroud corrosion and oxidation.

(iii) Use paragraph 3.B. of the Accomplishment Instructions of GE SB No. GE90 S/B 72–1076, dated November 19, 2012, to determine the next inspection interval.

(4) For engines listed in paragraph (c)(2) of this AD:

(i) Perform a 360-degree BSI of the stage 1 HPT stator shrouds for corrosion and oxidation. Guidance for performing the BSI can be found in paragraph 3.A of the Accomplishment Instructions of GE SB No. SB 72–0528 R01, Revision 1, dated April 1, 2013, or GE GE90–100 SB No. SB 72–0528, dated November 15, 2012.

(ii) Refer to Figure 2 of GE SB No. SB 72–0528 R01, Revision 1, dated April 1, 2013, or GE GE90–100 SB No. SB 72–0528, dated November 15, 2012, to determine the degree of shroud corrosion and oxidation.

(iii) Use paragraph 3.B. of the Accomplishment Instructions of GE SB No. SB 72–0528 R01, Revision 1, dated April 1, 2013, or GE GE90–100 SB No. SB 72–0528, dated November 15, 2012, to determine the next inspection interval.

(5) Remove from service before further flight, any stage 1 HPT stator shroud found with any hole further than 0.35-inch from the shroud leading edge, and more than 0.25-inch in diameter, and that is more than 0.049 square inch in area.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures in 14 CFR 39.19 to make your request.

(h) Related Information

For more information about this AD, contact Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7747; fax: 781–238–7199; email: *jason.yang@faa.gov.*

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) General Electric Company (GE) Service Bulletin (SB) No. SB 72–0528 R01, Revision 1, dated April 1, 2013.

(ii) GE SB No. GE90–100 SB 72–0528, dated November 15, 2012.

(iii) GE SB No. GE90 S/B 72–1076, dated November 19, 2012.

(3) For GE service information identified in this AD, contact General Electric Company, One Neumann Way, MD Y–75, Cincinnati, OH; phone: 513–552–2913; email: *geae.aoc@ge.com;* Web site: *www.GE.com.*

(4) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(5) You may view this service information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Burlington, Massachusetts, on August 22, 2013.

Dorenda D. Baker,

Director, Aircraft Certification Service.

[FR Doc. 2013–22243 Filed 9–12–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0398; Directorate Identifier 2011–SW–065–AD; Amendment 39–17578; AD 2013–18–05]

RIN 2120–AA64

Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Eurocopter Deutschland GmbH (ECD) Model EC135P1, EC135P2, EC135P2+, EC135T1, EC135T2, and EC135T2+ helicopters with certain fire extinguishing systems installed. This AD requires modifying the fire extinguishing system injection tubes. This AD is prompted by a report that the injection tubes are deforming due to heat. The actions required by this AD are intended to prevent deformation of the fire extinguishing system injection tubes during a fire, which could result in impaired distribution of the fire extinguishing agent, failure of the fire extinguishing system to contain an engine fire, and subsequent loss of control of the helicopter.

DATES: This AD is effective October 18, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of October 18, 2013.

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Matt Wilbanks, Aviation Safety Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On May 8, 2013, at 78 FR 26715, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to ECD Model EC135P1, EC135P2, EC135P2+, EC135T1, EC135T2, and EC135T2+ helicopters with a fire extinguishing system part number (P/N) L262M1808101, P/N L262M1812101, or P/N L262M1812102 installed. The NPRM proposed to require, within 30 days, cutting out a portion of the existing fire extinguishing system injection tubes and replacing that portion with a section of new injection tubing. The proposed requirements were intended to prevent deformation of the fire extinguishing system injection tubes during a fire, which could result in impaired distribution of the fire extinguishing agent, failure of the fire extinguishing system to contain an engine fire, and subsequent loss of control of the helicopter.

The NPRM was prompted by AD No. 2011–0172, dated September 7, 2011, issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA issued AD No. 2011–0172 to correct an unsafe

condition for ECD Model EC 135 P1, EC 135 P2, EC 135 P2+, EC 135 T1, EC 135 T2, EC 135 T2+, EC 635 T1, EC 635 P2+, and EC 635 T2+ helicopters with a single engine fire extinguishing system, P/N L262M1808101, P/N L262M1812101, or P/N L262M1812102, or with a dual engine fire extinguishing system, P/N L262M1813102, installed. EASA advises that the fire extinguishing system injection tubes on Model EC 135 and EC 635 helicopters ''are not compliant with the relevant airworthiness requirements, because they are also forming part of the firewall.'' According to EASA, during an engine fire, this condition may affect the function of the fire extinguishing system and degrade the fire containment capability of the system to the extent that it is incapable of extinguishing an engine fire. For these reasons, EASA issued AD 2011–0172, which requires modification of the affected injection tubes by removing part of the tubing and replacing it with a section of heat-resistant injection tubing.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (78 FR 26715, May 8, 2013).

FAA's Determination

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

Differences Between This AD and the EASA AD

The EASA AD applies to helicopters with a dual engine fire extinguishing system and this AD does not because these systems are only installed on helicopters operated by the German Federal Police and are not operated in the U.S.

Related Service Information

ECD has issued EC135 Alert Service Bulletin No. EC135–26A–003, Revision 2, dated December 19, 2011, which describes procedures to remove a section of the fire extinguishing system injection tubing and replace it with heat-resistant injection tubing.

Costs of Compliance

We estimate that this AD will affect 246 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Modifying the injection tubes will require about 4.5 work-hours at an average labor rate of $85 per hour and required parts would cost about $900, for a cost of $1,282 per helicopter and a total cost to U.S. operators of $315,372.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2013–18–05 Eurocopter Deutschland GmbH: Amendment 39–17578; Docket No. FAA–2013–0398; Directorate Identifier 2011–SW–065–AD.

(a) Applicability

This AD applies to Eurocopter Deutschland GmbH (ECD) Model EC135P1, EC135P2, EC135P2+, EC135T1, EC135T2, and EC135T2+ helicopters with a fire extinguishing system part number (P/N) L262M1808101, P/N L262M1812101, or P/N L262M1812102 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as deformation of the fire extinguishing system injection tubes during an engine fire, which could result in impaired distribution of the fire extinguishing agent, failure of the fire extinguishing system to contain a fire, and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective October 18, 2013.

(d) Compliance

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

(e) Required Actions

(1) Within 30 days, modify each fire extinguishing system injection tube by removing and replacing a section of the tubing in accordance with the Accomplishment Instructions, paragraph 3.B., of Eurocopter EC135 Alert Service Bulletin No. EC135–26A–003, Revision 2, dated December 19, 2011.

(2) Do not install an injection tube, P/N L262M1810101, P/N L262M1811801, or P/N L262M1809101, on any helicopter unless it has been modified as required by this AD.

(f) Alternative Methods of Compliance (AMOCs)

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

AD. Send your proposal to: Matt Wilbanks, Aviation Safety Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov.*

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

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2011–0172, dated September 7, 2011. You may view the EASA AD in the AD Docket on the internet at *http://www.regulations.gov*.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2620: Extinguishing System.

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Eurocopter EC135 Alert Service Bulletin No. EC135–26A–003, Revision 2, dated December 19, 2011.

(ii) Reserved.

(3) For Eurocopter service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub*.

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may also view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Fort Worth, Texas, on August 27, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–22181 Filed 9–12–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0399; Directorate Identifier 2011–SW–064–AD; Amendment 39–17574; AD 2013–18–01]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters. This AD requires inspecting the collective pitch lever for correct locking and unlocking conditions. This AD was prompted by two separate reports of inadvertent collective pitch lever locking and unlocking. The actions of this AD are intended to detect an incorrectly adjusted collective pitch lever, which could result in loss of control of the helicopter.

DATES: This AD is effective October 18, 2013.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of October 18, 2013.

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Matt Wilbanks, Aviation Safety Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

On May 8, 2013, at 78 FR 26712, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to Eurocopter Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters, except helicopters with modification (MOD) 0767B5 installed. The NPRM proposed to require inspecting the collective pitch lever for correct unlocking with a spring scale, and if required, adjusting the collective pitch lever restraining tab and, for certain models, adjusting the collective link rods. The NPRM also proposed to require inspecting the collective pitch lever for the risk of inadvertent locking by measuring the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab, and if required, modifying the tab with a slight bend to the tab. The proposed requirements were intended to detect an incorrectly adjusted collective pitch lever, which could result in loss of control of the helicopter.

The NPRM was prompted by AD No. 2011–0154, dated August 22, 2011, issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA issued AD 2011–0154 to correct an unsafe condition for Eurocopter Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters. EASA advises that two occurrences have been reported of inadvertent locking and unlocking of the collective pitch lever. One inadvertent collective pitch lever locking occurred when moving the collective pitch lever to the low-pitch position, and one inadvertent collective pitch lever unlocking occurred during engine start. To address this unsafe condition, Eurocopter issued AS 365 Alert Telex No. 67.00.10, SA 366 Alert Telex No. 67.05, and EC 155 Alert Telex No. 67A007, which describe procedures to inspect the collective pitch lever for correct locking and unlocking conditions. This inspection was

mandated by Direction Générale de l'Aviation Civile (DGAC) France AD No. F–2005–127, dated July 20, 2005. DGAC subsequently revised its AD, No. F–2005–127 R1, dated February 1, 2006 (DGAC AD F–2005–127 R1), after Eurocopter issued Alert Service Bulletins containing the same inspection procedures and bearing the same numbers as the Alert Telexes. Since the issuance of DGAC AD F–2005–127 R1 Eurocopter developed an assembly comprised of a blade, a hinge, and a return spring to replace the flexible collective lever locking blade as terminating action for the inspection required by the AD. EASA then issued AD No. 2011–0154, which superseded DGAC AD F–2005–127 R1, retaining the inspection procedures for the collective pitch lever and removing from the applicability helicopters with the hinged, spring-loaded collective lever locking blade installed, designated as MOD 0767B65.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (78 FR 26712, May 8, 2013).

FAA's Determination

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

Related Service Information

We reviewed Eurocopter Alert Service Bulletin (ASB) No. 67.00.10 for Model AS365 helicopters, ASB No. 67.05 for Model SA366 helicopters, and ASB No. 67A007 for Model EC155 helicopters. All three ASBs are Revision 1 and are dated February 25, 2009. These ASBs describe procedures for inspecting and adjusting the collective pitch lever for correct locking and unlocking conditions.

Eurocopter has also issued ASB No. 67.00.12, Revision 0, dated February 25, 2009, for Model AS365 helicopters; ASB No. 67.07, Revision 0, dated February 25, 2009, for Model AS366 helicopters; and ASB No. 67–009, Revision 1, dated July 19, 2010, for Model EC 155 helicopters. These ASBs contain the procedures for MOD 0767B65.

Costs of Compliance

We estimate that this AD will affect 32 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Inspecting and adjusting the collective pitch lever will require about 1 work hour at an average labor rate of $85 per hour, for a total cost per helicopter of $85 and a cost to U.S. operators of $2,720.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2013–18–11 EUROCOPTER FRANCE: Amendment 39–17574; Docket No. FAA–2013–0399; Directorate Identifier 2011–SW–064–AD.

(a) Applicability

This AD applies to Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters, except helicopters with modification (MOD) 0767B5 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as inadvertent locking and unlocking of the collective pitch lever, which could result in subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective October 18, 2013.

(d) Compliance

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

(e) Required Actions

Within 50 hours time-in-service:

(1) For Model EC155B and EC155B1 helicopters:

(i) Lock the collective pitch lever, and using a spring scale, measure the load (G) required to unlock the pilot's collective pitch lever as depicted in Figure 1, Detail B of Eurocopter Alert Service Bulletin (ASB) No. 67A007, Revision 1, dated February 25, 2009 (ASB 67A007).

(ii) If the collective pitch lever unlocks at a load less than 11 deca Newtons (daN) (24.7 lbs) or greater than 14 daN (31.5 lbs), before further flight, adjust the collective pitch lever restraining tab (F) using the oblong holes.

(iii) Set the collective pitch lever to the ''low pitch'' position and hold it in this position, without forcing it downwards.

(iv) Measure the clearance (J1) between the locking pin of the collective pitch lever (C) and the L-section of the restraining tab (F) as depicted in Figure 1, Detail A of ASB 67A007.

(v) If the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab is less than 3 millimeters (mm), before further flight, remove the restraining tab, clamp the restraining tab (F) in a vice with soft jaws, and gradually apply a load (H) to ensure a clearance of 3 mm or more, as depicted in Figure 1, Detail K of ASB 67A007.

(2) For Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters:

(i) Completely loosen the friction, lock the collective pitch lever, and using a spring scale, measure the load (G) required to unlock the pilot's collective pitch lever as depicted in Figure 1, Detail B of Eurocopter ASB No. 67.00.10, Revision 1, dated February 25, 2009 (ASB 67.00.10).

(ii) If the collective pitch lever unlocks at a load less than 5 daN (11.3 lbs) or greater than 14 daN (31.5 lbs), before further flight, adjust the collective pitch lever restraining tab (F) using the oblong holes and adjust the collective link rods as described in the Accomplishment Instructions, paragraph 2.B.4., of ASB 67.00.10.

(iii) Set the collective pitch lever to the ''low pitch'' position and hold it in this position, without forcing it downwards.

(iv) Tighten the friction lock and measure the clearance (J1) between the locking pin of the collective pitch lever (C) and the L-section of the restraining tab (F) as depicted in Figure 1, Detail A of ASB 67.00.10.

(v) If the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab is less than 3 mm, before further flight, remove the restraining tab, clamp the restraining tab (F) in a vice with soft jaws, and gradually apply a load (H) to ensure a clearance of 3 mm or more, as depicted in Figure 1, Detail K, of ASB 67.00.10.

(3) For Model SA–366G1 helicopters:

(i) Completely loosen the friction, lock the collective pitch lever, and using a spring scale, measure the load (G) required to unlock the pilot's collective pitch lever as depicted in Figure 1, Detail B of Eurocopter ASB No. 67.05, Revision 1, dated February 25, 2009 (ASB 67.05).

(ii) If the collective pitch lever unlocks at a load less than 5 daN (11.3 lbs) or greater than 14 daN (31.5 lbs), before further flight, adjust the collective pitch lever restraining tab (F) using the oblong holes and adjust the collective link rods as described in the Accomplishment Instructions, paragraph 2.B.4., of ASB 67.05.

(iii) Set the collective pitch lever to the ''low pitch'' position and hold it in this position, without forcing it downwards.

(iv) Tighten the friction lock and measure the clearance (J1) between the locking pin of the collective pitch lever (C) and the L-section of the restraining tab (F) as depicted in Figure 1, Detail A, of ASB 67.05.

(v) If the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab is less than 3 mm, before further flight, remove the restraining tab, clamp the restraining tab (F) in a vice with soft jaws, and gradually apply a load (H) to ensure a clearance of 3 mm or more, as depicted in Figure 1, Detail K, of ASB 67.05.

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

(1) Eurocopter Alert Service Bulletin (ASB) No. 67.00.12, Revision 0, dated February 25, 2009; ASB No. 67.07, Revision 0, dated February 25, 2009; and ASB No. 67–009, Revision 1, dated July 19, 2010, which are not incorporated by reference, contain additional information about this AD. For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2011–0154, dated August 22, 2011. You may view the EASA AD in the AD Docket on the internet at *http://www.regulations.gov.*

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6710: Main Rotor Control

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Eurocopter Alert Service Bulletin No. 67.00.10, Revision 1, dated February 25, 2009.

(ii) Eurocopter Alert Service Bulletin No. 67.05, Revision 1, dated February 25, 2009.

(iii) Eurocopter Alert Service Bulletin No. 67A007, Revision 1, dated February 25, 2009.

(3) For Eurocopter service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may also view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–22170 Filed 9–12–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0270; Directorate Identifier 2011–NM–113–AD; Amendment 39–17570; AD 2013–17–06]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Fokker Services B.V. Model F.27 Mark 050 airplanes, and Model F.28 Mark 0070 and 0100 airplanes. This AD was prompted by reports of loose nuts on contactors in the electrical power center (EPC), and in some cases, burned contactors. This AD requires inspecting and, if necessary, adjusting, the torque values of nuts on circuit breakers, contactors, and terminal blocks of the EPC and battery relay panel. This AD also requires inspecting to determine if certain parts are installed, and installing the parts if necessary. We are issuing this AD to detect and correct loose nuts, which could result in arcing and potentially an onboard fire, possibly resulting in damage to the airplane and injury to occupants or maintenance personnel.

DATES: This AD becomes effective October 18, 2013.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 18, 2013.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West

Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. The SNPRM published in the **Federal Register** on February 5, 2013 (78 FR 8058). We preceded the SNPRM with a notice of proposed rulemaking (NPRM), which published in the **Federal Register** on March 21, 2012 (77 FR 16486). The NPRM and the SNPRM both proposed to correct an unsafe condition for the specified products.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, issued EASA Airworthiness Directive 2012–0050, dated March 27, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

In December 1989, Fokker issued Service Bulletin (SB) SBF50–24–A013 and SBF100–24–A011 (both Alert Bulletins) to instruct operators to inspect and adjust several torque values of bus bars and contactors in the EPC. The Civil Aviation Authority of The Netherlands (CAA–NL, formerly RLD) issued AD (BLA) 89–159 and BLA 89–157 respectively (both now at issue 2), to require operators of the affected aeroplanes to comply with the instructions of these SB's.

Since those [Dutch] ADs were issued, several operators reported finding loose nuts on contactors in the EPC of Fokker 50/60 aeroplanes in post-SBF50–24–A013 configuration and on Fokker 70/100 aeroplanes in post-SBF100–24–A011 configuration. In some cases, the findings included damaged (burned) contactors.

This condition, if not detected and corrected, could lead to arcing and, in combination with other factors, to an on-board fire, possibly resulting in damage to the aeroplane and injury to occupants or maintenance personnel. EASA issued AD 2011–0083 [referenced in the earlier FAA NPRM (77 FR 16486, March 21, 2012)] to address this unsafe condition.

After that [EASA] AD was issued, it was noticed that terminal block TB4906A, used in some Fokker 100 aeroplanes, was missing from the list of affected terminal blocks, as specified in Fokker SBF100–24–043. To correct this oversight, Fokker Services issued Revision 1 of SBF100–24–043, adding terminal block TB4906A.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2011–0083, which is superseded, and for F28 Mark 0100 aeroplanes, adds required action for the missing terminal block TB4906A by making reference to SBF100–24–043 Revision 1.

The required actions include doing a general visual inspection to determine if either the lock washer, flat washer and nut, or locking nut and flat washer are installed; installing a new lock washer or self-locking nut, if necessary; and applying torque inspection lacquer. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the SNPRM (78 FR 8058, February 5, 2013) or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed—except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the SNPRM (78 FR 8058, February 5, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the SNPRM (78 FR 8058, February 5, 2013).

Costs of Compliance

We estimate that this AD will affect about 4 products of U.S. registry. We also estimate that it will take about 5 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $1,700, or $425 per product.

In addition, we estimate that any necessary follow-on actions would take about 4 work-hours and require parts costing $25, for a cost of $365 per product. We have no way of determining the number of products that may need these actions.

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2013–17–06 Fokker Services B.V.: Amendment 39–17570. Docket No. FAA–2012–0270; Directorate Identifier 2011–NM–113–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective October 18, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Fokker Services B.V. Model F.27 Mark 050 airplanes, and Model F.28 Mark 0070 and 0100 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 24, Electric power.

(e) Reason

This AD was prompted by reports of loose nuts on contactors in the electrical power center (EPC), and in some cases, burned contactors. We are issuing this AD to detect and correct loose nuts, which could result in arcing and potentially an onboard fire, possibly resulting in damage to the airplane and injury to occupants or maintenance personnel.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Actions

Within 24 months after the effective date of this AD, do the actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD.

(1) Do a torque check of the nuts and circuit breakers, contactors, and terminal blocks of the EPC and battery relay panel, as applicable; and do all applicable adjustments of the torque values; in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF50–24–032, dated February 10, 2011 (for Model F.27 Mark 050 airplanes); or the Accomplishment Instructions of Fokker Service Bulletin SBF100–24–043, Revision 1, dated December 15, 2011 (for Model F.28 Mark 0070 and 0100 airplanes). Do all applicable adjustments before further flight.

(2) Do a general visual inspection of the contacts and nuts on circuit breakers, contactors, and terminal blocks of the EPC and battery relay panel to determine if either the lock washer, flat washer and nut, or locking nut and flat washer are installed; and do all applicable installations; in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF50–24–032, dated February 10, 2011 (for Model F.27 Mark 050 airplanes); or the Accomplishment Instructions of Fokker Service Bulletin SBF100–24–043, Revision 1, dated December 15, 2011 (for Model F.28 Mark 0070 and 0100 airplanes). Do all applicable installations before further flight.

(3) Before further flight, after accomplishing any check required by paragraph (g)(1) of this AD or any inspection required by paragraph (g)(2) of this AD: Apply torque inspection lacquer, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF50–24–032, dated February 10, 2011 (for Model F.27 Mark 050 airplanes); or the Accomplishment Instructions of Fokker Service Bulletin SBF100–24–043, Revision 1, dated December 15, 2011 (for Model F.28 Mark 0070 and 0100 airplanes).

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(i) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2012–0050, dated March 27, 2012, for related information, which can be found in the AD docket on the Internet at *http://www.regulations.gov.*

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Fokker Service Bulletin SBF50–24–032, dated February 10, 2011.

(ii) Fokker Service Bulletin SBF100–24–043, Revision 1, dated December 15, 2011.

(3) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands; telephone +31 (0)252–627–350; fax +31 (0)252–627–211; email *technicalservices.fokkerservices@stork.com;* Internet *http://www.myfokkerfleet.com.*

(4) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–21672 Filed 9–12–13; 8:45 am]

BILLING CODE 4910–13–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under the benefit payments regulation for valuation dates in October 2013 and interest assumptions under the asset allocation regulation for valuation dates in the fourth quarter of 2013. The interest assumptions are used for valuing and paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective October 1, 2013.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*Klion.Catherine@PBGC.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street

NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulations on Allocation of Assets in Single-Employer Plans (29 CFR Part 4044) and Benefits Payable in Terminated Single-Employer Plans (29 CFR Part 4022) prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulations are also published on PBGC's Web site (*http://www.pbgc.gov*).

The interest assumptions in Appendix B to Part 4044 are used to value benefits for allocation purposes under ERISA section 4044. PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for October 2013 and updates the asset allocation interest assumptions for the fourth quarter (October through December) of 2013.

The fourth quarter 2013 interest assumptions under the allocation regulation will be 3.00 percent for the first 20 years following the valuation date and 3.31 percent thereafter. In comparison with the interest assumptions in effect for the third quarter of 2013, these interest assumptions represent no change in the select period (the period during which the select rate (the initial rate) applies), an increase of 0.40 percent in the select rate, and a decrease of 0.12 percent in the ultimate rate (the final rate).

The October 2013 interest assumptions under the benefit payments regulation will be 1.75 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for September 2013, these interest assumptions represent an increase of 0.25 percent in the immediate annuity rate and are otherwise unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits under plans with valuation dates during October 2013, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 240, as set forth below, is added to the table.

Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
240	10–1–13	11–1–13	1.75	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 240, as set forth below, is added to the table.

Appendix C to Part 4022—Lump Sum Interest Rates For Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
240	10–1–13	11–1–13	1.75	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for October–December 2013, as set forth below, is added to the table.

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *		*		*		*
October–December 2013	0.0300	1–20	0.0331	>20	N/A	N/A

Issued in Washington, DC, on this 9th day of September 2013.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2013–22355 Filed 9–12–13; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0243]

RIN 1625–AA09

Drawbridge Operation Regulation; Lafourche Bayou, Larose, LA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying its drawbridge operation regulations by replacing the reference to the SR 310 (Larose Pontoon) Bridge with the LA 657 (Larose) Vertical Lift Bridge. The SR 310 bridge has been taken out of service and has been replaced by the LA 657 bridge. This substitution will also permit the LA 657 bridge to operate under the same schedule as the five other bridges in this area, as opposed to its current open-on-demand schedule.

DATES: This rule is effective October 15, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0243]. 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 Kay Wade, Bridge Branch Office, Coast Guard; telephone 504–671–2128, email *Kay.B.Wade@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

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section Symbol
U.S.C. United States Code

A. Regulatory History and Information

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. Providing an opportunity for comment regarding this rule is unnecessary because this rule does not impose any new operational restrictions on the waterway. It merely changes the bridge to which these restrictions apply. Providing an opportunity for comment regarding this rule is impracticable because the SR 310 bridge no longer exists and traffic from this bridge has been diverted to the new LA 657 bridge.

The SR 310 (Larose Pontoon) Bridge was removed from the waterway in April 2013 and replaced by the new LA 657 (Larose) Vertical Lift Bridge, which is located approximately one-half mile away from the old bridge. The old SR 310 bridge was one in a series of six bridges that feed the local school system, and operated in accordance with the requirements of 33 CFR 117.465(a). The operating requirements for the old SR 310 bridge are specifically located at 33 CFR 117.465(a)(6).

The new LA 657 bridge is located less than one-half mile from the old SR 310 bridge, and essentially replaces the SR 310 bridge in this series. However, the new LA 657 bridge currently operates under the default operating requirements of 33 CFR 117.5, which require that the bridge open on signal. This default operating requirement conflicts with the operating requirements of the other five bridges in this area. Therefore, this rule will essentially replace the SR 310 bridge with the LA 657 bridge at 33 CFR 117.465(a)(6), thus allowing the new bridge to operate under the same requirements as the old bridge, and under the same requirements as the other five bridges in this area.

B. Basis and Purpose

The purpose of this rule is to modify paragraph (a)(6) of 33 CFR 117.465. This paragraph currently refers to the SR 310 (Larose Pontoon) Bridge across Lafourche Bayou at mile 39.1. This bridge has been replaced by the newly constructed LA 657 (Larose) Vertical Lift Bridge across Lafourche Bayou at mile 38.7.

The LA 657 Bridge is the first bridge south of the Gulf Intracoastal Waterway intersection. This bridge is located just south of a flood control structure that has a horizontal clearance of 56 feet and a depth over the sill of 10 feet. Navigation at the site of the bridge consists primarily of tugs with tows, fish, shrimp, crew, and pleasure boats. There is considerable commerce on the bayou in seafood products, sugar, petroleum products, cement, lumber and piles, clays and drilling mud, liquid sulfur, sand and gravel, oil well pipe,

machinery and supplies, caustic soda, chemicals and general cargo. The bridge opens an average of 400 times a month for vessels or approximately 14 times daily. Traffic counts indicate that 9,000 vehicles cross the bridge daily and approximately 23% of those vehicles cross during the requested closure times.

Currently, the LA 657 Bridge opens on signal according to the default rule in 33 CFR 117.5. The Louisiana Department of Transportation and Development has requested that the LA 657 Bridge be allowed to follow the same drawbridge operation regulation that applied to the pontoon bridge before it was removed. This change would permit the LA 657 bridge to open on signal, except that, from August 1 through May 31, the draw need not open for the passage of vessels Monday through Friday except Federal holidays from 7 a.m. to 8:30 a.m.; from 2 p.m. to 4 p.m. and from 4:30 p.m. to 5:30 p.m. Placing the LA 657 Bridge on the same operating schedule with the other five bridges in the area will help minimize any disruption to both waterway and land transportation due to school vehicular traffic.

C. Discussion of Final Rule

The Coast Guard will modify the regulation in 33 CFR 117.465(a)(6) by changing the name and mile mark of the bridge in that section from the SR 310 (Larose Pontoon) Bridge, mile 39.1, at Larose, to the LA 657 (Larose) Vertical Lift Bridge, mile 38.7, at Larose. All other operational requirements and restriction in that section remain unchanged and are adopted by the new bridge.

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 Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The new LA 657 vertical lift bridge across Lafourche Bayou at mile 38.7 in Larose replaced the old SR 310 pontoon bridge across Lafourche Bayou at mile 39.1 in Larose. The pontoon bridge, which has been removed, was governed by 33 CFR 117.465(a)(6). This rule merely substitutes the LA 657 bridge for the SR 310 bridge at that section of the CFR and does not impose any new restrictions or limitations on the waterway.

2. Impact on Small Entities

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

This rule would affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit the bridge from August 1 through May 31, yearly, between 7 a.m. to 8:30 a.m., 2 p.m. to 4 p.m., and 4:30 p.m. to 5:30 p.m. on weekdays. This action will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule does not impose any new restrictions on the waterway. The LA 657, which is less than one-half mile from the old SR 310 bridge would now operate under the same schedule as the old SR 310 bridge. Additionally, there are five other bridges in this area that operate under the same schedule, therefore mariners in the area are accustomed to this schedule. Vessels that can safely transit under the bridge may do so at any time. Before the effective period, we will issue maritime advisories widely available to users of the bayou.

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on 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 have determined that it does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded 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 simply promulgates the operating regulations or procedures for drawbridges. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Section 117.465(a)(6) is revised to read as follows:

§ 117.465 Lafourche Bayou.

(a) * * *

(6) LA 657 (Larose) Vertical Lift Bridge, mile 38.7, at Larose.

* * * * *

Dated: August 25, 2013.

Kevin S. Cook,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2013–22269 Filed 9–12–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0257]

RIN 1625–AA09

Drawbridge Operation Regulation; Hudson River, Troy and Green Island, NY

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard amends the drawbridge operation regulations that govern the operation of the highway bridge across the Hudson River, mile 152.7, between Troy and Green Island, New York. The owner of the bridge, New York State Department of Transportation, requested that a twenty four hour advance notice be given for bridge openings. In addition, we removed the regulations for the 112th Street Bridge, mile 155.4, between Troy and Cohoes which has been converted to a fixed bridge. It is expected that this change to the regulations will provide relief to the bridge owner from crewing the bridge while continuing to meet the reasonable needs of navigation as well as remove obsolete regulations from the Code of Federal Regulations.

DATES: This rule is effective October 15, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2013–0257. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type in the docket number in the ''Search.'' Box and click ''SEARCH.'' Click Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Joe Arca, Project Officer, First Coast Guard District Bridge Program, telephone 212–668–7165, email *joe.m.arca@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

A. Regulatory History and Information

On May 24, 2013, we published a notice of proposed rulemaking (NPRM) entitled, ''Drawbridge Operation Regulations; Hudson River, Troy and Green Island, NY,'' in the **Federal Register** (78 FR 31454). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

The highway bridge, mile 152.7, across the Hudson River, between Troy and Green Island, New York, has a vertical clearance in the closed position of 29 feet at mean high water and 34 feet at mean low water. The waterway users are seasonal recreational vessels, several tour boats and a U.S. Army Corps of Engineers vessel.

The existing drawbridge operation regulations are listed at 33 CFR 117.791(e), which require the bridge to operate as follows: From April 1 through December 15, the draw shall open on signal from 9 a.m. to 4 p.m.; except that, the draw need not open from 6 p.m. to 7 a.m., unless notice is given before 4:30 p.m. of the time the vessel is expected to pass, and need not open from 7 a.m., to 9 a.m., and 4 p.m. to 6 p.m. From December 16 through March 31, the draw need not open.

The Coast Guard received a request from the owner of the bridge, New York State Department of Transportation, to change the drawbridge operation regulations. The owner of the bridge proposes to open the bridge as follows: From April 1 through December 15, the

draw shall open on signal after at least a twenty four hour notice is given and from December 16 through March 31, the draw need not open for the passage of vessel traffic.

The bridge opens approximately 40 times a year on average between April and December and there are no openings in the winter months when the waterway is normally frozen.

As a result of the above information the Coast Guard believes it is reasonable for the bridge owner to operate the bridge after a twenty four hour advance notice from April 1 through December 15.

In addition, the Coast Guard removed the drawbridge operation regulations for the 112th Street Bridge between Troy and Cohoes, 33 CFR 117.791(f), which was converted to a fixed bridge in 1997.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard received no comments in response to the notice of proposed rulemaking. As a result, no changes have been made to this final rule.

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, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. This conclusion is based on the fact that this final rule is not a significant regulatory action because the bridge will continue to open for the passage of all vessel traffic, April 1 through December 15, after a twenty four hour notice is given.

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 received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This action will not have a significant economic impact on a substantial number of small because the bridge will continue to open for all vessel traffic after at least a 24 hour advance notice is given.

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (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 would not create an environmental risk to health or risk to safety that might disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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 Concerns Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these

standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This final rule simply promulgates the operating regulations or procedures for drawbridges. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.791 by removing paragraph (f) and revising paragraph (e) to read as follows:

§ 117.791 Hudson River.

* * * * *

(e) The draw of the highway bridge, mile 152.7, between Troy and Green Island, operates as follows:

(1) From April 1 through December 15 the draw shall open on signal if at least a twenty four hour advance notice is given by calling the number posted at the bridge.

(2) From December 16 through March 31, the draw need not open for the passage of vessel traffic.

Dated: August 26, 2013.

V.B. Gifford, Jr.,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 2013–22268 Filed 9–12–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket Number USCG–2013–0798]

Drawbridge Operation Regulation; Illinois Waterway, Beardstown, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Burlington Northern Santa Fe Railroad Bridge across the Illinois Waterway, mile 88.8, at Beardstown, Illinois. The deviation is necessary to install new conley rail components which can only be done when the bridge is in the closed-to-navigation position. The deviation allows the bridge to remain in the closed-to-navigation position during two 12-hour periods.

DATES: This deviation is effective from 7 a.m. to 7 p.m., October 15 and October 22, 2013.

ADDRESSES: The docket for this deviation, USCG–2013–0798, is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone (314) 269–2378, email *Eric.Washburn@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: The Burlington Northern Santa Fe Railway Company requested a temporary deviation for the Burlington Northern Santa Fe (BNSF) Railroad Bridge, mile 88.8, at Beardstown, Illinois across the Illinois Waterway. It has a vertical clearance of 19.6 feet above normal pool in the closed position. The BNSF Railroad Bridge currently operates in accordance with 33 CFR 117.393(a) which requires that the bridge be maintained in the open-to-navigation position; closing only when a train needs to transit the bridge.

The deviation period is from 7 a.m. to 7 p.m., October 15 and October 22, 2013 when the draw span will remain in the closed-to-navigation position. During these times the new conley rail components will be installed. The draw span will not be returned to its fully open position until installation is completed after each closure. For the duration of the repair, work vessels will not be allowed to pass through the bridge while the installation of the conley rail components is in progress. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass this section of the Illinois Waterway. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: August 30, 2013.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2013–22265 Filed 9–12–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2013–0416]

Drawbridge Operation Regulations; Reynolds Channel, Lawrence, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice canceling temporary deviation from regulations.

SUMMARY: The Coast Guard is canceling the temporary deviation from the regulations published on June 11, 2013, (78 FR 34893) governing the operation of the Atlantic Beach Bridge, mile 0.4, across Reynolds Channel, at Lawrence, New York. The owner of the bridge, Nassau County Bridge Authority, requested six, five hour closure periods, scheduled to occur during the effective period of the above temporary deviation. As a result of the bridge owner's recent request we must cancel the existing temporary deviation and issue a new temporary deviation to include the bridge closures.

DATES: The temporary deviation, (78 FR 34893), published on June 11, 2013, is cancelled as of August 31, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0416] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the Ground Floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 668–7165, email *judy.k.leung-yee@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

A. Basis and Purpose

On June 11, 2013, we published a temporary deviation entitled ''Drawbridge Operation Regulations; Reynolds Channel, Lawrence, NY'', in the **Federal Register** (78 FR 34893). The temporary deviation concerned was for the Atlantic Beach Bridge, across Reynolds Channel, mile 0.4, at Lawrence, New York. The owner of the bridge, Nassau County Bridge Authority, requested a temporary deviation for 176 days to facilitate electrical and structural rehabilitation at the bridge. This deviation from the operating regulations was authorized under 33 CFR 117.35.

B. Cancellation

Under the temporary deviation published on June 11, 2013, (78 FR 34893) the draw of the Atlantic Beach Bridge at mile 0.4, across Reynolds Channel was required to operate as follows:

(1) From June 9, 2013 through September 30, 2013, Monday through Friday, the draw may operate a single span on signal, every two hours, on the even hour, between 6 a.m. and 8 p.m. From 8 p.m. through 6 a.m. the draw may operate a single span on signal. On weekends and holidays from Friday at 8 p.m. through Monday at 6 a.m. the bridge shall open both spans every hour on the hour.

(2) From October 1, 2013 through December 1, 2013, the bridge shall operate a single span on signal at 6 a.m., 12 p.m., 4 p.m., and 8 p.m. and at any time between 8 p.m. and 6 a.m. The draw shall open both spans at all times for commercial vessel traffic after at least a 48 hour advance notice is given by calling the number posted at the bridge.

The bridge owner recently advised the Coast Guard that six, five hour, bridge closures would be necessary in order to facilitate the completion of the electrical and structural rehabilitation at the bridge. These closures cannot occur under the current temporary deviation.

As a result, the Coast Guard is cancelling the temporary deviation published on June 11, 2013 in the **Federal Register** (78 FR 34893) and will publish a new temporary deviation that will include the six, five hour, bridge closures.

Dated: August 29, 2013.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2013–22270 Filed 9–12–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2013–0780]

Drawbridge Operation Regulations; Reynolds Channel, Lawrence, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulations governing the operation of the Atlantic Beach Bridge, mile 0.4, across Reynolds Channel, at Lawrence, New York. This temporary deviation authorizes the Atlantic Beach Bridge to operate under an alternate schedule for 92 days, to facilitate electrical and structural rehabilitation at the bridge.

DATES: This deviation is effective from September 13, 2013 through December 1, 2013, and has been enforced with actual notice since September 1, 2013.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2013–0780 and are available online at *www.regulations.gov,* inserting USCG–2013–0780 in the ''Keyword'' and then clicking ''Search''. They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 668–7165, email *judy.k.leung-yee@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Atlantic Beach Bridge, across Reynolds Channel, mile 0.4, at Lawrence, New York, has a vertical clearance in the closed position of 25 feet at mean high water and 30 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.799(e).

The owner of the bridge, Nassau County Bridge Authority, requested a temporary deviation to facilitate electrical and structural rehabilitation at the bridge.

The waterway has commercial and seasonal recreational vessels of various sizes.

Under this temporary deviation the draw of the Atlantic Beach Bridge at mile 0.4, across Reynolds Channel shall operate as follows:

(1) From September 1, 2013 through September 30, 2013, Monday through Friday, the draw may operate a single span on signal, every two hours, on the even hour, between 6 a.m. and 8 p.m. From 8 p.m. through 6 a.m. the draw may operate a single span on signal. On weekends and holidays from Friday at 8 p.m. through Monday at 6 a.m. the bridge shall open both spans every hour on the hour. The draw may remain in the closed position between 12 a.m. and 5 a.m. on September 12, 13, 24, and 25, 2013.

(2) From October 1, 2013 through December 1, 2013, the bridge shall operate a single span on signal at 6 a.m., 12 p.m., 4 p.m., and 8 p.m. and at any time between 8 p.m. and 6 a.m. The draw shall open both spans at all times for commercial vessel traffic after at least a 48 hour advance notice is given by calling the number posted at the bridge. The draw may remain in the closed position between 12 a.m. and 5 a.m. on October 15, and October 16, 2013.

The Coast Guard contacted all known commercial waterway users regarding this deviation and no objections were received.

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

Dated: August 29, 2013.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2013–22266 Filed 9–12–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2013–0330]

RIN 1625–AA00

Safety Zone, Shallowbag Bay; Manteo, NC; Correction

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; correction.

SUMMARY: The Coast Guard published a temporary final rule in the **Federal Register** on July 5, 2013 (78 FR 40394), establishing a safety zone in Shallowbag Bay in Manteo, NC. This document corrects the temporary section number to be assigned to the temporary regulation, and also corrects the effective date to indicate that effective period ends after the corresponding event is concluded.

DATES: This correction is effective from September 13, 2013 until 10 p.m. October 4, 2013.

FOR FURTHER INFORMATION CONTACT: CWO4 Joseph M. Edge, Sector North Carolina Waterways Management, Coast Guard; telephone (252) 247–4525, email *Joseph.M.Edge@uscg.mil.*

SUPPLEMENTARY INFORMATION:

A. Background

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

B. Need for Correction

The Coast Guard published a document in the **Federal Register** on July 5, 2013, for this temporary safety zone (78 FR 40394). In that document it was incorrectly mentioned to add temporary § 165.T05–0494. The correct entry should have read to add § 165.T05–0330. This document, and the List of Subjects below, corrects that discrepancy.

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 temporary § 165.T05–0330 to read as follows:

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

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

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

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

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

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

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

Dated: August 8, 2013.

S.R. Murtagh,

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

[FR Doc. 2013–21926 Filed 9–12–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2005–0011; FRL–9900–68-Region 4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Koppers Co., Inc. (Florence Plant) Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Koppers Co., Inc. (Florence Plant) Superfund Site (Site) located in Florence, South Carolina, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and

Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of South Carolina, through the South Carolina Department of Health and Environmental Control (SCDHEC), have determined that no further response activities under CERCLA are appropriate. However, this deletion does not preclude future actions under Superfund or other regulatory authority.

DATES: This action is effective September 13, 2013.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA–HQ–SFUND–2005–0011. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

Regional Site Information Repository: The EPA Record Center, Attn: Ms. Anita Davis, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Hours of Operation (by appointment only): 8:30 a.m. to 4:00 p.m., Monday through Friday.

Local Site Information Repository: Florence County Library, 509 S. Dargan Street, Florence, South Carolina 29506. Hours of Operation: 9:00 a.m.–8:30 p.m., Monday through Thursday. 9:00 a.m.–5:30 p.m., Friday through Saturday. 2:00 p.m.–6:00 p.m., Sunday.

FOR FURTHER INFORMATION CONTACT: Yvonne Jones, Remedial Project Manager, Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960, 404–562–8793, *jones.yvonneo@epa.gov.*

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Koppers Co., Inc. (Florence Plant) Superfund Site (Site) located in Florence, South Carolina. A Notice of Intent to Delete for this Site was published in the **Federal Register** on April 24, 2013.

The closing date for comments on the Notice of Intent to Delete was May 24, 2013. No public comments were received during the comment period. Therefore, a responsiveness summary was not prepared and placed in both the docket, EPA–HQ–SFUND–2005–0011, on *www.regulations.gov,* and in the local repositories listed above.

The EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 3, 2013.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

■ 2. Table 1 of Appendix B to Part 300 is amended by removing ''Koppers Co., Inc. (Florence Plant),'' ''Florence, South Carolina.''

[FR Doc. 2013–21622 Filed 9–12–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 2, 24, 30, 70, 90, 91, and 188

[Docket No. USCG–2011–0363]

RIN 1625–AC03 (Formerly RIN 1625–AB71)

Seagoing Barges

Correction

In rule document 2013–20351 appearing on pages 53285–53336 in the issue of Thursday, August 29, 2013, make the following corrections:

§ 24.05–1 [Corrected]

■ (1) On page 53304, above footnote ''1'' insert the heading ''Footnotes:''.

§ 30.01–5 [Corrected]

■ (2) On page 53312, in footnote ''9'' in the first line, ''. . .'' should read ''* * *''.

§ 188.05–1 [Corrected]

■ (3) Beginning on page 53328, Table 188.05–1(a) is corrected to read as set forth below:

TABLE 188.05–1(a)

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels except seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that—	All vessels >15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]				
(2) Motor, seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7]	All vessels, including recreational vessels, not engaged in trade. This does not include vessels covered by columns 2 and 3, and vessels engaged in the fishing industry.	All vessels not covered by columns 2, 3, 4, 6, and 7.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(ii) All ferries <100 gross tons carrying more than 6 passengers and all ferries ≥100 gross tons that carry at least 1 passenger. (iii) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]				
(3) Non-self-propelled vessels <100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry more than 6 passengers and are ferries.	All manned barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire except those covered by column 3.	None.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]
(4) Non-self-propelled vessels ≥100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5].	(iii) All vessels that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry at least 1 passenger and are ferries.	All seagoing barges except a seagoing barge that is covered by column 2 or 3, or that is unmanned for the purposes of operating or navigating the barge, and that carries neither a hazardous material as cargo nor a flammable or combustible liquid, including oil, in bulk quantities of 250 barrels or more.	All barges carrying passengers or passengers-for-hire except those covered by columns 3 and 6.	All seagoing barges engaged in oceanographic research.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(5) Sail [13] vessels ≤700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels, not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(6) Sail [13] vessels >700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying passengers or passengers-for-hire, except recreational vessels.[7] (ii) All ferries that carry at least 1 passenger.	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	None.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
						otherwise be subject to these parts.[12]
(7) Steam, vessels ≤19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]	All tugboats and towboats. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(8) Steam, vessels >19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels not covered by columns 2, 3, 6, and 7.	None.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

Key to symbols used in this table: ≤ means less than or equal to; > means greater than; < means less than; and ≥ means greater than or equal to.
Footnotes:

[1] Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171 through 179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schoolships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.

[5] Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

[7] The terms ''passenger(s)'' and ''passenger(s)-for-hire'' are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[9] Under 46 U.S.C. 441 an oceanographic research vessel ''* * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, * * *. Under 46 U.S.C. 443, ''an oceanographic research vessel shall not be deemed to be engaged in trade or commerce.'' If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certified for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

[10] Bulk dangerous cargoes are cargoes specified in table 151.01–10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.

[11] For manned tankbarges, see § 151.01–10(c) of this chapter.

[12] See § 151.01–15, 153.900(d), or 154.30 of this chapter as appropriate.

[13] Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

[FR Doc. C1–2013–20351 Filed 9–12–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 385

[Docket No. FMCSA–2013–0274]

RIN 2126–AB62

Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: FMCSA amends its Hazardous Materials Safety Permits rules to update the current incorporation by reference of the ''North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403.'' The rules currently reference the April 1, 2012, edition of the out-of-service criteria and through this final rule, FMCSA incorporates the April 1, 2013, edition.

DATES: Effective September 13, 2013. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of September 13, 2013.

FOR FURTHER INFORMATION CONTACT: Brian Routhier, Mechanical Engineer, Federal Motor Carrier Safety Administration, Office of Policy, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, by telephone at (202) 366–1225 or via email *brian.routhier@dot.gov.* Office hours are from 8 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays. If you have questions on viewing the docket, contact Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

I. Legal Basis for the Rulemaking

Congress has enacted several statutory provisions to improve the safety of hazardous materials transported in interstate commerce. Specifically, in provisions codified at 49 U.S.C. 5105(e), relating to inspections of motor vehicles carrying hazardous material and 49 U.S.C. 5109, relating to motor carrier safety permits, it has required the Secretary of the Department of Transportation to promulgate regulations as part of a comprehensive safety program on hazardous material safety permits. The FMCSA Administrator has been delegated authority under 49 CFR 1.87 to carry out the rulemaking functions vested in the Secretary of Transportation. Subsequently, FMCSA has promulgated regulations to address the Congressional mandate. Such regulations on hazardous materials are the underlying provisions that have utilized material incorporated by reference discussed in this notice.

The Administrative Procedure Act (APA) (5 U.S.C. 553) specifically provides that adherence to its notice and public comment rulemaking procedures are not required where the Agency finds there is good cause (and incorporates the finding and a brief statement of reasons to support the finding in the rules issued) to dispense with such procedures. Generally, good cause exists where the Agency determines that notice and public comment procedures are impracticable, unnecessary, or contrary to the public interest. Ibid. This document updates an incorporation by reference found at 49 CFR 385.4 and referenced at 49 CFR 385.415(b)(1). The revision does not impose new requirements or substantively change the Code of Federal Regulations. For these reasons, the FMCSA finds good cause that notice and public comment procedures are unnecessary.

II. Background

Currently, 49 CFR 385.415 prescribes operational requirements for motor carriers transporting hazardous materials for which a hazardous materials safety permit is required. Section 385.415(b)(1) requires that motor carriers must ensure a pre-trip inspection be performed on each motor vehicle to be used to transport a highway route controlled quantity of a Class 7 (radioactive) material, in accordance with the requirements of the ''North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Parts 173.403.'' With regard to the specific edition of the out-of-service criteria, 49 CFR 385.4, as amended on October 1, 2012 (77 FR 59818) references the April 1, 2012, edition. Today's final rule amends § 385.4 by replacing the reference to the April 1, 2012 edition date with the new edition date of April 1, 2013.

FMCSA reviewed the April 1, 2013, edition and determined there are no substantive changes that would result in motor carriers being subjected to a new standard. Because the CVSA discontinued the printing and

distribution of the 2012 edition, it is necessary to update the reference to ensure that motor carriers and enforcement officials have convenient access to the inspection criteria that are referenced in the rules.

III. Regulatory Analyses

Executive Order (E.O.) 12866 (Regulatory Planning and Review and DOT Regulatory Policies and Procedures as Supplemented by E.O. 13563)

FMCSA has determined that this action is not a significant regulatory action within the meaning of E.O. 12866, as supplemented by E.O. 13563 (76 FR 3821, January 18, 2011), or within the meaning of the DOT regulatory policies and procedures (44 FR 1103, February 26, 1979). The Office of Management and Budget (OMB) did not review this document. FMCSA expects the final rule will have no costs; therefore, a full regulatory evaluation is unnecessary.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (RFA) of 1980 (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA is not required to prepare a final regulatory flexibility analysis under 5 U.S.C. 604(a) for this final rule because the agency has not issued a notice of proposed rulemaking prior to this action. FMCSA has determined that it has good cause to adopt the rule without notice and comment.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, FMCSA wants to assist small entities in understanding this rule so that they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the FMCSA point of contact, Mr. Brian Routhier, listed in the **FOR FURTHER INFORMATION CONTACT** section of this rule.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the SBA's 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 FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy ensuring the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

Unfunded Mandates Reform Act of 1995

The final rule will not impose an unfunded Federal mandate, as defined by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532, *et seq.*), that will result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $143.1 million (which is the value of $100 million in 2010 after adjusting for inflation) or more in any 1 year.

E.O. 13132 (Federalism)

A rulemaking has implications for Federalism under Section 1(a) of E.O. 13132 if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on State or local governments. FMCSA analyzed this action in accordance with Executive Order 13132. This final rule does not preempt or modify any provision of State law, impose substantial direct unreimbursed compliance costs on any State, or diminish the power of any State to enforce its own laws. Accordingly, this rulemaking does not have Federalism implications warranting the application of Executive Order 13132.

E.O. 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rule.

E.O. 13175 (Indian Tribal Governments)

This rule does not have tribal implications under E.O. 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.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. FMCSA determined that no new information collection requirements are associated with this final rule.

National Environmental Policy Act

FMCSA analyzed this final rule for the purpose of ascertaining the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and our Environmental Procedures Order 5610.1, issued March 1, 2004 (69 FR 9680). This final rule is categorically excluded from further analysis and documentation under the Categorical Exclusion (CE) in paragraph 6(b) of Appendix 2 of FMCSA Order 5610.1. This CE addresses minor revisions such as found in this rulemaking; therefore preparation of an environmental assessment or environmental impact statement is not necessary.

The FMCSA also analyzed this rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7401 et seq.), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's general conformity requirement since it will have no effect on air emissions.

E.O. 12898 (Environmental Justice)

FMCSA evaluated the environmental effects of this final rule in accordance with E.O. 12898 and determined that there are no environmental justice issues associated with its provisions nor any collective environmental impact resulting from its promulgation. Environmental justice issues would be raised if there were a ''disproportionate'' and ''high and adverse impact'' on minority or low-income populations. FMCSA analyzed this action under NEPA and found the action to be Categorically Excluded from analysis due to the lack of impact to the environment. This final rule simply updates an incorporation by reference and would not result in high and adverse environmental impacts.

E.O. 13211 (Energy Effects)

FMCSA has analyzed this rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. FMCSA has determined that it is not a ''significant energy action'' under that Executive Order because it is not a ''significant regulatory action'' under E.O. 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, the rule does not require a Statement of Energy Effects under E.O. 13211.

E.O. 13045 (Protection of Children)

FMCSA analyzed this action under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. FMCSA determined that this final rule will not create an environmental risk to health or safety that may disproportionately affect children.

E.O. 12988 (Civil Justice Reform)

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

E.O. 12630 (Taking of Private Property)

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

National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act (15 U.S.C. 272 note) requires Federal agencies proposing to adopt technical standards to consider whether voluntary consensus standards are available. If the Agency chooses to adopt its own standards in place of existing voluntary consensus standards, it must explain its decision in a separate statement to OMB. Because FMCSA does not intend to adopt its own technical standards, there is no need to submit a separate statement to OMB on this matter.

Privacy Impact Assessment

Section 522(a)(5) of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Pub. L. 108–447, Division H, Title I, 118 Stat. 2809 at 3268, Dec. 8, 2004) requires DOT and certain other Federal agencies to conduct a privacy impact assessment of each rule that will affect the privacy of individuals. Because this final rule will not affect the privacy of individuals, FMCSA did not conduct a separate privacy impact assessment.

List of Subjects in 49 CFR Part 385

Administrative practice and procedure, Highway safety, Incorporation by reference. Mexico, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, FMCSA is amending 49 CFR chapter III, part 385 as set forth below:

PART 385—SAFETY FITNESS PROCEDURES

■ 1. The authority citation for part 385 is revised to read as follows:

Authority: 49 U.S.C. 113, 504, 521(b), 5105(e), 5109, 13901–13905, 31133, 31135, 31136, 31137(a), 31144, 31148, and 31502; Sec. 113(a), Pub. L. 103–311; Sec. 408, Pub. L. 104–88; Sec. 350 of Pub. L. 107–87; and 49 CFR 1.87.

■ 2. Revise § 385.4(b)(1) to read as follows:

§ 385.4 Matter incorporated by reference.

* * * * *

(b) * * *

(1) ''North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403,'' April 1, 2013; incorporation by reference approved for § 385.415(b).

* * * * *

Issued under the authority of delegation in 49 CFR 1.87 on: September 5, 2013.

Anne S. Ferro,

Administrator.

[FR Doc. 2013–22160 Filed 9–12–13; 8:45 am]

BILLING CODE 4910–EX–P

Proposed Rules

Federal Register
Vol. 78, No. 178
Friday, September 13, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

[NRC–2012–0246]

RIN 3150–AJ20

Draft Waste Confidence Generic Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft generic environmental impact statement; public meetings and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment the draft generic environmental impact statement (DGEIS), NUREG–2157, ''Waste Confidence Generic Environmental Impact Statement,'' that forms the regulatory basis for the proposed amendments to the NRC's regulations pertaining to the environmental impacts of the continued storage of spent nuclear fuel beyond a reactor's licensed life for operation and prior to ultimate disposal (proposed Waste Confidence rule). The NRC staff plans to hold 12 public meetings during the public comment period to present an overview of the DGEIS and proposed Waste Confidence rule and to accept public comments on the documents.

DATES: Submit comments on the DGEIS by November 27, 2013. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0246. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

• *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

• *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

• *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Sarah Lopas, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–0675; email: *Sarah.Lopas@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0246 when contacting the NRC about the availability of information for this document. You may access publicly available information related to this document by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0246.

• *NRC's Waste Confidence Web site:* Go to *http://www.nrc.gov/waste/spent-fuel-storage/wcd.html.*

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The DGEIS is available in ADAMS under Accession No. ML13224A106.

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

B. Submitting Comments

Please include Docket ID NRC–2012–0246 in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

In response to a ruling by the Court of Appeals for the District of Columbia Circuit, (*New York* v. *NRC,* 681 F.3d 471), that vacated the NRC's Waste Confidence rule (10 CFR 51.23), the Commission directed the NRC staff to develop an updated Waste Confidence rule supported by a generic Environmental Impact Statement. As the first step in developing the DGEIS, the NRC conducted a scoping process from October 25, 2012 through January 2, 2013 (77 FR 65137). Results of that scoping process are documented in the ''Waste Confidence Generic

Environmental Impact Statement Scoping Process Summary Report,'' dated March 2013 (ADAMS Accession No. ML13060A128).

The NRC prepared the DGEIS to satisfy its National Environmental Policy Act (NEPA) obligations regarding the impacts of continued storage of spent nuclear fuel after the end of a reactor's licensed life for operation and to support proposed amendments to the Waste Confidence rule. The objective of the Waste Confidence DGEIS is to examine the potential environmental impacts that could occur as a result of the continued storage of spent nuclear fuel at at-reactor and away-from-reactor sites until a repository is available. For the resource areas considered, the DGEIS provides generic impact determinations that would be applicable to a wide range of existing and potential future spent fuel storage sites. While some site-specific information is used in developing the generic impact determinations, the Waste Confidence DGEIS does not replace the NEPA analysis associated with any individual site licensing action.

The DGEIS is intended to improve the efficiency of the NRC's licensing processes by (1) providing a generic evaluation of the environmental impacts that may occur as a result of continuing to store spent fuel after the end of a reactor's licensed life for operation and prior to disposal in a repository, and (2) providing the regulatory basis for the NRC's proposed amendments to its regulations in part 51 of Title 10 of the *Code of Federal Regulations.*

Concurrently with this document, the NRC is publishing a proposed rule, ''Waste Confidence—Continued Storage of Spent Nuclear Fuel'' (RIN 3150–AJ20; NRC–2012–0246), in the Proposed Rules section of this issue of the **Federal Register**. The proposed rule would revise the NRC's generic determination on the environmental impacts of the continued storage of spent nuclear fuel beyond a reactor's licensed life for operation and prior to ultimate disposal.

III. Public Meetings

The NRC staff plans to hold the following public meetings during the public comment period to present an overview of the DGEIS and proposed Waste Confidence rule and to accept public comments on the documents.

- *October 1, 2013:* NRC Headquarters, One White Flint North, First Floor Commission Hearing Room, 11555 Rockville Pike, Maryland 20852.
- *October 3, 2013:* Crowne Plaza Denver International Airport Convention Center, 15500 East 40th Avenue, Denver, Colorado 80239.
- *October 7, 2013:* Courtyard by Marriott, 1605 Calle Joaquin Road, San Luis Obispo, California 93405.
- *October 9, 2013:* Sheraton Carlsbad Resort & Spa, 5480 Grand Pacific Drive, Carlsbad, California 92008.
- *October 15, 2013:* Hilton Garden Inn Toledo Perrysburg, 6165 Levis Commons Boulevard, Perrysburg, Ohio 43551.
- *October 17, 2013:* Minneapolis Marriott Southwest, 5801 Opus Parkway, Minnetonka, Minnesota 55343.
- *October 28, 2013:* Radisson Hotel & Suites Chelmsford-Lowell, 10 Independence Drive, Chelmsford, Massachusetts 01824.
- *October 30, 2013:* Westchester Marriott, 670 White Plains Road, Tarrytown, New York 10591.
- *November 4, 2013:* Hilton Charlotte University Place, 8629 J.M. Keynes Drive, Charlotte, North Carolina 28262.
- *November 6, 2013:* Hyatt Regency Orlando International Airport, 9300 Jeff Fuqua Boulevard, Orlando, Florida 32827.
- *November 14, 2013:* NRC Headquarters, One White Flint North, First Floor Commission Hearing Room, 11555 Rockville Pike, Maryland 20852.
- In addition to the meetings listed, the NRC staff intends to hold a meeting during the comment period in Illinois. Although the exact date and venue have yet to be arranged, the NRC staff will provide this information well in advance of the meeting.

The ten regional public meetings will start at 7:00 p.m. local time and will continue until 10:00 p.m. The two NRC headquarters meetings will start at 2:00 p.m. Eastern Time and will continue until 5:00 p.m. Additionally, NRC staff will host informal discussions during an open house 1 hour prior to the start of each meeting. Open houses will start at 6:00 p.m. local time for regional meetings and 1:00 p.m. Eastern Time for the NRC Headquarters meetings.

The public meetings will be transcribed and will include: (1) A presentation of the contents of the DGEIS and proposed Waste Confidence rule; and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the DGEIS and proposed rule. No oral comments on the DGEIS or proposed rule will be accepted during the open house sessions. To be considered, oral comments must be presented during the transcribed portion of the public meeting. Written comments can be submitted to NRC staff at any time during the public meetings.

Persons interested in attending or presenting oral comments at any of the 12 public meetings are encouraged to pre-register. Persons may pre-register to attend or present oral comments by calling 301–287–9392 or by emailing *WCRegistration@nrc.gov* no later than 3 days prior to the meeting. Members of the public may also register to provide oral comments in-person at each meeting. Individual oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at a public meeting, the need should be brought to the NRC's attention no later than 10 days prior to the meeting to provide the NRC staff adequate notice to determine whether the request can be accommodated.

To maximize public participation, the NRC headquarters meetings on October 1, 2013, and November 14, 2013, will be Web-streamed via the NRC's public Web site. See the NRC's Live Meeting Webcast page to participate: *http://video.nrc.gov/.* The NRC headquarters meetings will also feature a moderated teleconference line so remote attendees will have the opportunity to present oral comments. To receive the teleconference number and passcode, call 301–287–9392 or email *WCRegistration@nrc.gov.* Meeting agendas and participation details will be available on the NRC's Waste Confidence Public Involvement Web site at *http://www.nrc.gov/waste/spent-fuel-storage/wcd/pub-involve.html* and on the NRC's Public Meeting Schedule Web site at *http://www.nrc.gov/public-involve/public-meetings/index.cfm* no later than 10 days prior to the meetings.

Dated at Rockville, Maryland, this 30th day of August 2013.

For the Nuclear Regulatory Commission.

Keith I. McConnell,

Director, Waste Confidence Directorate, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2013–21715 Filed 9–12–13; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0051; Directorate Identifier 2007–NE–37–AD]

RIN 2120–AA64

Airworthiness Directives; Continental Motors, Inc. Reciprocating Engines With Superior Air Parts, Inc. (SAP) Cylinder Assemblies Installed

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) that applies to certain Continental Motors, Inc. (CMI) IO–520, TSIO–520, and IO–550 series reciprocating engines, with certain replacement parts manufacturer approval (PMA) SAP investment cast cylinder assemblies installed. The existing AD currently requires initial and repetitive inspections and compression tests to detect cracks in those cylinders. Since we issued that AD, we became aware of additional engines that need to be added to the applicability. We are proposing this AD to prevent the separation of the cylinder head, damage to the engine, and damage to the airplane.

DATES: We must receive comments on this proposed AD by November 12, 2013.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this AD, contact Continental Motors, Inc., 2039 Broad St., Mobile, AL 36615; phone: 251–438–3411; Web site: *http://www.continentalmotors.aero/Support_Materials/Publications/Service_Bulletins/.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Peter W. Hakala, Aerospace Engineer, Special Certification Office, FAA, Rotorcraft Directorate, 2601 Meacham Blvd., Fort Worth, TX 76193; phone: 817–222–5145; fax: 817–222–5785; email: *peter.w.hakala@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–0051; Directorate Identifier 2007–NE–37–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On July 23, 2009, we issued AD 2009–16–03, Amendment 39–15986 (74 FR 38896, August 5, 2009), for certain Teledyne Continental Motors reciprocating engines with certain replacement PMA part numbers (P/Ns) of SAP cylinder assemblies installed. That AD requires initial and repetitive inspections and compression tests to detect cracks in those cylinders, with more than 750 flight hours time-in-service. That AD resulted from reports of cracks in the area of the exhaust valve and separation of cylinder heads from the barrels of SAP cylinder assemblies with certain P/Ns. We issued that AD to prevent the separation of the cylinder head, damage to the engine, and damage to the airplane.

Actions Since Existing AD Was Issued

Since we issued AD 2009–16–03 (74 FR 38896, August 5, 2009), we became aware of supplemental type certificates (STCs) that modify CMI 470 series engines to accept CMI 520 or 550 cylinders. Those modified CMI 470 series engines could also have the affected P/Ns SAP cylinders installed. Therefore, those additional engines may suffer from the same unsafe condition that AD 2009–16–03 addresses.

We also changed the format for applicability from listing the affected models of CMI reciprocating engines in a table, to stating in a paragraph the affected reciprocating engine models. We made this change due to a comment that the AD was in error in listing the TSIO–520 engines, and that the applicability table did not list this model. The TSIO–520 model engines are, in fact, affected by the AD.

Also, since we issued AD 2009–16–03 (74 FR 38896, August 5, 2009), we became aware that determining the applicability of a cylinder might be difficult. We have added a paragraph to the proposed AD to clarify the identification of SAP cylinder assemblies. The paragraph expands what is in the existing AD by also looking for casting markings ''CP'' on the cylinder head. Operators can rely on the casting markings in determining if a cylinder assembly is affected, when the P/N on the bottom flange of the cylinder assembly is not visible.

We also changed the cost of compliance because the estimated population of engines with the SAP investment cast cylinders was revised from 8,000 to 6,000. Superior reported that the total production of the investment cast cylinders was only 34,487 cylinder assemblies.

Relevant Service Information

Continental Motors Aircraft Engine Service Information Letter SIL98–9B, Revision B, dated April 8, 2013, provides relevant service information for this AD. That service information also includes information concerning time-between-overhaul.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would expand the list of applicable engines in AD 2009–16–03 (74 FR 38896, August 5, 2009), to include the CMI 470 series reciprocating engines modified by STC to accept CMI 520 or 550 cylinders, with certain replacement PMA SAP investment cast cylinder assemblies installed. This proposed AD would also clarify the identification of SAP cylinder assemblies.

Costs of Compliance

We estimate that this proposed AD would affect 6,000 engines installed on airplanes of U.S. registry. We also estimate that it would take about 5 hours to replace a cylinder, and 15 hours per engine to inspect the

cylinders. The average labor rate is $85 per hour. Required parts would cost about $1,200 per cylinder. We anticipate that 4,000 cylinders would require replacement. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be $14,150,000.

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

For the reasons discussed above, I certify that the 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.

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 airworthiness directive (AD) 2009–16–03, Amendment 39–15986 (74 FR 38896, August 5, 2009), and adding the following new AD:

Continental Motors, Inc. (formerly Teledyne Continental Motors, Continental): Docket No. FAA–2007–0051; Directorate Identifier 2007–NE–37–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by November 12, 2013.

(b) Affected ADs

This AD supersedes AD 2009–16–03, Amendment 39–15986 (74 FR 38896, August 5, 2009).

(c) Applicability

This AD applies to:

(1) Continental Motors, Inc. (CMI) IO–520, TSIO–520, and IO–550 series reciprocating engines with replacement parts manufacturer approval (PMA) Superior Air Parts, Inc. (SAP) investment cast cylinder assemblies, part numbers (P/Ns) SA52000–A1, SA52000–A20P, SA52000–A21P, SA52000–A22P, SA52000–A23P, SA55000–A1, or SA55000–A20P, installed.

(2) All other engine models approved for the use of CMI 520 and 550 cylinder assemblies such as the CMI 470 series engines when modified by Supplemental Type Certificate (STC), with SAP investment cast cylinder assemblies, P/Ns SA52000–A1, SA52000–A20P, SA52000–A21P, SA52000–A22P, SA52000–A23P, SA55000–A1, or SA55000–A20P, installed.

(3) This AD applies to all serial numbers for the P/Ns listed in paragraphs (c)(1) and (c)(2) of this AD.

(4) If no SAP replacement cylinders were installed during engine maintenance since the CMI engines were new, then this AD does not apply.

(d) Unsafe Condition

This AD was prompted by the need to add to the applicability all other engine models approved for the use of CMI 520 and 550 cylinder assemblies such as the CMI 470 series engines when modified by STC, with affected SAP investment cast cylinder assemblies installed. We are issuing this AD to prevent the separation of the cylinder head, damage to the engine, and damage to the airplane.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done.

(f) Identification of SAP Cylinder Assemblies

Seeing the SAP cylinder assembly P/Ns referenced in paragraphs (c)(1) and (c)(2) of this AD may be difficult because the assembly P/Ns are stamped on the bottom cylinder flange. Therefore, you may review the engine maintenance records instead of the steps listed in paragraphs (f)(1) and (f)(2) of this AD, to see if the engine records identify the P/Ns of the cylinders installed. If the records do not identify the P/Ns of the cylinders installed, do the following:

(1) Remove the valve cover from the cylinder assembly.

(2) Look at the top of the cylinder head for the casting markings ''AMCAST'' or ''CP''. If a cylinder head has either of these markings, do the steps required by paragraphs (g) through (j) of this AD.

(g) Initial Inspection of SAP Cylinder Assemblies

For engines and cylinders listed in paragraphs (c)(1) and (c)(2) of this AD, with cylinders over 750 flight hours (FH) time-in-service (TIS) on the effective date of this AD, do the following initial inspection within 25 FH TIS.

(1) Inspect each cylinder head around the exhaust valve side for visual cracks or any signs of black combustion leakage.

(2) Replace any cracked or leaking cylinders before further flight.

(3) Perform a standard cylinder compression test. Guidance on standard cylinder compression tests can be found in Teledyne Continental Aircraft Engine Service Bulletin SB03–3, Differential Pressure Test and Borescope Inspection Procedures for Cylinders, dated March 28, 2003.

(i) If the cylinder pressure gauge reads below 60 pounds per-square inch, determine if the unacceptable pressure is due to a cracked cylinder.

(ii) To check the cylinder, apply a 2 percent soapy water solution to the side of the leaking cylinder.

(iii) If you see air bubbles, indicating air leakage, on the side of the cylinder head, or near the head-to-cylinder interface, replace the cylinder assembly before further flight.

(h) Repetitive Inspections of SAP Cylinder Assemblies

Thereafter, repeat the cylinder visual inspections and compression tests specified in paragraphs (g)(1) through (g)(3)(iii) of this AD, within every 50 FH time-since-last inspection until the cylinder reaches the TIS as listed in paragraph (i) of this AD.

(i) Replacing SAP Cylinder Assemblies

For installed cylinders, replace the affected SAP cylinders at the earliest of the following:

(1) When the cylinder reaches the operating hours TIS between overhaul limits, specified in Continental Motors Aircraft Engine Service Information Letter SIL98–9B, Revision B, dated April 8, 2013; or

(2) When the cylinder reaches 12 calendar years-since-installation.

(j) Prohibition Against Installing Certain P/Ns of SAP Cylinder Assemblies

After the effective date of this AD, do not install or reinstall after any removal, any SAP

investment cast cylinder assembly, P/Ns SA52000–A1, SA52000–A20P, SA52000–A21P, SA52000–A22P, SA52000–A23P, SA55000–A1, or SA55000–A20P, in any engine.

(k) Alternative Methods of Compliance

The Manager, Special Certification Office, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(l) Special Flight Permits

Under 14 CFR Part 39.23, we will not approve special flight permits for this AD for engines that have failed the visual inspection or the 50 hour periodic cylinder assembly compression test required by this AD.

(m) Related Information

(1) For more information about this AD, contact Peter W. Hakala, Aerospace Engineer, Special Certification Office, FAA, Rotorcraft Directorate, 2601 Meacham Blvd., Fort Worth, TX 76193; phone: 817–222–5145; fax: 817–222–5785; email: *peter.w.hakala@faa.gov*.

(2) For Teledyne Continental Aircraft Engine Service Bulletin SB03–3, dated March 28, 2003, and Continental Motors Aircraft Engine Service Information Letter SIL98–9B, Revision B, dated April 8, 2013, contact Continental Motors, Inc., 2039 Broad St., Mobile, AL 36615; phone: 251–438–3411; Web site: *http://www.continentalmotors.aero/Support_Materials/Publications/Service_Bulletins.*

(3) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on September 3, 2013.

Colleen M. D'Alessandro,

Assistant Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2013–22273 Filed 9–12–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 214

[Docket No. FR 5339–P–01]

RIN 2502–AI94

Housing Counseling Program: New Certification Requirements

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: HUD's Housing Counseling Program provides, through HUD-approved counseling agencies and state housing finance agencies, including their affiliates and branches, counseling to individuals seeking information about financing, maintaining, renting, or owning a home. The Dodd-Frank Wall Street Reform and Consumer Protection Act amended the housing counseling statute to improve the effectiveness of the program by, among other things, requiring that the entities and individual counselors be certified by HUD as competent to provide such services, and prohibiting distribution of grant funds to agencies found in violation of Federal election laws or who have employees found in violation of Federal election laws, and requiring the reimbursement of grant funds for misuse of funds. This proposed rule would revise HUD's Housing Counseling Program regulations to adopt the new requirements applicable to counseling agencies and individual counselors, and the use of grant funds.

DATES: *Comment Due Date:* November 12, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m., weekdays, at the above address. Due to security measures at the HUD Headquarters building, an appointment to review the public comments must be scheduled in advance by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ruth Román, Office of Housing Counseling, Office of Housing, Department of Housing and Urban Development, 1250 Maryland Avenue SW., Room P2206, Washington, DC 20410–8000; telephone number 202–708–0317 (this is not a toll-free number). Persons with hearing or speech challenges may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

HUD's Housing Counseling Program, established pursuant to section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) (1968 Act), authorizes HUD, through HUD-approved organizations and state housing finance agencies, and their branches and affiliates, to provide housing counseling services to potential homebuyers, homeowners, homeowners at risk of default, renters, and the homeless. Housing counseling services include assisting eligible homebuyers find and purchase affordable homes; helping renters locate and apply for affordable rental units; helping homeowners avoid foreclosure; helping renters avoid eviction; assisting the homeless in finding shelter; and reporting fair housing complaints and addressing housing problems. Section 106 of the 1968 Act authorizes HUD to provide counseling directly or to enter into contracts with, or make grants to, eligible private or public organizations with special competence and knowledge in providing housing counseling to low- and moderate-income families.

HUD's regulations for the Housing Counseling Program were promulgated

in 2007,[1] and are codified in 24 CFR part 214. The regulations currently define major terms used in the program and the basic services that counseling agencies must provide to clients. The current regulations also delineate criteria that housing counseling agencies are required to meet in order to become and remain HUD-approved housing counseling agencies, explain the application process for agencies seeking to become approved housing counseling agencies, and set forth procedures for termination of an agency's HUD-approved status and related appeal rights.

Subtitle D of title XIV of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203, 124 Stat. 1376 (July 21, 2010)) (Dodd-Frank Act), which consists of sections 1440 through 1453, made several amendments to strengthen HUD's Housing Counseling Program. Section 1442 amended section 4 of the Department of Housing and Urban Development Act (Department of HUD Act) to establish an Office of Housing Counseling within HUD specifically devoted to administration and oversight of housing counseling agencies, individual counselors, and the counseling services offered under the program. Sections 1443, 1444, 1445, and 1448 of the Dodd-Frank Act amend section 106 of the 1968 Act to improve the effectiveness of HUD's Housing Counseling Program by, among other things: Defining certain commonly used terms in the program; ensuring that HUD-approved counselors provide counseling covering the entire process of homeownership, from the purchase of a home to its disposition; ensuring that rental or homeownership counseling provided in connection with HUD programs is administered in accordance with procedures established by HUD; and requiring that all HUD-related homeownership counseling and rental housing counseling, provided in connection with any HUD program,[2] is provided by HUD-certified housing counseling agencies through their HUD-certified housing counselors.

In addition to enhancing the skill and competency of the housing counseling agencies and individual counselors participating in HUD's Housing Counseling Program, HUD, as a result of its experience in administering the program to date, has identified certain changes to the program that would further strengthen the Housing Counseling Program. HUD plans to propose those changes through separate rulemaking. This proposed rule is limited to establishing the new statutory requirements applicable to counseling agencies and individual counselors. HUD's existing regulations for the Housing Counseling Program used the term HUD-approved, which is also used in the 1968 Act, as amended by the Dodd-Frank Act, and the amendments include a definition of ''HUD-approved counseling agency.'' However, the amendments made by the Dodd-Frank Act also use the term ''HUD-certified.'' With respect to counseling agencies, the terms HUD-approved and HUD-certified have the same meaning, and the use of these terms in this rule reflect the interchangeableness of the terms. The use of HUD-certified in connection with individuals reflects the amendment made by the Dodd-Frank Act that mandates that the individual counselors participating in HUD's Housing Counseling Program must be certified.

II. This Proposed Rule

A. New Definitions

Section 1448 of the Dodd-Frank Act defines the terms, ''HUD-approved counseling agency,'' ''nonprofit organization,'' ''state,'' ''state housing finance agency'' and ''unit of local government.'' HUD adopts the definition of ''HUD-approved counseling agency,'' to replace the definition for this term as currently defined in § 214.3. The proposed rule would not replace the current regulatory definition of ''state housing finance agency'' with the statutory definition provided in section 1448 of the Dodd-Frank Act. With the exception of minor wording changes that are not substantive, the statutory definition of ''state housing finance agency'' is the same as the current regulatory definition. This rule incorporates the remaining statutory definitions in § 214.3 of HUD's regulations. In addition to the statutory definitions being added to the regulations, this proposed rule would add a definition of ''HUD-certified housing counselor'' to reflect the new statutory requirements that the individual counselors must be certified.

The definitions being added by this proposed rule are as follows:

HUD-approved counseling agency. The term ''HUD-approved counseling agency'' means a private or public nonprofit organization that is—

(1) Exempt from taxation under section 501(c) of the Internal Revenue Code of 1986; and

(2) Certified by the Secretary to provide housing counseling services.

HUD-certified housing counselor. A counselor, employed by a participating agency, who has passed the requisite examination and is certified by HUD as competent to provide housing counseling services pursuant to this part.

Nonprofit organization. The term 'nonprofit organization' has the meaning given such term in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply for the purposes of this section.

State. The term ''State'' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

Unit of general local government. The term ''unit of general local government'' means any city, county, parish, town, township, borough, village, or any other general purpose political subdivision of a State.

In addition to the definitions in section 1448 of the Dodd-Frank Act, the Dodd-Frank Act defines the terms ''homeownership counseling'' and ''rental housing counseling.''

Homeownership counseling is defined by section 1443 to mean counseling related to homeownership and residential mortgage loans, including counseling related to homeownership and residential mortgage loans that is provided pursuant to:

(1) Section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20)) pertaining to housing counseling in connection with tenant-based assistance and affordable housing assistance under the HOME program, in the context of eligible activities under the Community Development Block Grant program;

(2) In the United States Housing Act of 1937—

(i) Section 9(e) (42 U.S.C. 1437g(e)) pertaining to housing counseling in connection with the Public Housing Operating Fund;

(ii) Section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D)) pertaining to housing counseling in connection with section 8 tenant-based rental assistance homeownership options;

(iii) Section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D)) pertaining to housing counseling in connection with

[1] See HUD's final rule published on September 28, 2007, at 72 FR 55648.

[2] Section 1443 added section 106(e)(3) and amended section 106(g)(1)(A) to clarify that homeownership counseling or rental housing counseling provided in connection with any program administered by HUD must be provided by HUD-approved counseling agencies.

displacement due to demolition and disposition of public housing;

(iv) Section 23(c)(4) (42 U.S.C. 1437u(c)(4)) pertaining to housing counseling in connection with the Family Self-Sufficiency program;

(v) Section 32(e)(4) (42 U.S.C. 1437z–4(e)(4)) pertaining to housing counseling in connection with public housing resident homeownership programs;

(vi) Section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B)) pertaining to housing counseling in connection with conversion of distressed public housing to tenant-based assistance; and

(vii) Sections 302(b)(6), 303(b)(7), and 304(c)(4) (42 U.S.C. 1437aaa–1(b)(6), 1437aaa–2(b)(7), 42 U.S.C. 1437aaa–3(c)(4)) pertaining to housing counseling in connection with Hope for Public Housing Homeownership grants;

(3) Section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note) pertaining to housing counseling in connection with the pilot program for homeownership assistance for families with a member who is a person with a disability;

(4) In the Cranston-Gonzalez National Affordable Housing Act—

(i) Section 233(b)(2) (42 U.S.C. 12773(b)(2)) pertaining to housing counseling in connection with community housing development organizations' set-asides from HOME technical assistance funds; and

(ii) Section 258(b) (42 U.S.C. 12808(b)) pertaining to housing counseling in connection with second mortgage assistance for first-time homebuyers;

(5) In the Housing and Urban Development Act of 1968—

(i) Section 101(e) (12 U.S.C. 1701w(e)) pertaining to housing counseling in connection with mortgage assistance provided pursuant to section 235 of the National Housing Act; and

(ii) Section 106 (12 U.S.C. 1701x) pertaining to housing counseling in connection with the general housing counseling program;

(6) Section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) (12 U.S.C. 4110(d)(2)(G)) pertaining to housing counseling in connection with prepayments of mortgages under LIHPRHA;

(7) Sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6)) pertaining to housing counseling in connection with Hope for Homeowners planning and implementation grants;

(8) Section 491(b)(1)(J)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(J)(iii)) pertaining to housing counseling in connection with rural homelessness and rural housing stability grants;

(9) Sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)) pertaining to housing counseling in connection with Indian Housing Block Grants and Native Hawaiian Housing Block Grants;

(10) In the National Housing Act—

(i) In section 203 (12 U.S.C. 1709), the ultimate undesignated paragraph of paragraph (2) of subsection (b), subsection (c)(2)(A), and subsection (r)(4) pertaining to housing counseling in connection with single-family mortgage insurance; and

(ii) Subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z–20) pertaining to housing counseling in connection with home equity conversion mortgages;

(11) Section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B)) pertaining to housing counseling in connection with the farm housing loan guarantee program; and

(12) Section 106 of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) pertaining to housing counseling in connection with the energy efficient mortgages pilot program.

In addition to this definition of ''homeownership counseling,'' section 1442 of the Dodd-Frank Act specifies that the scope of homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department, is to address the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions) and the sale or other disposition of a home.

Rental housing counseling is defined by section 1443 to mean counseling related to rental of residential property, which may include counseling regarding homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling, and shall include counseling related to such topics provided pursuant to:

(1) Section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20)) pertaining to housing counseling in connection with tenant-based assistance and affordable housing assisted under the HOME program, in the context of eligible activities under the Community Development Block Grant program;

(2) In the United States Housing Act of 1937—

(i) Section 9(e) (42 U.S.C. 1437g(e)) pertaining to housing counseling in connection with the Public Housing Operating Fund;

(ii) Section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D)) pertaining to housing counseling in connection with displacement due to demolition and disposition of public housing;

(iii) Section 23(c)(4) (42 U.S.C. 1437u(c)(4)) pertaining to housing counseling in connection with the Family Self-Sufficiency program;

(iv) Section 32(e)(4) (42 U.S.C. 1437z–4(e)(4)) pertaining to housing counseling in connection with public housing resident homeownership programs;

(v) Section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B)) pertaining to housing counseling in connection with conversion of distressed public housing to tenant-based assistance; and

(vi) Section 302(b)(6) (42 U.S.C. 1437aaa–1(b)(6)) pertaining to housing counseling in connection with Hope for Public Housing Homeownership grants;

(3) In the Cranston-Gonzalez National Affordable Housing Act—

(i) Section 233(b)(2) (42 U.S.C. 12773(b)(2)) pertaining to housing counseling in connection with community housing development organizations' set-asides from HOME technical assistance funds; and

(ii) Section 422(b)(6) (42 U.S.C. 12872(b)(6)) pertaining to housing counseling in connection with Hope for Homeowners planning grants;

(4) Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) pertaining to housing counseling in connection with the general housing counseling program;

(5) Section 491(b)(1)(J)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(J)(iii)) pertaining to housing counseling in connection with rural homelessness and rural housing stability grants;

(6) Sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)) pertaining to housing counseling in connection with Indian Housing Block Grants and Native Hawaiian Housing Block Grants; and

(7) The rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) pertaining to housing counseling in connection with rental assistance provided under such section.

As the above definitions reflect, the statutory definitions for ''homeownership counseling'' and

''rental housing counseling'' include all current statutorily required or permissible housing counseling in HUD's programs. The definitions for these terms, to be provided in § 214.3, will not include the long list of HUD programs, as specified in the statute. HUD is cognizant that this list may change as new HUD programs are established, or HUD programs, not currently listed, are directed to provide housing counseling to individuals, or programs become obsolete. However, the regulatory text cross-references the statutory list, and the list of HUD programs for which housing counseling may be provided will be posted on HUD's Housing Counseling Web site.

HUD includes in its definition of ''homeownership'' in § 214.3 the scope of homeownership specified by section 1442 of the Dodd-Frank Act and the HUD programs requirement in section 1445 of the Dodd-Frank Act. Section 1445 of the Dodd-Frank Act specifies that ''homeownership counseling'' and ''rental housing counseling'' required or provided in connection with any program administered by the Department be provided only by HUD-approved housing counseling agencies. The definitions of ''homeownership counseling'' and ''rental housing counseling'' incorporate that change by clarifying that all HUD programs, which, by statute, are required or eligible to provide housing counseling, are covered by the HUD approval and certification requirements relating to ''homeownership counseling'' and ''rental housing counseling.'' The Dodd-Frank Act did not alter any of these statutorily-listed HUD programs other than to clarify that the housing counseling is to be provided by HUD-approved housing counseling agencies.

B. Counseling That Covers the Entire Process of Homeownership

Section 1442 of the Dodd-Frank Act requires homeownership counseling to address the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default, and foreclosure, and other financial decisions), and the sale or other disposition of a home. In accordance with section 1442 of the Dodd-Frank Act, paragraph (b)(1) would be amended and a new paragraph (b)(3) would be added to § 214.300 to reflect the statutory requirement that homeownership counseling address the entire process of homeownership. Although HUD is proposing to amend its regulations to reflect this requirement, it is important to note that HUD's Housing Counseling Program has always offered counseling to address the entire process of homeownership. HUD's Web site on its Housing Counseling Program reflects this,[3] as do HUD's annual fiscal year (FY) notices of funding availability (NOFAs) for the Housing Counseling Program.[4]

Section 1451 of the Dodd-Frank Act requires housing counseling agencies to provide materials on home inspection, as part of home purchase counseling. In accordance with this section, a new paragraph (b)(4) would be added to § 214.300 to reflect the requirement that the provision of information regarding home inspections be part of home purchase counseling.

C. Certification To Provide Counseling

Section 1445 of the Dodd-Frank Act amended section 106(e) of the 1968 Act to require that organizations providing counseling, or individuals providing counseling through such organizations, as authorized by section 106 to provide housing counseling in connection with any HUD program, be certified by HUD as competent to provide such counseling. To become HUD certified under section 106(e), individuals, working with a participating agency, must demonstrate competency by passing a standardized written examination covering six major areas of housing counseling. These areas include: (1) Financial management; (2) property maintenance; (3) responsibilities of homeownership and tenancy; (4) fair housing laws and requirements; (5) housing affordability; and (6) avoidance of, and responses to, rental and mortgage delinquency and avoidance of eviction and mortgage default. For an organization to become HUD certified under section 106(e), all individuals through which the organization provides counseling must be certified as competent to provide such counseling. The written examination will be administered by HUD or an entity or entities contracted by HUD. HUD will announce the administrator of the examination with the issuance of the final rule that will follow this proposed rule. While the currently codified regulations approve counseling agencies for participation in HUD's Housing Counseling Program only for a period of up to 3 years, HUD is not proposing reexamination of individual counselors every 3 years. While HUD may consider at some point requiring individual counselors to take courses to maintain their skills and keep up-to-date with homeownership/housing market issues, this proposed rule provides for the examination only to be taken and passed once for an individual to be certified.

Pursuant to section 1445 of the Dodd-Frank Act, the approval criteria at § 214.103(g)(2) would be amended to require that all individuals providing homeownership or rental housing counseling related to HUD programs be HUD-certified housing counselors. In addition, this proposed rule would add a new paragraph (n) to § 214.103 to provide the certification criteria for housing counselors, housing counseling agencies, and state housing finance agencies. New paragraph (n) would also provide for counseling agencies and individual counselors to be in compliance with the certification requirements of the Dodd-Frank Act, no later than one year after the effective date of the final rule that will follow this proposed rule.

For individual counselors to be certified, as now required under the Housing Counseling Program by the Dodd-Frank Act, HUD must put in place the examination required by statute. HUD recognizes that the examination, which is to be provided, must be one that is easily available to counselors in all 50 states and territories; be a meaningful test of the individual counselor's competency and knowledge base; and be made available in a manner that minimizes costs to the counselor or the nonprofit agency employing the counselor.

HUD recognizes that costs will be incurred as a result of the written examination requirement, but HUD will strive to present the examination in the most cost-efficient way feasible. In pursuit of this objective, HUD reviewed several certification programs to find examinations and testing protocols similar to those required for the Housing Counseling Program, including reviewing the testing requirements currently in place for individual counselors providing counseling related to HUD's Home Equity Conversion Mortgage (HECM) program. Additionally, HUD is specifically exploring online testing. Several organizations and some states have established online testing of housing counselors.[5] HUD recognizes the

[3] See *http://portal.hud.gov/hudportal/HUD?src=/i_want_to/talk_to_a_housing_counselor,* and *http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm.*

[4] See, for example, FY2010 Housing Counseling NOFA at *http://archives.hud.gov/funding/2010/hcpsec.pdf,* HUD's FY2012 Housing Counseling NOFA at *http://archives.hud.gov/funding/2012/hcpnofa.pdf,* HUD's FY2013 Housing Counseling NOFA at *http://portal.hud.gov/hudportal/documents/huddoc?id=2013chcnofa.pdf.*

[5] See, for example, NeighborWorks of America, *http://www.nw.org/network/training/courses/*

convenience that an online or web-based examination would present. HUD believes that it can provide the examination at a cost that is reasonable and in line with the costs of training and testing offered by other organizations. HUD further addresses the cost of the examination under the heading of Executive Order 12866, in Section III, Findings and Certifications, of this preamble.

D. Requirements Relating to Housing Counseling Grant Funds

Section 1444 of the Dodd-Frank Act prohibits HUD from providing grants for housing counseling assistance under section 106 of the 1968 Act to any agency that has been convicted for a violation under Federal law relating to an election for Federal office, or any agency that employs an ''applicable individual'' who has been convicted for a violation under Federal law relating to an election of a Federal office. Examples of such offenses include election fraud, voter intimidation, and voter suppression. Section 1444 defines ''applicable individual'' to mean any individual who is (1) Employed by the organization in a permanent or temporary capacity; (2) contracted or retained by the organization; or (3) acting on behalf of, or with express or apparent authority of, the organization.

Section 1445 of the Dodd-Frank Act prohibits HUD from distributing assistance for counseling activities to an agency unless the agency, or the individuals through which the agency provides counseling, has been certified by HUD as competent to provide counseling. Accordingly, the proposed rule reflects this prohibition, which will become effective, consistent with new paragraph (n) of § 214.103, one year after the effective date of the final rule that will follow this proposed rule.

Section 1449 of the Dodd-Frank Act sets forth specific provisions relating to a finding by HUD that an agency has misused grant funds. Such provisions require that an agency that has been found to have misused funds, within 12 months of the date of the determination of misuse, reimburse HUD for misused funds and return any unobligated grant funds and that such agency will be ineligible to receive housing counseling grant funds in the future.

In accordance with these statutory provisions, new paragraphs (c) and (d) would be added to § 214.311 to reflect the provisions of sections 1444 and 1449 of the Dodd-Frank Act, restricting the distribution of funds to housing counseling agencies that have been convicted for a violation under Federal law or having been found to misuse grant funds.

III. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. This rule was determined to be a ''significant regulatory action'' as defined in section 3(f) of the Executive Order (although not an economically significant regulatory action, as provided under section 3(f)(1) of the Executive Order).

As discussed in this preamble, this proposed rule revises HUD's Housing Counseling Program regulations to adopt or reflect, through regulatory codification, requirements established in the Dodd-Frank Act, primarily the requirement that individual counselors be certified by HUD. Prior to the Dodd-Frank Act, HUD had the option, under the Housing Counseling statute to certify only housing counseling agencies, and to date, HUD has only certified/approved housing counseling agencies. The Dodd-Frank Act removed that option and required the certification of individual counselors. The Housing Counseling statute has always required that certification by HUD of either counseling agencies or individual counselors must be done through regulation. For certification of counselors, the Housing Counseling statute requires that the individual must take and pass an examination to be administered by HUD.

Based on HUD's experience in establishing the testing requirements for HECM housing counselors, and in establishing other housing counseling training programs, HUD estimates that it can provide the required certification examination at a cost of approximately $500 per counselor. This estimate includes the cost of training and study materials, and is in line with fees charged by other private and public organizations administering counseling training and testing. For example, five housing counseling training programs, currently offered throughout the country by various nonprofit and state entities, provide training and testing at a cost ranging from $100 to $1,200 per counselor.[6] Some programs offer training through a multiday, on-site classroom while others provide on-line resources for independent preparation. HUD anticipates offering its certification training and testing through web-based administration software, and consequently believes that the compliance cost of HUD's examination and associated training will be in the lower half of the $100 to $1,200 range.

The statutory counseling certification requirement for HUD's Housing Counseling Program provides for HUD to contract with an appropriate entity to administer the examination. HUD's HECM counselor certification program may serve as a model for this requirement. NeighborWorks America was previously contracted to administer HUD's HECM counselor certification examination and currently administers HUD's HECM counselor training program.[7] The cost to take the HECM examination is $100 and a list of examination topics, on-line study materials, and on-line practice exams are available at no cost by the test administrator. The examination is administered at proctored locations across the country.

HUD also reviewed the costs that housing counseling agencies are currently paying for their counselors to undergo some of the existing certifications, required by states or by organizations for membership in their organizations, and their own training requirements. Housing counseling agencies estimate that for each individual counselor to meet required training and certification requirements, the costs range from $490 to $7,000, with the average cost at $3,000. The higher cost includes paying travel expenses, salary while absent but

online_testing.asp; National Association of Housing Counselors and Agencies, *http://www.naccc.us/certification.php;* State of Indiana Housing and Community Development Authority, *http://www.in.gov/myihcda/files/Certification_Handbook_2012-2013_5-1-2012.pdf.*

[6] These training programs include those of the National Foundation for Credit Counseling, NeighborWorks Center for Homeownership Education and Counseling, the Virginia Association of Housing Counselors, and the National Association of Certified Credit Counselors.

[7] See NeighborWorks America, ''HECM Counselor Resources,'' *http://www.hecmcounselors.org/* (last visited Aug. 8, 2012).

undertaking the test, training classes, examination fees, and lost earnings while the counselor is training and unable to provide counseling. The lower cost includes the cost of the examination and on-line materials only. Since FY 2009, HUD has awarded approximately $13 million in training grants to housing counseling intermediaries to provide tuition, travel, and lodging scholarships to housing counselors to help reduce training costs to agencies. Since FY 2009, over 12,600 counselors have received training through support from these grants.

Currently, there are approximately 2,500 HUD-approved housing counseling agencies with approximately 8,100 individual counselors. At an estimated cost of $500[8] per counselor to undertake training and the examination required for certification, the initial cost, nationwide, would total approximately $4,050,000. The amount of funds that have been available for training grants, as exemplified in the FY 2009 funding year, may be used to help reduce the costs of training and the examination, if so elected by counseling agencies, which are the grantees under HUD's Housing Counseling NOFAs. In addition, HUD envisions working with existing certification programs, required by states or by organizations for membership in their organizations, to coordinate content, avoid duplication, and increase efficiency so training grants provided to HUD-approved housing counseling agencies will go further.

Other statutory changes to improve the effectiveness of housing counseling include increasing the breadth of counseling services so that they are comprehensive with respect to homeownership and rental counseling. As noted earlier, the statutory mandate to provide comprehensive homeownership and rental counseling is not a significant change for HUD's Housing Counseling Program. HUD's Housing Counseling Program currently provides comprehensive homeownership and rental counseling.[9] The difference may be that an individual counselor, in contrast to multiple counseling agencies, must show competency (through passage of an examination) in identifying and understanding the breadth of homeownership and rental counseling services. Currently, a potential homebuyer or homeowner is likely to seek a housing counseling agency that specializes in a specific area and receive comprehensive counseling by a counselor in that specific area. As a result of increasing the breadth of counseling service knowledge, a housing counselor providing counseling on a specific area requested by the client would also be trained to identify cross-cutting issues that a client may not have identified when seeking out a specific counselor or during the intake process by the housing counseling agency. Therefore, the potential homebuyer or homeowner will have all potential needs assessed by one counselor, throughout the entire counseling process.

The compliance costs of the rule are costs that primarily must be borne by the individual housing counselor, and an estimate of the costs has been discussed above. There are also costs to HUD; for example, in the development and administration of the examination, and any related training, and monitoring the counseling agencies for compliance. The benefits to the prospective homebuyer or existing homeowner may be the more efficient delivery of housing counseling services if, as a result of the certification process, one counselor may be able to assess all questions of the prospective homebuyer or homeowner. Additionally, the statutory mandate to certify individual counselors may further enhance the high regard of agencies and counselors participating in HUD's Housing Counseling Program.[10]

The compliance cost is expected to be $4 million in the first year and less in succeeding years, for an annualized compliance cost over 5 years of $1.0 million ($0.96 million). The general benefits to the borrower and the market from housing counseling are as follows. In 2011, a total of 126,534 loans were modified after seeking assistance from HUD housing counselors. Statistically, borrowers who received loan modifications after receiving post-purchase housing counseling had savings of $1,320 annually. In addition, foreclosures prevented as a result of housing counseling have an estimated social benefit of $40,730.[11] Consequently, HUD expects the benefits of this rule to equal the projected compliance costs if 124 loan modifications are made and 122 foreclosures are avoided over 5 years as a result of this rule.

Specific Request for Comment: HUD requests comment specifically on the compliance costs, social benefits, and avoidance of social costs as a result of this proposed rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would revise the regulations governing HUD's Housing Counseling Program to reflect changes to the program made by the Dodd-Frank Act, primarily the requirement that individual counselors be certified. As discussed in this preamble, to date, HUD's Housing Counseling Program, under 24 CFR part 214, has only approved or certified the counseling agencies.

While, as a result of requirements imposed by the Dodd-Frank Act, the rule makes some definitional changes, and emphasizes that the homeownership counseling provided by HUD's housing counseling agencies must address the entire process of homeownership, and counseling agencies must provide materials on home inspection, the key change made to the Housing Counseling Program by this rule is the requirement, mandated by statute, to certify individual counselors as skilled to provide counseling in HUD's Housing Counseling Program.

This rule does not impose the cost of certification of the individual counselors on counseling agencies. As

[8] The estimate cost includes not only the cost of the examination, but the cost of the training to be provided by HUD. HUD found that all but one certification program offered for housing counseling includes training as part of the cost of the certification examination. Based on this finding and the statutory requirement that HUD provide training in connection with the certification, HUD's estimate is for the cost of the training and the cost of the examination combined. Based on other certification programs, the expectation is that individuals will select the training and the examination as a package. However, under this proposed rule, an individual would not be prohibited from foregoing the training and taking only the examination if the individual so chooses. HUD estimates that the cost of the examination alone would not exceed $200 and bases this estimate on the HECM test that HUD currently administers for HECM counselors, for which the cost is $100. Since the examination for housing counseling would be a new test to be administered by HUD and cover several counseling areas, not solely one subject, such as HECM, HUD estimates the cost of the examination alone would fall somewhere in the range of $100 to $200.

[9] See footnotes 3 and 4 in this preamble.

[10] The Obama administration referred individuals and families to HUD housing counseling agencies and counselors as part of the Making Home Affordable programs. See *http://www.makinghomeaffordable.gov/get-started/housing-expert/Pages/default.aspx.* See also *http://www.hopenow.com.*

[11] In a recent analysis HUD's Office of Policy Development and Research found that the total ''deadweight'' lost per foreclosure prevention cost is approximately $40,730. (See *http://www.huduser.org/periodicals/cityscpe/vol14num3/Cityscape_Nov2012_impact_lim_sellers.pdf,* at page 219.)

discussed earlier in this preamble, HUD is aware that some housing counseling agencies currently pay for their counselors to undergo some of the existing certifications required by states or by organizations for membership in their organizations and their own training requirements, but as with any professional licensing system for individuals (e.g., lawyers, doctors, accountants), the costs of certification rest with the individual. Therefore, the impact of certification to be a counselor in HUD's Housing Counseling Programs is primarily an impact on individuals, but HUD acknowledges that this requirement is not without impact on the counseling agencies. HUD recognizes that once this requirement is in place, counseling agencies will not be certified or approved by HUD if they do not have at least one certified counselor in their employ.

HUD nevertheless submits that requirement for individual counselors to be certified, as proposed to be implemented by this rule, will not have a significant economic impact on small counseling agencies. The rule provides a one-year transition period after the effective date of the final rule for individual counselors to be certified. This one-year period coupled with the fact that housing counselors have been aware since enactment of the Dodd-Frank Act that they would have to be individually certified, provides ample notice of the need to be skilled in the required areas. HUD, through its FY 2013 Housing Counseling Training NOFA, is making FY 2013 funds available for training specifically directed to the statutorily specified areas for which certification is required.[12] Additionally, through its annual Housing Counseling NOFAs, HUD-approved counseling agencies can use funds received through these NOFAs for training of their staff. Accordingly, for the time allowed for individual counselors to be certified and for the funding made available to assist in meeting the core areas specified by statute for certification, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities. Notwithstanding HUD's determination that this rule will not have a significant economic impact on a substantial number of small entities, HUD specifically invites comments regarding less burdensome alternatives to this rule, that will meet HUD's objectives as described in this preamble.

[12] See *http://portal.hud.gov/hudportal/documents/huddoc?id=2013htcnofa.pdf.*

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has Federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule would not have Federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Environmental Impact

This proposed rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction; or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This proposed rule does not impose any Federal mandates on any state, local, or tribal government, or on the private sector, within the meaning of the UMRA.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) Program number for the Housing Counseling Program is 14.169.

List of Subjects in 24 CFR Part 214

Administrative practice and procedure; Loan program-housing and community development; Organization and functions (government agencies); Reporting and recordkeeping requirements.

Accordingly, for the reasons stated above, HUD proposes to amend 24 CFR part 214 as follows:

PART 214—HOUSING COUNSELING PROGRAM

■ 1. The authority citation for part 214 is amended to read as follows:

Authority: 12 U.S.C. 1701x, 1701x–1; 42 U.S.C. 3535(d).

■ 2. In § 214.3, revise the definitions of ''HUD-approved housing counseling agency,'' and add alphabetically the definitions of ''Homeownership counseling,'' ''HUD-certified housing counselor,'' ''Nonprofit organization,'' ''Rental housing counseling,'' ''State,'' and ''Unit of general local government,'' to read as follows:

§ 214.3 Definitions.

* * * * *

Homeownership counseling. Counseling related to homeownership and residential mortgage loans. When provided in connection with any HUD program, as specified in section 106(g) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) or such other programs as may be specified by HUD, by notice, homeownership counseling includes the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default, and foreclosure, and other financial decisions) and the sale or other disposition of a home.

* * * * *

HUD-approved housing counseling agency. A private or public nonprofit organization that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1996; is certified by HUD, in accordance with this part and 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), to provide housing counseling services to clients directly or through an affiliate or branch; and meets the requirements set forth in this part.

* * * * *

HUD-certified housing counselor. A counselor who has passed the requisite examination, is employed by a participating agency, and is certified by HUD as competent to provide housing counseling services pursuant to this part.

* * * * *

Nonprofit organization. Shall have the meaning given in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply.

* * * * *

Rental housing counseling. Counseling related to rental of residential property, which may include

counseling regarding homeownership opportunities, as specified in section 106(g) of Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) or such other programs as may be specified by HUD, by notice, providing referrals for renters and prospective renters to entities providing counseling or counseling related to rental housing topics addressed in any HUD program.

* * * * *

State. Each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

* * * * *

Unit of general local government. Any city, county, parish, town, township, borough, village, or any other general purpose political subdivision of a State.

■ 3. In § 214.103, revise paragraph (g)(2) and add paragraph (n), to read as follows:

§ 214.103 Approval criteria.

* * * * *

(g) * * *

(2) *Staff.* All staff providing homeownership counseling or rental housing counseling pertaining to HUD programs must be certified by HUD, and at least half the agency's counselors must have at least 6 months of experience in duties related to the agency's housing counseling program.

* * * * *

(n) *Certification of housing counseling agencies and housing counselors.*

(1) HUD will certify housing counseling agencies and housing counselors working for participating agencies as competent to provide homeownership and rental housing counseling, generally, upon successful passage of a standardized written examination administered by HUD, or on HUD's behalf, covering the subject provided in paragraph (n)(2) of this section.

(2) In order to become HUD-certified, individual housing counselors must pass a standardized written examination to demonstrate competency to provide housing counseling in each of the following areas:

(i) Financial management;

(ii) Property maintenance;

(iii) Responsibilities of homeownership and tenancy;

(iv) Fair housing laws and requirements;

(v) Housing affordability; and

(vi) Avoidance of, and response to, rental or mortgage delinquency and avoidance of eviction or mortgage default.

(3) Upon successful completion of the examination, an individual housing counselor working for a participating agency will be issued a ''Certification of Competency.''

(4) In order to become HUD-certified, a housing counseling agency must demonstrate that all counselors who provide counseling services for the agency are HUD-certified according to requirements in this section. Upon such demonstration, the housing counseling agency will be issued an agency ''Certification of Competency.''

(5) Housing counseling agencies and housing counselors must be in compliance with requirements of paragraph (n) of this section by [*DATE TO BE INSERTED AT FINAL RULE STAGE THAT IS 1 YEAR AFTER THE EFFECTIVE DATE OF THE FINAL RULE*].

■ 4. In § 214.300, revise paragraph (b)(1) and add paragraphs (b)(3) and (b)(4), to read as follows:

§ 214.300 Counseling services.

* * * * *

(b) * * *

(1) Housing counseling that enables a client to make informed and reasonable decisions to achieve his or her housing goal.

* * * * *

(3) Homeownership counseling, except for reverse mortgage counseling, shall address the entire process of homeownership, including, but not limited to, the decision to purchase a home, the selection and purchase of a home, the home inspection process, issues arising during or affecting the period of ownership of a home (including, but not limited to, refinancing, default, and foreclosure, and other financial decisions), and the sale or other disposition of a home.

(4) As part of the home purchase counseling process, participating agencies or HUD-approved housing counselors shall provide clients with such materials as HUD may require regarding the availability and importance of obtaining an independent home inspection.

* * * * *

■ 5. In § 214.311, add paragraphs (c) and (d), to read as follows:

§ 214.311 Funding.

* * * * *

(c) *Limitation on distribution of funds.* No funds made available under the Housing Counseling Program shall be distributed to:

(1)(i) Any organization that has been convicted for a violation under Federal law relating to an election for Federal office or any organization that employs applicable individuals. For the purposes of this section, applicable individual means an individual who is:

(A) Employed by the organization in a permanent or temporary capacity;

(B) Contracted or retained by the organization; or

(C) Acting on behalf of, or with the express or apparent authority of, the organization; and

(D) Has been convicted for a violation under Federal law relating to an election for Federal office.

(ii) For the purposes of this paragraph (c)(1), a violation under Federal law relating to an election for Federal office includes, but is not limited to, a violation of one or more of the following statutory provisions related to Federal election fraud, voter intimidation, and voter suppression: 18 U.S.C. 241–242, 245(b)(1)(A), 592–611, and 42 U.S.C. 1973.

(2) A housing counseling agency unless the agency, or the individuals through which the agency provides counseling, has been certified by HUD in accordance with § 214.103(n).

(d) *Misuse of funds.* If any participating agency that receives funds under the Housing Counseling Program is determined by HUD to have used funds in a manner that constitutes a material violation of applicable statutes and regulations, or any requirements or conditions under which such funds were provided:

(1) HUD shall require that, within 12 months after the date of the determination of such misuse, the agency shall reimburse HUD for such misused amounts and return to HUD any such amounts that remain unused or unobligated for use; and

(2) Such agency shall be ineligible, at any time after the date of such determination of misuse, to apply for or receive further funds under the Housing Counseling Program.

(3) The remedies under paragraph (d) of this section are in addition to any other remedies that may be available under law.

Dated: August 21, 2013.

Carol J. Galante,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2013–22229 Filed 9–12–13; 8:45 am]

BILLING CODE 4210–67–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2013–0618; FRL–9900–93–Region 2]

Approval and Promulgation of Air Quality Implementation Plans; New York; Determination of Clean Data for the 1987 PM_{10} Standard for the New York County Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to determine that the New York County nonattainment area in New York is attaining the National Ambient Air Quality Standard (NAAQS) for particulate matter with an aerodynamic diameter of less than or equal to a nominal ten micrometers (PM_{10}) based on certified, quality-assured ambient air monitoring data for the years 2010 through 2012. The State of New York submitted a letter dated January 14, 2013, requesting EPA to make a clean data determination for the nonattainment area of New York County.

Based on our proposed determination that the New York County nonattainment area is attaining the PM_{10} NAAQS, EPA is also proposing to determine that New York's obligation to make submissions to meet certain Clean Air Act requirements related to attainment of the NAAQS is not applicable for as long as the New York County nonattainment area continues to attain the NAAQS.

DATES: Comments must be received on or before October 15, 2013.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–R02–OAR–2013–0618, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: ruvo.richard@epa.gov.*
- *Fax:* 212–637–3901.
- *Mail:* Richard Ruvo, Chief, Air Planning Section, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.
- *Hand Delivery:* Richard Ruvo, Chief, Air Planning Section, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R02–OAR–2013–0618. 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.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866. EPA requests, if at all possible, that 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 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning today's proposed action, please contact Henry Feingersh, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, telephone number (212) 637–3382, fax number (212) 637–3901, email *feingersh.henry@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. What action is EPA proposing?

EPA is proposing to determine that the New York County nonattainment area for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers (PM_{10}) is attaining the PM_{10} National Ambient Air Quality Standards (NAAQS). This proposed determination is based upon quality-assured, quality-controlled, and certified ambient air monitoring data that show that the area has monitored attainment of the PM_{10} NAAQS. The New York County PM_{10} nonattainment area consists solely of the County of New York, also known as the borough of Manhattan. EPA is soliciting public comments on this document and these comments will be considered before taking final action.

II. What is the effect of this action?

This proposed determination, if finalized, would: (1) Suspend the requirements for New York to submit an attainment demonstration, reasonably available control measures, reasonable further progress plan, and contingency measures related to attainment of the PM_{10} NAAQS in the New York PM_{10} nonattainment area; and (2) continue until such time, if any, that EPA subsequently determines that the area has violated the PM_{10} NAAQS. If this rulemaking is finalized and EPA subsequently determines, after notice-and-comment rulemaking in the **Federal Register** (FR), that the area has violated the PM_{10} NAAQS, the basis for the suspension of the specific requirements would no longer exist, and the area

would thereafter have to address the pertinent requirements.

The determination that EPA proposes with this FR action, that the air quality data shows attainment of the PM_{10} NAAQS, is not equivalent to the redesignation of the area to attainment. EPA does not act on redesignations for revoked standards.

This proposed action is limited to a determination that the New York PM_{10} nonattainment area has attained the PM_{10} NAAQS. If this proposed determination is made final and the New York PM_{10} nonattainment area continues to monitor attainment of the PM_{10} NAAQS, the requirements for New York to submit attainment demonstrations, reasonably available control measures, reasonable further progress plans, and contingency measures related to attainment of the PM_{10} NAAQS would remain suspended, even though EPA designated this area as a nonattainment area for purposes of the PM_{10} NAAQS.

III. What is the background for this action?

A. PM_{10} NAAQS in New York County

EPA sets the NAAQS for certain ambient air pollutants at levels required to protect public health and welfare. Particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers, or PM_{10}, is one of these ambient air pollutants for which EPA has established health-based standards. On July 1, 1987, EPA promulgated two primary standards for PM_{10}: A 24-hour standard of 150 micrograms per cubic meter ($\mu g/m^3$); and, an annual PM_{10} standard of 50 $\mu g/m^3$. EPA also promulgated secondary PM_{10} standards that were identical to the primary standards. See 52 FR 24634 (July 1, 1987).

Effective December 18, 2006, EPA revoked the annual PM_{10} standard but retained the 24-hour PM_{10} standard. See 71 FR 61144 (October 17, 2006). An area attains the 24-hour PM_{10} standard when the expected number of days per calendar year with a 24-hour concentration in excess of the standard (referred to herein as an ''exceedance''), as determined in accordance with 40 CFR part 50, appendix K, is equal to or less than one.[1] See 40 CFR 50.6 and 40 CFR part 50, appendix K.

New York's ambient air monitoring network has undergone a number of changes over the years. The monitor, which originally exceeded the NAAQS in 1992, was shut down in 2010 because it showed attainment of the NAAQS since 1992. In addition, the monitor has had very low readings, well below the attainment level, since 2008. More recent PM_{10} data at other monitoring sites located in New York County shows that New York County has met both the current and revoked standards. New York has now had clean PM_{10} data since 1992.

New York made a partial PM_{10} State Implementation Plan (SIP) submission for New York County on July 20, 1995. On September 29, 1996, New York submitted the final attainment demonstration portion of the SIP. In a letter to EPA dated January 14, 2013, New York asserted that it was withdrawing its PM_{10} SIP. This proposed clean data notice will alleviate the need for New York to submit all PM_{10} SIP requirements for the New York County area, with the exception of the emission inventory. The emission inventory, a required SIP element, was included in New York's October 27, 2009 attainment SIP for particulate matter with an aerodynamic diameter equal to or less than 2.5 micrometers ($PM_{2.5}$). EPA will address the submittal of New York's emission inventories for particulate matter in a separate action.

B. Designation and Classification of New York County PM_{10} Nonattainment Area

The New York County nonattainment area was designated nonattainment for PM_{10} and classified as moderate under section 107(d)(3) of the CAA, on July 28, 1995. See 60 FR 38726 (July 28, 1995) and 40 CFR Part 81.333 (New York County). The New York County nonattainment designation became effective on September 26, 1995. This designation was based on violations of the annual PM_{10} standard only; there are no documented exceedances of the 24-hour PM_{10} standard in the State of New York. Violations of the annual PM_{10} standard were due to emissions from localized construction in the area at that time. However, New York has been attaining the annual PM_{10} standard since 1992.

C. How does EPA make attainment determinations?

Generally, EPA determines whether an area's air quality is meeting the PM_{10} NAAQS based on complete,[2] quality-assured, and certified data gathered at established state and local air monitoring stations (SLAMS) in the nonattainment area, and entered into the EPA Air Quality System (AQS) database. Data from air monitors operated by State, local, or Tribal agencies in compliance with EPA monitoring requirements must be submitted to AQS. These monitoring agencies certify annually that these data are accurate to the best of their knowledge. Accordingly, EPA relies primarily on data in AQS when determining the attainment status of an area. See 40 CFR 50.6; 40 CFR part 50, appendix J and K; 40 CFR part 53; and, 40 CFR part 58, appendices A, C, D, and E. EPA will also consider air quality data from other air monitoring stations in the nonattainment area provided those stations meet the Federal monitoring requirements for SLAMS, including the quality assurance and quality control criteria in 40 CFR part 58, appendix A. See 40 CFR 58.14 (2006) and 58.20 (2007);[3] 71 FR 61236, 61242 (October 17, 2006). All valid data are reviewed to determine the area's air quality status in accordance with 40 CFR part 50, appendix K.

Attainment of the 24-hour PM_{10} standard is determined by calculating the expected number of exceedances of the standard in a year. The 24-hour PM_{10} standard is attained when the expected number of exceedances averaged over a three-year period is less than or equal to one at each monitoring site within the nonattainment area. Generally, three consecutive years of complete air quality data are required to show attainment of the 24-hour PM_{10} standard. See 40 CFR part 50 and appendix K. In addition, the Annual Standard was attained when the annual arithmetic mean, averaged over 3 years, was less than or equal to 50 $\mu g/m^3$.

To demonstrate attainment of the PM_{10} standard at a monitoring site, the monitor must provide sufficient data to perform the required calculations in 40 CFR part 50, appendix K. The amount of data required varies with the sampling frequency, data capture rate, and the number of years of record. In all cases, three years of representative monitoring data that meet the 75

[1] An exceedance is defined as a daily value that is above the level of the 24-hour standard, 150 $\mu g/m^3$, after rounding to the nearest 10 $\mu g/m^3$ (i.e., values ending in five or greater are to be rounded up). Thus, a recorded value of 154 $\mu g/m^3$ would not be an exceedance since it would be rounded to 150 $\mu g/m^3$; whereas, a recorded value of 155 $\mu g/m^3$ would be an exceedance since it would be rounded to 160 $\mu g/m^3$. See 40 CFR part 50, appendix K, section 1.0.

[2] For PM_{10}, a ''complete'' set of data includes a minimum of 75 percent of the scheduled PM_{10} samples per quarter. See 40 CFR part 50, appendix K, section 2.3(a).

[3] EPA promulgated amendments to the ambient air monitoring regulations in 40 CFR parts 53 and 58 on October 17, 2006. (See 71 FR 61236.) The requirements for Special Purpose Monitors were revised and moved from 40 CFR 58.14 to 40 CFR 58.20.

percent criterion discussed in footnote 2 should be utilized, if available. More than three years may be considered, if all additional representative years of data meeting the 75 percent criterion are utilized. Data not meeting the criteria in 40 CFR part 50 may also suffice to show attainment; however, such exceptions must be approved by the appropriate Regional Administrator in accordance with EPA guidance. See 40 CFR part 50, appendix K, section 2.3.

IV. What is EPA's analysis of the relevant air quality data?

EPA has reviewed the ambient air monitoring data for PM_{10}, consistent with the requirements contained in 40 CFR part 50 and recorded in the EPA Air Quality System database for the New York PM_{10} nonattainment area, and has concluded that this area has been attaining both the current 24-Hr PM_{10} NAAQS and the revoked annual PM_{10} NAAQS since 1992. This designation was based on violations of the annual PM_{10} standard only; there are no documented exceedances of the 24-hour PM_{10} standard in the State of New York.

EPA is presenting the last 10 years of data from New York's January 14, 2013 letter and is updating it to the present in the following tables to show how the area has been attaining both the 24-hour and revoked annual PM_{10} standard.

Tables 1 and 2 show the maximum 24-Hour PM_{10} concentrations and maximum annual average PM_{10} concentrations respectively for monitoring sites located in the New York County PM_{10} nonattainment area for the years 2002 through 2012. The PS 19 monitoring site is located at 185 1st Avenue. The Division Street monitoring site is located at 40 Division Street. The PS 59 monitoring site is located at 228 E. 57th Street. The Canal Street monitoring site is located at 350 Canal Street.

TABLE 1—MAXIMUM 24-HOUR PM_{10} CONCENTRATIONS IN NEW YORK COUNTY IN MICROGRAMS PER CUBIC METER ($\mu g/m^3$)

[The standard for the 24-hour PM_{10} NAAQS is 150 $\mu g/m^3$]

Year	Monitor name			
	PS 19 [a]	Division St. [b]	PS 59 [c]	Canal St. [d]
2002				89
2003				81
2004				61
2005				63
2006			67	60
2007		56	57	
2008		60	53	
2009	61	62		
2010	55	56		
2011	57	57		
2012	49	51		

[a] Collected data 03/2009–Present.
[b] Collected data 03/2007–Present.
[c] Collected data 04/1986–12/1998 and 10/2005–06/2008.
[d] Collected data 12/2001–03/2007.

TABLE 2—MAXIMUM ANNUAL PM_{10} CONCENTRATIONS IN NEW YORK COUNTY IN MICROGRAMS PER CUBIC METER ($\mu g/m^3$)

[The standard for the annual PM_{10} NAAQS was 50 $\mu g/m^3$]

Year	Monitor name			
	PS 19 [a]	Division St. [b]	PS 59 [c]	Canal St. [d]
2002				25.6
2003				26.5
2004				24.2
2005				26.2
2006			23.2	23.0
2007		25.3	25.5	
2008		24.0	25.9	
2009	19.8	21.1		
2010	20.2	21.0		
2011	20.0	21.6		
2012	19.4	19.7		

[a] Collected data 03/2009–Present.
[b] Collected data 03/2007–Present.
[c] Collected data 04/1986–12/1998 and 10/2005–06/2008.
[d] Collected data 12/2001–03/2007.

EPA's review of these data indicates that the New York County PM_{10} nonattainment area has met and continues to meet both the current 24-Hr PM_{10} NAAQS and the revoked annual PM_{10} NAAQS. Data from 2010 through 2012 shows that PM_{10} levels in New York County are less than 37% of the 24-hr PM_{10} NAAQS and less than 42% of the revoked annual PM_{10} NAAQS.

V. EPA's Clean Data Policy and the Applicability of the Clean Air Act Planning Requirements to the New York County Nonattainment Area [4]

The air quality planning requirements for moderate PM_{10} nonattainment areas, such as the New York County nonattainment area, are set out in part D, subparts 1 and 4, of title I of the Act. EPA has issued guidance in a General Preamble describing how we will review SIPs and SIP revisions submitted under title I of the Act, including those containing moderate PM_{10} nonattainment area SIP provisions.[5]

The subpart 1 requirements include, among other things, provisions for reasonably available control measures or ''RACM'', reasonable further progress or ''RFP'', emissions inventories, a permit program for construction and operation of new or modified major stationary sources in the nonattainment area or ''NSR'', contingency measures, conformity, and additional SIP revisions providing for attainment where EPA determines that the area has failed to attain the standard by the applicable attainment date.

Subpart 4 requirements in CAA section 189 apply specifically to PM_{10} nonattainment areas. The requirements for moderate PM_{10} nonattainment areas include: (1) An attainment demonstration; (2) provisions for RACM; (3) quantitative milestones demonstrating RFP toward attainment by the applicable attainment date; and, (4) provisions ensuring that the control requirements applicable to an area's major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors, except where the Administrator has determined that such sources do not contribute significantly to PM_{10} levels exceeding the NAAQS.

For nonattainment areas where EPA determines that monitored data show that the NAAQS have already been achieved, EPA's interpretation, upheld by the Courts, is that the obligation to submit certain requirements of part D, subparts 1, 2, and 4 of the Act are suspended for so long as the area continues to attain. These include requirements for attainment demonstrations, RFP, RACM, and contingency measures, because these provisions have the purpose of helping achieve attainment of the NAAQS. New York's NSR requirements continue and are not suspended in PM_{10} nonattainment areas. Certain other obligations for PM_{10} nonattainment areas, however, are not suspended, such as the NSR requirements.

This interpretation of the Clean Air Act is known as the Clean Data Policy. It is the subject of several EPA memoranda and regulations, and numerous rulemakings that have been published in the **Federal Register** over more than fifteen years. EPA finalized the statutory interpretation set forth in the Clean Data Policy as part of its ''Final Rule to Implement the 8-hour Ozone National Ambient Air Quality Standard—Phase 2'' (Phase 2 Final Rule); see 40 CFR 51.918 and discussion in the preamble to the rule at 70 FR 71612, 71645–71646 (November 29, 2005). The D.C. Circuit Court upheld this Clean Data regulation as a valid interpretation of the CAA; see *NRDC* v. *EPA,* 571 F. 3d 1245 (D.C. Cir. 2009). EPA also finalized its interpretation in an implementation rule for the NAAQS for particulate matter of 2.5 microns or less ($PM_{2.5}$); see 40 CFR 51.1004(c). Thus, EPA codified the Clean Data Policy when it established final rules governing implementation of new or revised NAAQS. See 70 FR 71612, 71644–46 (November 29, 2005); 72 FR 20586, 20665 (April 25, 2007) ($PM_{2.5}$ Implementation Rule). Otherwise, EPA applies the Clean Data Policy in individual rulemakings related to specific nonattainment areas. See, e.g., 75 FR 27944 (May 19, 2010) (the determination of attainment of the PM_{10} standard in Coso Junction, California), and 75 FR 6571 (February 10, 2010) (the determination of attainment of the 1-hour ozone standard in Baton Rouge, Louisiana).

In its many applications of the Clean Data Policy interpretation to PM_{10}, EPA has explained the legal bases set forth in detail in our Phase 2 Final Rule; our May 10, 1995 memorandum from John S. Seitz, entitled ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard''; our $PM_{2.5}$ Implementation Rule; and our December 14, 2004 memorandum from Stephen D. Page entitled ''Clean Data Policy for the Fine Particle National Ambient Air Quality Standards''. EPA has found that such legal bases are equally pertinent to the interpretation of provisions of subparts 1 and 4 applicable to PM_{10}. See, e.g., 77 FR 44544 (7/30/12) and 78 FR 885 (1/7/13) (Ogden Utah area); 71 FR 6352 (February 8, 2006) (Ajo, Arizona area); 71 FR 13021 (March 14, 2006) (Yuma, Arizona area); 71 FR 40023 (July 14, 2006) (Weirton, West Virginia area); 71 FR 44920 (August 8, 2006) (Rillito, Arizona area); 71 FR 63642 (October 30, 2006) (San Joaquin Valley, California area); 72 FR 14422 (March 28, 2007) (Miami, Arizona area); 75 FR 27944 (May 19, 2010) (Coso Junction, California area); and 76 FR 21807 (April 19, 2011) (Truckee Meadows, Nevada area). EPA's interpretation that the obligation to submit an attainment demonstration, RACM, RFP, contingency measures, and other measures related to attainment under part D of title I of the Clean Air Act is suspended while the area is attaining the NAAQS, applies whether the standard is PM_{10}, ozone, or $PM_{2.5}$.

In EPA's proposed and final rulemakings determining that the San Joaquin Valley nonattainment area attained the PM_{10} standard, EPA set forth at length its rationale for applying the Clean Data Policy to PM_{10}. The Ninth Circuit Court subsequently upheld this rulemaking, and specifically EPA's Clean Data Policy, in the context of the PM_{10} standard. See *Latino Issues Forum* v. *EPA,* Nos. 06–75831 and 08–71238 (9th Cir.), Memorandum Opinion, March 2, 2009. In rejecting petitioner's challenge to the Clean Data Policy for PM_{10}, the Court stated:

> As the EPA rationally explained, if an area is in compliance with PM_{10} standards, then further progress for the purpose of ensuring attainment is not necessary.

EPA noted in its prior PM_{10} rulemakings that the reasons for relieving an area that has attained the relevant standard of certain obligations under part D, subparts 1 and 2, apply equally to part D, subpart 4, which contains specific attainment demonstration and RFP provisions for PM_{10} nonattainment areas. In EPA's Phase 2 Final Rule and ozone (Seitz) and $PM_{2.5}$ Clean Data (Page) memoranda, EPA established that it is reasonable to interpret provisions regarding RFP and attainment demonstrations, along with related requirements, so as not to require SIP submissions if an area subject to those requirements is already attaining the

[4] This section parallels the discussion in 77 FR 44544 (July 30, 2012), a clean data determination for the Ogden Utah nonattainment area. That rule was finalized in 78 FR 885 (Jan. 7, 2013).

[5] ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' (57 FR 13498 (April 16, 1992), and supplemented at 57 FR 18070 (April 28, 1992)); hereafter referred to as the General Preamble.

NAAQS (i.e., attainment of the NAAQS is demonstrated with three consecutive years of complete, quality-assured, and certified air quality monitoring data). Every U.S. Circuit Court of Appeals that has considered the Clean Data Policy has upheld EPA rulemakings applying its interpretation, for both ozone and PM_{10}. See *Sierra Club* v. *EPA,* 99 F.3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004); *Our Children's Earth Foundation* v. *EPA,* No. 04–73032 (9th Cir. June 28, 2005) (memorandum opinion), *Latino Issues Forum,* supra.

It has been EPA's longstanding interpretation that the general provisions of part D, subpart 1 of the Act (sections 171 and 172) do not require the submission of SIP revisions concerning RFP for areas already attaining the ozone NAAQS. In the General Preamble, we stated:

> [R]equirements for RFP will not apply in evaluating a request for redesignation to attainment since, at a minimum, the air quality data for the area must show that the area has already attained. Showing that the State will make RFP towards attainment will, therefore, have no meaning at that point.

See 57 FR 13564 (April 16, 1992). EPA's prior determinations of attainment for PM_{10}, *e.g.,* for the San Joaquin Valley and Coso Junction areas in California, make clear that the same reasoning applies to the PM_{10} provisions of part D, subpart 4. See 71 FR 40952 and 71 FR 63642 (proposed and final determination of attainment for San Joaquin Valley) and 75 FR 13710 and 75 FR 27944 (proposed and final determination of attainment for Coso Junction).

With respect to RFP, section 171(1) states that, for purposes of part D of title I, RFP ''means such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.'' Thus, whether dealing with the general RFP requirement of section 172(c)(2), the ozone-specific RFP requirements of sections 182(b) and (c), or the specific RFP requirements for PM_{10} areas of part D, subpart 4, section 189(c)(1), the stated purpose of RFP is to ensure attainment by the applicable attainment date. Section 189(c)(1) states that:

> Plan revisions demonstrating attainment submitted to the Administrator for approval under this subpart shall contain quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate reasonable further progress, as defined in section 7501(1) of this title, toward attainment by the applicable date.

Although this section states that revisions shall contain milestones which are to be achieved until the area is redesignated to attainment, such milestones are designed to show reasonable further progress ''toward attainment by the applicable attainment date,'' as defined by section 171. Thus, it is clear that once the area has attained the standard, no further milestones are necessary or meaningful. This interpretation is supported by language in section 189(c)(3), which mandates that a State that fails to achieve a milestone must submit a plan that assures that the State will achieve the next milestone or attain the NAAQS if there is no next milestone. Section 189(c)(3) assumes that the requirement to submit and achieve milestones does not continue after attainment of the NAAQS.

In the General Preamble, we noted with respect to section 189(c) that the purpose of the milestone requirement ''is 'to provide for emission reductions adequate to achieve the standards by the applicable attainment date' (H.R. Rep. No. 490, 101st Cong., 2d Sess. 267 (1990)).'' See 57 FR 13539 (April 16, 1992). If an area has in fact attained the standard, the stated purpose of the RFP requirement will have already been fulfilled.[6] EPA took this position with respect to the general RFP requirement of section 172(c)(2) in the General Preamble and also in the Seitz memorandum with respect to the requirements of sections 182(b) and (c). In our prior applications of the Clean Data Policy to PM_{10}, we have extended that interpretation to the specific provisions of part D, subpart 4. See, e.g., 71 FR 40952 and 71 FR 63642, the proposed and final determination of attainment for San Joaquin Valley, and 75 FR 13710 and 75 FR 27944, the proposed and final determination of attainment for Coso Junction.

In the General Preamble, we stated, in the context of a discussion of the requirements applicable to the evaluation of requests to redesignate nonattainment areas to attainment, that the ''requirements for RFP will not apply in evaluating a request for redesignation to attainment since, at a minimum, the air quality data for the area must show that the area has already attained. Showing that the State will make RFP towards attainment will, therefore, have no meaning at that point.'' See 57 FR 13564 (April 16, 1992). See also our September 4, 1992 memorandum from John Calcagni, entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (Calcagni memorandum), at page 6.

Similarly, the requirements of section 189(c)(2) with respect to milestones no longer apply so long as an area has attained the standard. Section 189(c)(2) provides in relevant part that:

> Not later than 90 days after the date on which a milestone applicable to the area occurs, each State in which all or part of such area is located shall submit to the Administrator a demonstration * * * that the milestone has been met.

Where the area has attained the standard and there are no further milestones, there is no further requirement to make a submission showing that such milestones have been met. As noted above, this is consistent with the position that EPA took with respect to the general RFP requirement of section 172(c)(2) in the General Preamble and also in the Seitz memorandum with respect to the requirements of section 182(b) and (c). In the Seitz memorandum, EPA also noted that section 182(g), the milestone requirement of subpart 2, which is analogous to provisions in section 189(c), is suspended upon a determination that an area has attained. The Seitz memorandum, also citing additional provisions related to attainment demonstration and RFP requirements, stated:

> Inasmuch as each of these requirements is linked with the attainment demonstration or RFP requirements of section 182(b)(1) or 182(c)(2), if an area is not subject to the requirement to submit the underlying attainment demonstration or RFP plan, it need not submit the related SIP submission either.

See Seitz memorandum at page 5.

With respect to the attainment demonstration requirements of section 189(a)(1)(B), an analogous rationale leads to the same result. Section

[6] Thus, we believe that it is a distinction without a difference that section 189(c)(1) speaks of the RFP requirement as one to be achieved until an area is ''redesignated attainment,'' as opposed to section 172(c)(2), which is silent on the period to which the requirement pertains, or the ozone nonattainment area RFP requirements in sections 182(b)(1) or 182(c)(2), which refer to the RFP requirements as applying until the ''attainment date,'' since section 189(c)(1) defines RFP by reference to section 171(1) of the Act. Reference to section 171(1) clarifies that, as with the general RFP requirements in section 172(c)(2) and the ozone-specific requirements of section 182(b)(1) and 182(c)(2), the PM-specific requirements may only be required ''for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' 42 U.S.C. section 7501(1). As discussed in the text of this rulemaking, EPA interprets the RFP requirements, in light of the definition of RFP in section 171(1), and incorporated in section 189(c)(1), to be a requirement that no longer applies once the standard has been attained.

189(a)(1)(B) requires that the plan provide for ''a demonstration (including air quality modeling) that the [SIP] will provide for attainment by the applicable attainment date * * *.'' As with the RFP requirements, if an area is already monitoring attainment of the standard, EPA believes there is no need for an area to make a further submission containing additional measures to achieve attainment. This is also consistent with the interpretation of the section 172(c) requirements provided by EPA in the General Preamble, the Page memorandum, and the section 182(b) and (c) requirements set forth in the Seitz memorandum. As EPA stated in the General Preamble, no other measures to provide for attainment would be needed by areas seeking redesignation to attainment since ''attainment will have been reached.'' See 57 FR at 13564 (April 16, 1992).

Other SIP submission requirements are linked with these attainment demonstration and RFP requirements, and similar reasoning applies to them. These requirements include the contingency measure requirements of sections 172(c)(9) and 182(c)(9). We have interpreted the contingency measure requirements of sections 172(c)(9) and 182(c)(9) as no longer applying when an area has attained the standard because those ''contingency measures are directed at ensuring RFP and attainment by the applicable date.'' See 57 FR 13564 (April 16, 1992) and Seitz memorandum, pages 5–6.

Both sections 172(c)(1) and 189(a)(1)(C) require ''provisions to assure that reasonably available control measures'' (i.e., RACM) are implemented in a nonattainment area. The General Preamble states that EPA interprets section 172(c)(1) so that RACM requirements are a ''component'' of an area's attainment demonstration. See 57 FR 13560 (April 16, 1992). Thus, for the same reason the attainment demonstration no longer applies by its own terms, the requirement for RACM no longer applies. EPA has consistently interpreted this provision to require only implementation of potential RACM measures that could contribute to reasonable further progress or to attainment. See the General Preamble at 57 FR 13498 (April 16, 1992). Thus, where an area is already attaining the standard, no additional RACM measures are required.[7] EPA is interpreting section 189(a)(1)(C) consistent with its interpretation of section 172(c)(1).

We emphasize that the suspension of the obligation to submit SIP revisions concerning these RFP, attainment demonstration, RACM, and other related requirements exists only for as long as the New York County nonattainment area continues to monitor attainment of the PM_{10} standard. If EPA determines, after notice-and-comment rulemaking, that the area has monitored a violation of the PM_{10} NAAQS, the basis for suspending the requirements would no longer exist. As a result, the New York County nonattainment area would again be subject to a requirement to submit the pertinent SIP revision or revisions and would need to address those requirements. Thus, a final determination that the area need not submit one of the pertinent SIP submittals amounts to no more than a suspension of the requirements for so long as the area continues to attain the standard. Only after EPA redesignates the area to attainment would the area be relieved of these attainment-related submission obligations. Attainment determinations under the Clean Data Policy do not suspend an area's obligations unrelated to attainment in the area, such as provisions to address pollution transport.

Based on our proposed determination that the New York County nonattainment area is currently attaining the PM_{10} NAAQS and as set forth above, we propose to find that New York's obligations to submit planning provisions to meet the requirements for an attainment demonstration, reasonable further progress plans, reasonably available control measures, and contingency measures, no longer apply for so long as the New York County nonattainment area continues to monitor attainment of the PM_{10} NAAQS. As noted earlier, on January 14, 2013, New York withdrew its previously submitted July 20, 1995 and September 29, 1996 p.m.$_{10}$ SIP, therefore EPA no longer has a PM_{10} SIP for New York County before us for review. In the future, after notice-and-comment rulemaking, if EPA determines that the area again violates the PM_{10} NAAQS, then the basis for suspending the attainment demonstration, RFP, RACM, and contingency measure requirements would no longer exist. In that event, we would notify New York that we have determined that the New York County nonattainment area is no longer attaining the PM_{10} standard and provide notice to the public in the **Federal Register**.

VI. EPA's Proposed Action

Based on the most recent three-year period of certified, quality-assured data meeting the requirements of 40 CFR part 50, appendix K, and for the reasons discussed above, we propose to find that the New York County nonattainment area is currently attaining both the 24-hour PM_{10} NAAQS and the revoked annual PM_{10} NAAQS.

In conjunction with and based upon our proposed determination that the New York County nonattainment area is currently attaining the standard, EPA proposes to determine that New York's obligation to submit the following Clean Air Act requirements is not applicable for so long as the New York County nonattainment area continues to attain the PM_{10} standard: an attainment demonstration under Clean Air Act section 189(a)(1)(B); RACM provisions under Clean Air Act section 189(a)(1)(C); RFP provisions under Clean Air Act section 189(c); and, the attainment demonstration, RACM, RFP and contingency measure provisions under Clean Air Act section 172 of the Act.

The classification and designation status in 40 CFR part 81 would remain moderate nonattainment for the New York County nonattainment area.

VII. Statutory and Executive Order Reviews

This action proposes to make a determination based on air quality data, and would, if finalized, result in the suspension of certain Federal requirements. 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);

[7] The EPA's interpretation that the statute only requires implementation of RACM measures that would advance attainment was upheld by the United States Court of Appeals for the Fifth Circuit (*Sierra Club* v. *EPA, 314 F.3d 735, 743–745 (5th Cir. 2002)*), and by the United States Court of Appeals for the D.C. Circuit (*Sierra Club* v. *EPA, 294 F.3d 155, 162–163 (D.C. Cir. 2002)*).

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, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: September 3, 2013.

Judith A. Enck,

Regional Administrator, Region 2.

[FR Doc. 2013–22356 Filed 9–12–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2013–0596; FRL–9900–97–Region 9]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). This revision concerns particulate matter (PM) and carbon monoxide (CO) emissions from Cement Kilns. We are approving a local rule that regulates this emission source under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by October 15, 2013.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2013–0596, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov*. Follow the on-line instructions.

2. *Email: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, EPA Region IX, (415) 947–4125, *vineyard.christine@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the date that it was adopted by the local air agency and submitted by the California Air Resources Board.

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
SCAQMD	1112.1	Emissions of Particulate Matter and Carbon Monoxide from Cement Kilns.	12/04/09	07/20/10

On August 25, 2010, EPA determined that the submittal for SCAQMD Rule 1112.1 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved an earlier version of Rule 1112.1 into the SIP on September 2, 1998 (63 FR 46659).

C. What is the purpose of the submitted rule revision?

PM contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires States to submit regulations that control PM emissions. Rule 1112.1 has been amended to include carbon monoxide (CO) limits in addition to the existing particulate matter (PM) limits. Additionally, the compliance procedures and test methods have been updated. EPA's technical support document (TSD) has more information about this rule.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rule?

Generally, SIP rules must be enforceable (see section 110(a) of the Act) and must not relax existing requirements (see sections 110(l) and 193). In addition, SIP rules must implement Reasonably Available Control Measures (RACM), including Reasonably Available Control Technology (RACT), in moderate PM–10 nonattainment areas, and Best Available Control Measures (BACM), including Best Available Control Technology (BACT), in serious PM–10 nonattainment areas (see CAA sections 189(a)(1) and 189(b)(1)). The SCAQMD regulates a PM–10 nonattainment area classified as serious (see 40 CFR part 81), so Rule 1112.1 must implement BACM with respect to PM–10. The PM requirements in the submitted rule are not changed and we are not reevaluating them with respect to stringency as part of this action. Carbon Monoxide requirements are added, and have no affect on SCAQMD's attainment status for CO as indicated by the modeling.

Guidance and policy documents that we use to evaluate enforceability and other requirements consistently include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 **Federal Register** Notice,'' (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

3. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

4. ''State Implementation Plans for Serious PM–10 Nonattainment Areas, and Attainment Date Waivers for PM–10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 59 FR 41998 (August 16, 1994).

5. ''PM–10 Guideline Document,'' EPA 452/R–93–008, April 1993.

6. ''Fugitive Dust Background Document and Technical Information Document for Best Available Control Measures,'' EPA 450/2–92–004, September 1992.

B. Does the rule meet the evaluation criteria?

We believe this rule revision is consistent with the relevant policy and guidance regarding enforceability, stringency, and SIP relaxations. The submitted rule ultimately strengthens the SIP by maintaining PM requirements and allowing alternative limits for CO which are expected to reduce NO_X emissions.

C. Public Comment and Proposed Action

Because EPA believes the submitted rule fulfills all relevant requirements, we are proposing to fully approve it as described in section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate this rule into the federally enforceable SIP.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve State law as meeting Federal requirements and 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 Clean Air Act; and
- does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed action 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, Carbon monoxide, Incorporation by referenced, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: September 4, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2013–22360 Filed 9–12–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 130808694–3694–01]

RIN 0648–BD37

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Commercial Groundfish Fishery Management Measures; Rockfish Conservation Area Boundaries for Vessels Using Bottom Trawl Gear

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed action would implement revisions to the boundaries of the Rockfish Conservation Area (RCA) that is closed to vessels fishing groundfish with bottom trawl gear. This proposed rule would affect the limited entry bottom trawl sector managed under the Pacific Coast Groundfish Fishery Management Plan (FMP) by liberalizing RCA boundaries in order to improve utilization of target species.

DATES: Submit comments on or before October 15, 2013

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–BD37, 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-2013-0134,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to William W. Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; Attn: Colby Brady.
- *Fax:* 206–526–6736; Attn: Colby Brady.

Instructions: 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 by NMFS. 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, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. 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, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Colby Brady, 206–526–6117; (fax) 206–526–6736; *Colby.Brady@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Since 2002 NMFS has used large-scale, depth-based closures to reduce catch of overfished groundfish, while still allowing the harvest of healthy stocks to the extent possible. RCAs are gear specific closures, and apply to vessels that take and retain groundfish species. NMFS is proposing to change portions of the boundaries defining the RCA that is closed to vessels fishing for groundfish with bottom trawl gear, or the ''trawl RCA.'' This proposed rule would not change how the trawl RCA applies to vessels fishing for groundfish using bottom trawl gear. Rather, it would only make changes to the boundaries of the trawl RCA.

Vessels targeting groundfish with bottom trawl gear are participants in the shorebased individual fishing quota (IFQ) program, which began in 2011 (75 FR 78344, December 15, 2010). Catch of groundfish by these vessels is primarily regulated with quota pounds. All catch of IFQ species, retained or discarded, must be covered by equivalent quota pounds, and participants are subject to a 100 percent monitoring requirement that includes at-sea observers and dockside catch monitors. Accordingly, fishermen are individually accountable for their catch, including any catch of overfished species.

The currently scheduled trawl RCA boundaries for 2013 and 2014 were established through the 2013–2014 harvest specifications and management measures in a proposed and final rule, 77 FR 67974, November 14, 2012 and 78 FR 580, January 3, 2013, respectively. However, RCA boundaries are routinely modified inseason in response to new information. Early in 2013, industry requested that the Pacific Fishery Management Council (Council) and NMFS consider opening some areas that were closed by the trawl RCA off Washington, Oregon and northern California (between 40°10′ N. lat. and 48°10′ N. lat.).

Increasing Harvest Opportunities in the Shorebased IFQ Program

The trawl rationalization program, including the shorebased IFQ program, was intended to increase net economic benefits, create individual economic stability, provide full utilization of the trawl sector allocation, consider environmental impacts, and achieve individual accountability of catch and bycatch. Since the implementation of the program, catch of many overfished species has declined and revenues increased in 2011. In 2012 non-whiting revenue dropped slightly, most likely due to decreases in sablefish prices. However, in the 2012 shorebased IFQ program, catch of several marketable target species was well below the available shorebased trawl allocation. Over 33 million pounds of flatfish, including Dover sole, went unharvested in 2012. Over 5.5 million pounds of Pacific cod and lingcod went unharvested in 2012. For rockfish, over 6.7 million pounds of minor shelf, minor slope and yellowtail rockfish went unharvested.

This proposed rule would increase access to fishing grounds in a fishery where participants are motivated by IFQ to keep bycatch of overfished species low, irrespective of trawl RCA boundaries. The proposed changes to the trawl RCA boundaries would continue to refine groundfish fishery management measures to enable higher attainment of available quota pounds for several valuable species, while still protecting overfished species.

Changes to the Trawl Rockfish Conservation Area

Proposed Boundaries

At its March 7–11, 2013, meeting in Tacoma, Washington and its April 6–11, 2013, meeting in Portland, Oregon the Council received requests from the Groundfish Advisory Sub-panel (GAP) to open some areas that were closed by the trawl RCA in the area north of 40°10′ N. lat. to increase access to target species such as yellowtail rockfish, Dover sole, lingcod and Pacific cod (March 2013, Agenda Item H.3.b, Supplemental GAP Report; April 2013, Agenda Item D.8.b, Supplemental GAP Report). The Council made an initial recommendation in March to open some shoreward areas during March and April (Period 2) of 2013. However, NMFS recommended that liberalizations to the 2013–2014 trawl RCA boundaries be implemented through a notice and comment rulemaking rather than through a single **Federal Register** notice. Therefore, the Council reconsidered and refined its recommendation for changes

to the trawl RCA at its April 2013 meeting.

After considering performance of the rationalized fishery in the last two years and how the RCA boundaries have varied through time, the Council recommended reducing the trawl RCA between 48°10′ N. lat. and 40°10′ N. lat. to the area between the boundary line approximating the 100 fathom (fm) (183-m) depth contour and the boundary line approximating the 150 fm (274-m) depth contour beginning in November 2013 and for all of 2014, or until revised through inseason action (Table 1). Initial trawl RCA boundaries for 2015–2016 will likely be developed through the 2015–2016 harvest specifications and management measures process. The RCA boundary lines approximate depth contours and are defined by latitude and longitude coordinates in Federal regulations at 50 CFR 660.71–74. Although the lines are generalized approximations of depth, the trawl RCA is not defined by actual depth contours and could close areas deeper or shallower than the actual depths indicated.

Specifically, this proposed rule would change the trawl RCA boundaries that are found in Table 1 (North), subpart D, as follows: (1) Between 48°10′ N. lat. and 40°10′ N. lat., from a shoreward boundary line approximating 75 fm (137-m) to a line approximating 100 fm (183-m) during in periods 1, 2, and 6; (2) between 45°46′ N. lat. and 40°10′ N. lat., from a seaward boundary line approximating 200 fm (366-m) to a line approximating 150 fm (274-m), during periods 1–6 (note that the ''modified 200 fm (366-m)'' line, which is a version of 200 fm (366-m) line modified to increase access to stocks such as petrale sole, is currently in place in periods 1 and 6), and; (3) between 48°10′ N. lat. and 45°46′ N. lat., from a seaward boundary line approximating the modified 200 fm (366-m) to a line approximating 150 fm (274-m), during period 1.

TABLE 1—PROPOSED TRAWL RCA BOUNDARIES BETWEEN 48°10′ N. LAT. AND 40°10′ N. LAT., AS RECOMMENDED BY THE COUNCIL IN APRIL 2013

	Jan–Feb	Mar–Apr	May–Jun	Jul–Aug	Sep–Oct	Nov–Dec
48°10′ N. lat.–45°46′ N. lat	100 fm line—150 fm line.					
45°46′ N. lat.–40°10′ N. lat	100 fm line—150 fm line.					

The proposed change to open the area shoreward of the trawl RCA, between the 75 fm (137-m) line to the 100 fm (183-m) line, will provide additional harvest opportunities closer to shore, which could reduce fuel costs incurred from transiting to deeper-water fishing grounds, and potentially improve the at-sea safety for groundfish bottom trawl vessels and their crews. The shoreward boundary change would also provide additional access to lingcod, Pacific cod and yellowtail rockfish and would likely have a favorable economic impact to groundfish fishing vessels and to businesses and ports where groundfish are landed. The proposed change to open areas seaward of the trawl RCA, between the 150 fm (274-m) line and the 200 fm (366-m) line, will shorten the distance vessels must travel to harvest underutilized slope species such as Dover sole, slope rockfish, and other flatfish species and should also have beneficial economic effects. Finally, the boundary changes could simplify management and enforcement by creating a coast-wide 100 fm (183-m) to 150 fm (274-m) closure.

NMFS and the Council assessed the risks of exceeding the trawl allocation or the annual catch limit (ACL) for any overfished species under the proposed action. Based on an analysis of observed bycatch rates (amount of overfished species caught proportionate to the amount of target species) from the years 2006–2010, increases in bycatch rates for canary rockfish, darkblotched rockfish and Pacific ocean perch would be expected when these areas are opened. However, harvest in 2011 and 2012, the first two years of the shorebased IFQ program, did not exceed 50 percent of the trawl allocation for the four overfished rockfish species likely to be impacted by this action. In addition, based on 2011 observer data documenting the depth, latitude, frequency and magnitude of overfished species catch in the first year of the shorebased IFQ program, the probability of an extreme catch event, or ''disaster tow'', i.e. one tow that it would lead to exceeding the IFQ program allocation, is relatively low assuming similar fishing behavior as during 2011 and 2012. The analysis showed that tows harvesting more than 1 percent of the trawl allocation were rare, and none exceeded 2 percent.

The combined analysis of pre-IFQ bycatch rates, haul-level IFQ observer data, and aggregate IFQ catch data for overfished species illustrates that while bycatch or encounter rates are likely to increase to some degree with the proposed boundary changes, these moves are unlikely to result in increases in catch of rebuilding species to such a degree that it would result in the fleet exceeding their annual allocations. Harvest of overfished species in the Shorebased IFQ Program has been well below the allocations, likely, in part, due to individual accountability and incentives to keep harvest of overfished species low. Given the low harvest levels of overfished species relative to the trawl allocation, even if one or more rare, extremely high single catch events were to occur, it is very unlikely that it would cause the trawl allocation to be exceeded. Moreover, IFQ catch data are available in near real-time and inseason changes to management measures could be considered as needed to ensure catch remains below the trawl allocation and below the ACLs.

In addition to the proposed trawl RCA boundaries, NMFS is considering alternative boundaries that are somewhat different from what the Council recommended in April 2013. The alternative trawl RCA boundaries are described below. NMFS intends to take into consideration further comments and recommendations from the Council, as well as comments from Council advisory bodies, industry and the public prior to making a final decision regarding the boundaries for the trawl RCA between 48°10′ N. lat. and 40°10′ N. lat. for 2013–2014.

Alternative Boundaries

During development of the environmental assessment for this action, NMFS explored an alternative set of trawl RCA boundaries. The alternative trawl RCA boundaries would be the same as the proposed trawl RCA boundaries except that they would keep closed the area between the boundary line approximating the 150 fm (274-m) depth contour and the boundary line approximating the modified 200 fm (366-m) depth contour off Southern Oregon and Northern California; an area that has been largely closed since 2004 and that would be opened under the initial recommendations of the Council from its April 2013 meeting. This

alternative set of trawl RCA boundaries carries forward the intent of the Council to open additional fishing areas, while keeping closed the areas that have been essentially closed to groundfish bottom trawling since 2004 (with the only exception being an opening for one two-month period in 2007 between 45°03′ N. lat. and 45°46′ N. lat.).

The alternative trawl RCA boundaries that NMFS is considering and is soliciting public comment on would be identical to the proposed boundaries between 48°10′ N. lat. and 45°46′ N. lat. However, between 45°46′ N. lat. and 40°10′ N. lat., the alternative would open shoreward areas, the same as the proposed boundaries, but would change the seaward boundary to a year-round modified 200 fm (366-m) line. Relative to current regulations in Table 1 (North), subpart D, the alternative RCA boundaries would: Shift the shoreward boundary line between 48°10′ N. lat. and 40°10′ N. lat. from the 75 fm (137-m) line to the 100 fm (183-m) line during periods 1, 2, and 6; shift the seaward boundary line between 48°10′ N. lat. and 45°46′ N. lat. from the modified 200 fm (366-m) line to the 150 fm (274-m) line during period 1 (January–February); and shift the seaward boundary line between 45°46′ N. lat. and 40°10′ N. lat. from the 200 fm (366-m) line to the modified 200 fm (366-m) line during periods 2–5. These alternative trawl RCA boundaries were designed to take effect in November 2013 and continue until subsequently revised through an inseason action. Initial trawl RCA boundaries for 2015–2016 will likely be developed through the 2015–2016 harvest specifications and management measures process.

TABLE 2—ALTERNATIVE TRAWL RCA BOUNDARIES BETWEEN 48°10′ N. LAT. AND 40°10′ N. LAT., CONSIDERED BY NMFS

	Jan–Feb	Mar–Apr	May–Jun	Jul–Aug	Sep–Oct	Nov–Dec
48°10′ N. lat.–45°46′ N. lat	100 fm line—150 fm line.					
45°46′ N. lat.–40°10′ N. lat	100 fm line—modified 200 fm line.					

The alternative trawl RCA boundaries being considered are expected to also have a favorable economic impact on groundfish fishing vessels and for businesses and ports where groundfish are landed. However, the benefits would not be as high, particularly between 45°46′ N. lat. and 40°10′ N. lat., because smaller changes would be made to open seaward areas between 45°46′ N. lat. and 40°10′ N. lat. Accordingly, the potential cost and safety benefits and the increased access to target stocks on the slope would be somewhat reduced as compared to the proposed boundaries.

The alternative trawl RCA boundaries would open less area seaward of the current RCA than the proposed trawl RCA boundaries; therefore, any increased impacts to overfished species by opening new fishing areas are expected to be lower in frequency and magnitude under the alternative trawl RCA boundaries, particularly for slope species, than under the proposed action. However, as indicated above, the proposed boundaries present little risk with respect to overfished species catch.

Impacts to Benthic Habitat

The Council recommended proposed boundaries and the additional alternative being considered would retain all other existing Federal areas that restrict or prohibit fishing by various gear types, such as the essential fish habitat conservation areas established through Amendment 19 to the Groundfish FMP (71 FR 27408, May 11, 2006). In addition, the proposed rule would not modify any existing trawl gear requirements. Trawl RCAs were established to minimize catch of overfished species while still allowing the harvest of target stocks to the extent possible. Despite the fact that the trawl RCAs were not established to serve as habitat protection, the seaward areas between 45°46′ N. lat. and 40°10′ N. lat., between the 150 fm (274-m) and modified 200 fm (366-m) line have largely been closed since 2004. The environmental assessment for this action indicates that this is the only large-scale area that would be opened under the proposed boundaries where benthic habitats may have, to some extent, recovered from previous groundfish bottom trawling impacts. The draft environmental assessment can be found at *www.pcouncil.org.* Even though this area has been closed to groundfish bottom trawling, it is open to vessels fishing groundfish and non-groundfish with longline and pot gears and to other fishing and non-fishing activities that may impact benthic habitat. The Council and NMFS are currently undertaking a review of the 2006 groundfish EFH designations. Regardless of the final trawl RCA boundary modifications resulting from this proposed rule, the Council and NMFS retain the ability to modify existing EFH designations and closures as a result of the EFH review should it be deemed warranted and practicable.

The Council will consider the alternative RCA boundaries described above at its September 12–17, 2013 meeting in Boise, Idaho (*www.pcouncil.org*). NMFS encourages public participation, both by providing comments on this proposed rule through the methods described under **ADDRESSES**, and through participation at the Council's September meeting. Specifically, NMFS encourages industry to provide public comments regarding the effects that the proposed trawl RCA boundaries compared to the alternative trawl RCA boundaries might have on future fishing opportunities and business plans. NMFS also encourages the general public and non-governmental organizations to provide comments regarding the proposed trawl RCA boundaries and the alternative trawl RCA boundaries that are described in this proposed rule.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Pacific Coast Groundfish FMP, other provisions of the MSA, and other applicable law, subject to further consideration after public comment.

A draft Environmental Assessment (EA) was prepared for this action. The draft EA includes socio-economic information that was used to prepare the RIR and IRFA. A copy of the draft EA is available online at *www.pcouncil.org.*

A Regulatory Impact Review (RIR) was prepared on the action in its entirety and is included as part of the initial regulatory flexibility analysis (IRFA) on the proposed regulatory changes. The IRFA and RIR describe the impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A copy of the IRFA is available from NMFS (see **ADDRESSES**) and a summary of the IRFA, per the requirements of 5 U.S.C. 603(a), follows:

This proposed action revises the bimonthly boundaries of the trawl RCA.

This area is currently closed to vessels fishing groundfish with bottom trawl gear. This rule affects the limited entry bottom trawl sector managed under the Pacific Coast Groundfish FMP. The purpose of these regulations is to make short term reductions in the size of the trawl RCA beginning in November 2013 and for all of 2014, or until revised through inseason action. Initial trawl RCA boundaries for 2015–2016 will likely be developed through the 2015–2016 harvest specifications and management measures process. By reducing the size of the RCA, trawlers will have a better chance of harvesting more of their IFQ pounds. The Council and NMFS designed the RCA to reduce bycatch of overfished species. However, the RCA was established before implementation of IFQs. Prior to the IFQ program, the fleet fished under fleet wide trip limits, and there were occasional overages in the harvests of overfished rockfish. Such overages threatened the entire sector. Under IFQs, the catch of bycatch species has decreased significantly. Participants now fish within their individual quotas and have incentives to reduce bycatch. If they exceed an individual species quota, they cannot return to fishing within the year unless they purchase quota pounds from other fishermen. Many individual participants have formed risk-pools to help minimize the bycatch of overfished species or to minimize the chance they will need to shut down for the year if they exceed their individual allocations. They are sharing real time information on bycatch. The Risk Pool assesses penalties on members that violate risk-pool regulations. Therefore, there is not as strong a need for a large RCA as a means to reduce bycatch. This rule proposes alternatives that decrease the size of the RCA because participants have shown, under the IFQ Program, that they have reduced their bycatch of overfished species.

All catch of IFQ species, retained or discarded, must be covered by equivalent quota pounds, and participants are subject to a 100 percent monitoring requirement that includes at-sea observers and dockside catch monitors. Accordingly, fishermen are individually accountable for their catch, including any catch of overfished species. Additionally, beginning in 2014, quota shares will become transferrable and this might promote higher utilization of target species quota pounds.

Since the implementation of the program, catch of many overfished species has declined and revenues increased in 2011. In 2012 non-whiting revenue dropped slightly, most likely due to decreases in sablefish prices. Depending on the target species, the amount of fish harvested primarily depends not on available markets but rather on the available amount of bycatch species. In the 2012 shorebased IFQ program, catch of several marketable target species was well below the available shorebased trawl allocation. Over 33 million pounds of flatfish, including Dover sole, went unharvested in 2012. Over 5.5 million pounds of Pacific cod and lingcod went unharvested in 2012. For rockfish, over 6.7 million pounds of minor shelf, minor slope and yellowtail rockfish went unharvested. Total groundfish landed by bottom trawl gear was up slightly in 2012, at 101 percent of 2011 levels (40.9 million lbs versus 40,6 million lbs, respectively). Aggregate attainment (the difference between the total shorebased trawl harvests and the shorebased trawl allocation) of all species categories, other than Pacific whiting, increased by five percent in 2012, to 29 percent, from 24 percent in 2011. Revenue in 2012 maintained 92 percent of 2011 levels (30.4 million in 2012 versus 32.9 million).

NMFS considered three alternative trawl RCA boundary configurations, as described above: The current trawl RCA boundaries for 2013 and 2014 (no action), the Council recommended proposed trawl RCA boundaries between 48°10′ N. lat. and 40°10′ N. lat. (Alternative 1, Table 1), and alternative trawl RCA boundaries between 48°10′ N. lat. and 40°10′ N. lat. added by NMFS (Alternative 2, Table 2).

The amount of increased catch and reduced costs created by the proposed alternative is not known. Given available data and models, NMFS cannot qualitatively predict the increased catch and reduced costs by the proposed changes, although the qualitiative impacts are clear. The regulatory changes associated with Alternative 1 and Alternative 2 will have positive economic effects as discussed above—reduced fuel, improved safety, and increased access to important target species. Overall, the most likely potential impacts are higher attainments of the trawl allocations than would be expected under the No-Action alternative. Alternative 2 is more restrictive compared to Alternative 1; Alternative 2 opens some areas that have been intermittently closed, but not as much new area as Alternative 1.

This rulemaking directly affects bottom trawlers participating in the IFQ fishery. To fish in the IFQ fishery, the vessel must have a vessel account. As part of this year's permit application processes for the non-tribal fisheries, applicants indicate if they are ''small'' business based on a review of the Small Business Administration (SBA) size criteria. These criteria have recently changed. On June 20, 2013, the SBA issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398, June 20, 2013). The rule increased the size standard for Finfish Fishing from $ 4.0 to 19.0 million, for Shellfish Fishing from $ 4.0 to 5.0 million, and for Other Marine Fishing from $4.0 to 7.0 million (Id. at 37400–Table 1). Based on the new size standard ($19 million), NMFS reassessed those businesses considered large under the old size standard ($4 million) based on information provided by these companies under the NMFS Northwest Fisheries Science Center's Economic Data Collection Program. After taking into account NWFSC economic data, NMFS permit and ownership information, PacFIN landings data for 2012, and affiliation between entities, NMFS estimates that there are 66 entities affected by these proposed regulations, of which 56 are ''small'' businesses. NMFS believes that this rule will have a positive economic impact on small entities and will not have significant adverse economic impacts on a substantial number of small entities.

This proposed rule was developed after meaningful consultation and collaboration, through the Council process, with the tribal representative on the Council.

No Federal rules have been identified that duplicate, overlap, or conflict with the proposed action. Public comment is hereby solicited, identifying such rules. A copy of this analysis is available from NMFS (see **ADDRESSES**).

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

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian fisheries.

Dated: September 10, 2013.

Samuel D. Rauch III,

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

For the reasons stated in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. Table 1 (North) to part 660, subpart D, is revised to read as follows:

Table 1 (North) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting North of 40°10' N. Lat.

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table 11012013

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 48°10' N. lat.	shore - modified[2/] 200 fm line[1/]	shore - 200 fm line[1/]	shore - 150 fm line[1/]		shore - 200 fm line[1/]	shore - modified[2/] 200 fm line[1/]
2	48°10' N. lat. - 40°10' N. lat.	100 fm line1/ - 150 fm line1					

Selective flatfish trawl gear is required shoreward of the RCA; all bottom trawl gear (large footrope, selective flatfish trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope and small footrope trawl gears (except for selective flatfish trawl gear) are prohibited shoreward of the RCA. Midwater trawl gear is permitted only for vessels participating in the primary whiting season. **Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 1 (North) and 1 (South) to Part 660, Subpart E.**

See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70-660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).

State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.

3	**Minor nearshore rockfish & Black rockfish**	300 lb/ month
4	**Whiting**	
5	midwater trawl	Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.
6	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.
7	**Cabezon**	
8	North of 46°16' N. lat.	Unlimited
9	46°16' N. lat. - 40°10' N. lat.	50 lb/ month
10	**Shortbelly**	Unlimited
11	**Spiny dogfish**	60,000 lb/ month
12	**Longnose skate**	Unlimited
13	**Other Fish** [3/]	Unlimited

TABLE 1 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ The "modified" fathom lines are modified to exclude certain petrale sole areas from the RCA.

3/ "Other fish" are defined at § 660.11 and include sharks (except spiny dogfish), skates (except longnose skate), ratfish, morids, grenadiers, and kelp greenling.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

[FR Doc. 2013–22359 Filed 9–12–13; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 78, No. 178
Friday, September 13, 2013

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Determination of Total Amounts of Fiscal Year 2014 WTO Tariff-Rate Quotas for Raw Cane Sugar and Certain Sugars, Syrups and Molasses

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: The Office of the Secretary of the Department of Agriculture (the Secretary) announces the establishment of the Fiscal Year (FY) 2014 (October 1, 2013–September 30, 2014) in-quota aggregate quantity of raw cane sugar at 1,117,195 metric tons raw value (MTRV). The Secretary also announces the establishment of the FY 2014 in-quota aggregate quantity of certain sugars, syrups, and molasses (also referred to as refined sugar) at 122,000 MTRV.

DATES: *Effective Date:* September 13, 2013.

FOR FURTHER INFORMATION CONTACT: Souleymane Diaby, Import Policies and Export Reporting Division, Foreign Agricultural Service, Department of Agriculture, 1400 Independence Avenue SW., AgStop 1021, Washington, DC 20250–1021; by telephone (202) 720–2916; by fax (202) 720–0876; or by email *souleymane.diaby@fas.usda.gov.*

SUPPLEMENTARY INFORMATION: The provisions of paragraph (a)(i) of the Additional U.S. Note 5, Chapter 17 in the U.S. Harmonized Tariff Schedule (HTS) authorize the Secretary to establish the in-quota TRQ amounts (expressed in terms of raw value) for imports of raw cane sugar and certain sugars, syrups, and molasses that may be entered under the subheadings of the HTS subject to the lower tier of duties for entry during each fiscal year. The Office of the U.S. Trade Representative (USTR) is responsible for the allocation of these quantities among supplying countries and areas.

Section 359(k) of the Agricultural Adjustment Act of 1938, as amended, requires that at the beginning of the quota year the Secretary of Agriculture establish the TRQs for raw cane sugar and refined sugars at the minimum levels necessary to comply with obligations under international trade agreements, with the exception of specialty sugar.

Notice is hereby given that I have determined, in accordance with paragraph (a)(i) of the Additional U.S. Note 5, Chapter 17 in the HTS and section 359(k) of the 1938 Act, that an aggregate quantity of up to 1,117,195 MTRV of raw cane sugar may be entered or withdrawn from warehouse for consumption during FY 2014. This is the minimum amount to which the United States is committed under the WTO Uruguay Round Agreements. I have further determined that an aggregate quantity of 122,000 MTRV of sugars, syrups, and molasses may be entered or withdrawn from warehouse for consumption during FY 2014. Of this quantity of 122,000 MTRV, the quantity of 101,656 MTRV is reserved for the importation of specialty sugars as defined by the USTR. The total of 122,000 MTRV includes the 22,000 MTRV minimum level necessary to comply with U.S. WTO Uruguay Round commitments, of which 1,656 MTRV is reserved for specialty sugar. Because the specialty sugar TRQ is first-come, first-served, tranches are needed to allow for orderly marketing throughout the year.

The FY 2014 specialty sugar TRQ will be opened in five tranches. The first tranche, totaling 1,656 MTRV, will open October 10, 2013. All specialty sugars are eligible for entry under this tranche. The second tranche will open on October 24, 2013, and be equal to 37,000 MTRV. The remaining tranches will each be equal to 21,000 MTRV, with the third opening on January 9, 2014; the fourth, on April 10, 2014; and the fifth, on July 10, 2014. The second, third, fourth, and fifth tranches will be reserved for organic sugar and other specialty sugars not currently produced commercially in the United States or reasonably available from domestic sources.

* Conversion factor: 1 metric ton = 1.10231125 short tons.

Dated: August 9, 2013.

Darci L. Vetter,

Under Secretary, Farm and Foreign Agricultural Services.

[FR Doc. 2013–22351 Filed 9–12–13; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Supplemental Nutrition Assistance Program: State Issuance and Participation Estimates—Forms FNS–388 and FNS–388A

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service (FNS) is publishing for public comment a summary of a proposed information collection. This is a revision of a currently approved collection for the Supplemental Nutrition Assistance Program (SNAP) forms: FNS–388, State Issuance and Participation Estimates and FNS–388A, Project Area Data Format. FNS plans to update form FNS–388, to separately capture and differentiate Disaster Supplemental Nutrition Assistance Program (D–SNAP) benefit issuance and participation data from ongoing SNAP issuance and participation data. This form update will clearly distinguish D–SNAP data from ongoing SNAP data, thereby ensuring the speed and accuracy of FNS response to requests from multiple agencies on contributions to Federal disaster relief efforts. There are no changes to form FNS–388A.

DATES: Written comments must be received on or before November 12, 2013.

ADDRESSES: 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 including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Jane Duffield, Chief, State Administration Branch, Supplemental Nutrition Assistance Program, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 818, Alexandria, VA 22302. Comments may also be submitted via email to *SNAPSAB@fns.usda.gov.* Comments will also be accepted through the federal eRulemaking Portal. Go to *http://www.regulations.gov*, and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Kelly Stewart at 703–305–2425.

SUPPLEMENTARY INFORMATION:

Title: State Issuance and Participation Estimates.

Form Number: FNS–388 and FNS–388A.

OMB Number: 0584–0081.

Expiration Date: July 31, 2016.

Type of Request: Revision of a currently approved collection.

Abstract: Section 18(b) of the Food and Nutrition Act, (the Act) 7 U.S.C. 2027(b), limits the value of allotments paid to SNAP households to an amount not in excess of the appropriation for the fiscal year. If allotments in any fiscal year would exceed the appropriation, the Secretary of Agriculture is required to direct State agencies to reduce the value of SNAP allotments to the extent necessary to stay within appropriated funding limits. Timely State monthly issuance estimates are necessary for FNS to ensure that it remains within the appropriation. The estimates will also have a direct effect upon the manner in which allotments would be reduced if necessary. While benefit reductions have never been ordered in the past under Section 18(b) nor are they anticipated based on current data, the Department must continue to monitor actual program costs against the appropriation.

Section 11(e)(12) of the Food and Nutrition Act, 7 U.S.C. 2020(e)(12), requires that the State Plan of Operations provide for the submission of reports required by the Secretary of Agriculture. State agencies are required to report on a monthly basis on the FNS–388, State Issuance and Participation Estimates, estimated or actual issuance and participation data for the current month and previous month, and actual participation data for the second preceding month. The FNS–388 report provides the necessary data for an early warning system to enable the Department to monitor actual and estimated costs for all benefit types against the appropriation.

Disaster SNAP is authorized by sections 402 and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and the temporary emergency provisions contained in Section 5 of the Food and Nutrition Act of 2008, and in 7 CFR Part 280 of the SNAP regulations. State agencies may request FNS approval to operate a Disaster SNAP in an area that has received a Presidential declaration as a Major Disaster area eligible for Individual Assistance. In accordance with 7 CFR 274.4, State agencies shall keep records and report SNAP participation and issuance totals to FNS.

FNS currently requires State agencies to report Disaster SNAP issuance and participation data using form FNS–292B *Report of Disaster Supplemental Nutrition Assistance Program Benefit Issuance.* Form FNS–292B must be submitted to the agency within 45 days of the termination of a Disaster SNAP operation and captures final issuance and participation data. The information collection burden for the FNS–292B is included in OMB 0584–0037, expiration date July 31, 2014.

States operating D–SNAP may also use the ''remarks'' section of the current FNS–388 form to indicate issuance and participation data, however this is not required and is currently not reported consistently or in a uniform manner that allows FNS to readily access this information. However, recent evaluation of Federal disaster response efforts has identified a critical need for timely periodic reporting while a disaster response is ongoing. Disaster response updates are frequently requested by the Secretary of Agriculture, the Federal Emergency Management Agency, the White House and Congress during an ongoing relief effort. Updating the FNS–388, to include separate reporting of D–SNAP benefit issuance and participation will improve data accountability and ensure data is available on a monthly basis for timely response to Federal, State and other inquiries. Requiring monthly D–SNAP data on the FNS–388, will not duplicate any data collection currently in place, as the FNS–292B, serves as a final summary and closeout of the disaster response period and is not meant to provide periodic updates.

Revisions to the FNS–388, are not yet finalized, however the following updates are projected:

- Addition of data elements ''D–SNAP (New Households)'' and ''Disaster Supplements (Ongoing SNAP Households)'' in the *Issuance* section. ''Current Month'' data will not be required for these elements.
- Addition of data elements ''D–SNAP (New Participants)'' and ''Disaster Supplements (Ongoing SNAP Participants)'' in the *Participants* section. ''Current Month'' data will not be required for these elements.
- Addition of data elements ''D–SNAP (New Households)'' and ''Disaster Supplements (Ongoing SNAP Households)'' in the *Households* section. ''Current Month'' data will not be required for these elements.

The update to form FNS–388, is occurring in coordination with an update to form FNS–46, Issuance Reconciliation Report (OMB 0584–0080, expiration date March 31, 2014) to incorporate separate D–SNAP benefit issuance data points that mirror those collected on the FNS–388. The alignment of these two forms will ensure that the monthly D–SNAP benefit issuance data collected on the FNS–388, will have associated and corresponding final issuance reconciliations on the FNS–46.

State agencies in general only submit one statewide FNS–388 per month, which covers benefits from their Electronic Benefit Transfer (EBT) system. The exception is State agencies which choose to operate an approved alternative issuance demonstration project such as a cash-out system submit a separate report for each additional type of issuance system. The addition of D–SNAP estimates on FNS–388, will not impact the frequency of response or recordkeeping, but the update will minimally increase the burden associated with completing the form. As there are an average of six disasters requiring D–SNAP issuance each year, this change will not impact all States in all months. As a result of these program changes, FNS estimates the burden hours associated with completing the FNS–388, will increase by 30 minutes for each State responding to a disaster (estimated at 6). This will increase the time per response from 5.6 to an average of 5.65 per month ([(5.6*47) + (6*6)]/53) thereby increasing the total reporting burden hours for the FNS–388 to 3,389.8.

In addition, State agencies are required to submit a project area breakdown on the FNS–388, of issuance and participation data twice a year. The project area breakdown attached to the FNS–388, twice a year is known as the FNS–388A. This data is useful in identifying project areas that operate fraud detection units in accordance with the Act. The information provided on FNS–388A, will not change and the burden associated with this form remains as is.

As of August 2013, 100 percent of respondents submitted the FNS–388 and FNS–388A data electronically.

Affected Public: State agencies that administer SNAP.

Estimated Number of Respondents: 53.

Estimated Number of Responses per Respondent: 27.17.

Estimated Hours per Response: 3.602.

Estimated Total Annual Responses: 1,440.

Estimated Total Annual Burden on Respondents: The current burden inventory for this collection is 5,157. This revised annual reporting and recordkeeping burden for OMB No. 0584–0081, is estimated to be 5,186.6 hours. For the FNS–388, the response time has increased slightly from an estimated 5.6 hours per month to 5.71. This results in a burden increase of 29.6 hours annually. See the table below for estimated total annual burden for each type of respondent.

Affected public	Forms	Number of respondents	Frequency of response	Total annual responses	Time per response (hrs)	Annual burden hours
State Agencies	FNS–388	53	11.32	600	5.65	3,389.8
	FNS–388A	53	2.26	120	14.83	1,779.6
Reporting Burden		53		720		5,169.4
Affected public	Forms	Number of record-keepers	Frequency of response	Total annual records	Time per response (hrs)	Annual recordkeeping hours
State Agencies	FNS–388	53	11.32	600	.024	14.4
	FNS–388A	53	2.26	120	.024	2.88
Record-keeping Burden		53		720		17.28
Grand Total		53	27.170	1,440	3.602	5,186.6

Dated: September 5, 2013.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2013–22253 Filed 9–12–13; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of a Request for a Reinstatement of a Currently Approved Information Collection

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces that the Foreign Agricultural Service (FAS) intends to reinstate a currently approved information collection procedure for the Trade Adjustment Assistance for Farmers program as described in 7 CFR Part 1580.

DATES: Comments on this notice must be received by no later than November 12, 2013 to be assured of consideration.

ADDRESSES: We invite you to submit comments as requested in this notice. In your comment, include the Regulation Identifier Number (RIN) and volume, date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail, hand delivery, or courier:* Peter W. Burr, Branch Chief, Export Sales Reporting Branch, Import Policies and Export Reporting Division, Office of Trade Programs, Foreign Agricultural Service, 1400 Independence Avenue SW., Washington, DC 20250–1021, STOP 1021; or by email at *Pete.Burr@fas.usda.gov;* or by telephone at (202) 720–3274; or fax to (202) 720–0876. Comments will be available for inspection online at *http://www.regulations.gov* and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TDD).

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or that is inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Peter W. Burr, Import Policies and Export Reporting Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture, STOP 1021, 1400 Independence Avenue SW., Washington, DC 20250–1021, (202) 720–3274., or email *Pete.Burr@fas.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Trade Adjustment Assistance for Farmers.

OMB Number: 0551–0040.

Expiration Date of Approval: June 30, 2013.

Type of Request: Reinstatement of currently approved information collection.

Abstract: The American Recovery and Reinvestment Act of 2009 reauthorized and modified the Trade Adjustment Assistance for Farmers program as established by Subtitle C of Title I of the Trade Act of 2002, which amended the Trade Act of 1974. The Omnibus Trade Act of 2010 and the Trade Adjustment Assistance Extension Act of 2011 further amended the Trade Act of 1974. Under this program, the U.S. Department of Agriculture (USDA) provides technical assistance and cash benefits to eligible producers of raw agricultural commodities and fishermen

when the Foreign Agricultural Service (FAS) Administrator determines that increased imports of raw agricultural commodities, aquaculture products, or wild-caught aquatic species (jointly referred to as ''agricultural commodities'') have contributed importantly to a greater than 15 percent decrease in the national average price, or quantity of production, or value of production, or cash receipts for the agricultural commodity specified in the certified petition compared to the average of the three preceding marketing years. The regulation at 7 CFR Part 1580 establishes the procedure by which producers of raw agricultural commodities can petition (form FAS–930 or a reasonable substitute) for certification of eligibility and apply for technical assistance and cash payments. To receive consideration for TAA for Farmers certification, petitioners must supply the information required by 7 CFR 1580.203. Once a petition has been certified, individuals covered by the certification must apply for TAA for Farmers benefits in accordance with 7 CFR 1580.301. The specific information required on an application (form FSA–229) must be collected from those who wish to receive program benefits.

Estimate Number of Respondents: 1,000.

Estimate Number of Responses per Respondent: 1.

Estimated Burden of Hours per Response: 14 hours.

Estimated Total Annual Burden on Respondents: 14,000 hours.

Request for Comments: The public is invited to submit comments and suggestions to the above address regarding the accuracy of the burden, estimate, ways to minimize the burden, including through the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information. Comments on the issues covered by the Paperwork Reduction Act are most useful to OMB if received within 30 days of publication of the Notice and Request for Comments, but must be submitted no later than 60 days from the date of publication to be assured of consideration. 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.

FAS is committed to complying with the Government Paperwork Reduction Act which requires Government agencies, to the maximum extent feasible, to provide the public the option of electronically submitting information collection.

Signed at Washington, DC, on August 8, 2013.

Philip C. Karsting,

Administrator, Foreign Agricultural Service.

[FR Doc. 2013–22375 Filed 9–12–13; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Volunteer Application and Agreement for Natural and Cultural Resources Agencies

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the revision of a currently approved information collection, Volunteer Application and Agreement for Natural and Cultural Resources Agencies. This Information Collection Request also requests categorizing the associated forms as a Common forms, meaning Forest Service will only request approval for its own use of the forms, rather than aggregating the burden estimate across all Federal Agencies, as was done for previous actions on this OMB control number.

DATES: Comments must be received in writing on or before November 12, 2013 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Nancy Coyote, Volunteers & Service, USDA Forest Service, 1400 Independence Avenue SW., Mailstop 1136, Washington, DC 20250–1136. Comments also may be submitted via email to: *ncoyote@fs.fed.us.*

The public may inspect comments received at USDA Forest Service, 1621 N Kent Street, Rosslyn Plaza East, Room 1010, Arlington, VA during normal business hours. Visitors are encouraged to call ahead to 703–605–4831 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Nancy Coyote, Volunteers & Service, 503–347–9991.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, between 8 a.m. and 8 p.m., Eastern Standard time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title: Volunteer Application and Agreement for Natural and Cultural Resources Agencies.

OMB Number: 0596–0080.

Expiration Date of Approval: December 31, 2013.

Type of Request: Revision of a currently approved collection.

Abstract: The collected information is needed by participating natural resources agencies to manage agency volunteer programs. Information is collected from potential and selected volunteers of all ages. Those under the age of 18 years must have written consent from a parent or guardian.

Participating Agencies

The volunteer programs of the following natural resource agencies are included:

1. *Department of Agriculture:* Forest Service and Natural Resources Conservation Service;

2. *Department of the Interior:* National Park Service, Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, and U.S. Geological Survey;

3. *Department of Defense:* U.S. Army Corps of Engineers; and

4. *Department of Commerce:* National Oceanic and Atmospheric Administration.

New Form Introduced With This Request

OF–301B Volunteer Sign-up Form for Groups: This form is used by participating resource agencies to document awareness and understanding, between a Federal agency and a partner organization with group participants, about the volunteer activities. Parental signatures of parents or guardians of minors are mandatory for applicants.

Once OMB approves the use of these Common forms, federal agencies may request OMB approval to use these Common forms without having to publish notices and request for public comments. Each agency must account for the burden associated with their use of the Common forms.

Estimate of Burden per Response: 6 to 15 minutes per form.

Type of Respondents: Individuals and Private Sector Volunteer Organizations.

Estimated Annual Number of Respondents: 83,690.

Estimated Annual Number of Responses per Respondent: 1.77.

Estimated Total Annual Burden on Respondents: 24,411 hours.

Comment is Invited: Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the

accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: September 6, 2013.

James M. Peña,

Associate Deputy Chief, National Forest System.

[FR Doc. 2013–22259 Filed 9–12–13; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Description and Final Map for Sandy Wild and Scenic River, Upper Portion, Mount Hood National Forest, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: In accordance with section 3(b) of the Wild and Scenic Rivers Act, the USDA Forest Service, Washington Office, is transmitting the final boundary description and map of the Sandy Wild and Scenic River, Upper Portion, to Congress.

DATES: The boundaries and classification of the Sandy Wild and Scenic River, Upper Portion, shall not become effective until ninety (90) days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives. In accordance with Section 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274), the detailed boundary descriptions and final maps were forwarded on August 21, 2013.

ADDRESSES: Documents may be viewed at USDA Forest Service, Wilderness and Wild and Scenic Rivers, 1601 N. Kent Street, Plaza C, Suite 4110B, Rosslyn, VA 22209, and at the Supervisor's Office of the Mount Hood National Forest, 16400 Champion Way, Sandy, Oregon 97055.

FOR FURTHER INFORMATION CONTACT: Information may be obtained by contacting the following office: Mount Hood National Forest, 16400 Champion Way Sandy, Oregon 97055, 503–668–1700, *lbpramuk@fs.fed.us*. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Sandy Wild and Scenic River, Upper Portion, boundary is available for review at the following offices: USDA Forest Service, Wilderness and Wild and Scenic Rivers, 1601 N. Kent Street, Plaza C, Suite 4110B, Rosslyn, VA 22209; USDA Forest Service Pacific Northwest Region, 333 SW. First Avenue, Portland, OR 97208.

The Omnibus Oregon Wild and Scenic Rivers Act of October 28, 1988 designated the Sandy Wild and Scenic River, Upper Portion, to be Administered by the Secretary of Agriculture. As specified by law, the boundary will not be effective until ninety (90) days after Congress receives the transmittal.

Dated: September 4, 2013.

Kent Connaughton,

Regional Forester, Pacific Northwest Region.

[FR Doc. 2013–22143 Filed 9–12–13; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Description and Final Map for Roaring Wild and Scenic River, Mount Hood National Forest, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: In accordance with section 3(b) of the Wild and Scenic Rivers Act, the USDA Forest Service, Washington Office, is transmitting the final boundary description and map of the Roaring Wild and Scenic River to Congress.

DATES: The boundaries and classification of the Roaring Wild and Scenic River shall not become effective until ninety (90) days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives. In accordance with Section 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274), the detailed boundary descriptions and final maps were forwarded on August 21, 2013.

ADDRESSES: Documents may be viewed at USDA Forest Service, Wilderness and Wild and Scenic Rivers, 1601 N. Kent Street, Plaza C, Suite 4110B, Rosslyn, VA 22209, and at the Supervisor's Office of the Mount Hood National Forest, 16400 Champion Way, Sandy, Oregon 97055.

FOR FURTHER INFORMATION CONTACT: Information may be obtained by contacting the following office: Mount Hood National Forest, 16400 Champion Way, Sandy, Oregon 97055, 503–668–1700, *lbpramuk@fs.fed.us*. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Roaring Wild and Scenic River boundary is available for review at the following offices: USDA Forest Service, Wilderness and Wild and Scenic Rivers, 1601 N. Kent Street, Plaza C, Suite 4110B, Rosslyn, VA 22209; USDA Forest Service Pacific Northwest Region, 333 SW. First Avenue, Portland, OR 97208.

The Omnibus Oregon Wild and Scenic Rivers Act of October 28, 1988 designated the Roaring Wild and Scenic River, to be Administered by the Secretary of Agriculture. As specified by law, the boundary will not be effective until ninety (90) days after Congress receives the transmittal.

Dated: September 4, 2013.

Kent Connaughton,

Regional Forester, Pacific Northwest Region.

[FR Doc. 2013–22141 Filed 9–12–13; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Medicine Bow-Routt National Forests and Thunder Basin National Grassland; Wyoming; Thunder Basin National Grassland Prairie Dog Amendment

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service intends to prepare an environmental impact statement to analyze and disclose the environmental effects of amending the 2001 Thunder Basin National Grassland Plan to modify Categories 1 and 2 of the 2009 Prairie Dog Management Strategy. The amendment is being proposed to address continuing concerns regarding prairie dog management, raised by the

State of Wyoming (April 17, 2013). The Forest Service also proposes to make minor modifications to the 2009 Prairie Dog Management Strategy, as detailed below in the Proposed Action section.

DATES: Comments concerning the scope of the analysis must be received by October 28, 2013.

ADDRESSES: Written comments concerning this notice should be addressed to Responsible Official, Douglas Ranger District, 2250 East Richards Street, Douglas, Wyoming 82633. Comments may also be sent via email to *comments-rm-mbr-douglas-thunder-basin@fs.fed.us* or via facimile to (307) 358–7107.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the address provided above. Visitors are encouraged to call ahead (307–358–4690) to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Thomas Whitford, District Ranger, Douglas Ranger District, Medicine Bow-Routt National Forests and Thunder Basin National Grassland. Telephone: (307) 358–4690.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: In 2009 the Douglas Ranger District completed a Black-tailed Prairie Dog (BTPD) Management Strategy (2009 Strategy) for the Thunder Basin National Grassland (TBNG). The 2009 Strategy was developed collaboratively with the Thunder Basin Grassland Prairie Ecosystem Association (TBGPEA—a landowner/grazing association group), Wyoming Game and Fish Department, Bureau of Land Management, U.S. Fish and Wildlife Service, and other groups and required an amendment to the 2001 TBNG Land and Resource Management Plan (Grassland Plan). The amendment included a variety of management tools to provide for the conservation of black-tailed prairie dogs and their habitat on the TBNG and expanded the use of rodenticides beyond the strict limitations provided for in the 2001 Grassland Plan. These tools were intended to promote the expansion of prairie dogs in designated areas while allowing alternative approaches to reduce the impacts to private lands. The Final Environmental Impact Statement (Final EIS) was released on October 16, 2009 and the Record of Decision (ROD) was signed November 12, 2009. Although the ROD was appealed by two ranchers and one grazing association, the Decision was upheld in February 2010.

Categories were developed in the 2009 Strategy to ensure prairie dog management at different levels to: (1) Accommodate potential black-footed ferret reintroduction; (2) provide adequate habitat and broad geographic distribution to sustain viable populations of prairie dogs and their associated species across the TBNG; (3) distribute prairie dog populations to both mitigate the effects of a potential plague epizootic and provide a source for natural dispersal; and (4) accommodate differing levels of prairie dog control.

The Category 1 area was designed to be of an adequate size and spatial configuration to sustain viable populations of prairie dogs to support a population of potentially reintroduced black-footed ferrets. The primary objective of the Category 2 areas was to provide for viable populations of prairie dogs and their associated species, promoting ecological diversity at broader spatial scales on the grassland. Category 3 and 4 areas are similar in that they were intended as source areas for BTPDs in the event of a plague epizootic that could serve as natural dispersal populations. Categories 3 and 4 are made distinct by their geographical locations (i.e., Category 3 areas are south of Highway 450 and Category 4 areas are north of Highway 450). Prairie dog control measures are most highly regulated in the Category 1 area and become less regulated in the subsequent Categories.

Decision screens were also developed in the 2009 Strategy to identify ''Decision Points'' for the use of lethal and non-lethal management tools to control unwanted prairie dog population expansions off National Forest System lands. ''Decision Points'' were identified depending on the Category (1–4) and issues within the Category (e.g., proximity to private land and threats to public health and safety). The purpose of the decision screens was to provide a visual account of how decisions would be made in reference to the 2009 Strategy and to provide a clear and consistent decision-making process.

The 2009 Strategy further established control colonies to address human health and safety concerns around residences, as well as colony expansion onto private land outside of and near the boundaries of Categories 1, 2, 3, and 4. The control colonies were a product of negotiations with TBGPEA and the Forest Service; colonies are managed on a priority basis using a variety of control tools, with translocation being used when possible to augment colonies in Categories 1 and 2.

The Douglas Ranger District has been implementing the 2009 Prairie Dog Management Strategy for the last four years. Translocation, vegetation management through prescribed burns, fencing, and other non-lethal control and enhancement activities have been used. Implementation activities have generated conflict and controversy with some local landowners and grazing permittees, including a group called Rochelle Community Organization Working for Sustainability (RCOWS). RCOWS includes approximately 15 of the 175 permit holders on the TBNG. Although not wide-spread, these landowners have engaged actively with congressional staffs, the Governor's office, state agencies, county weed and pest control districts, and county commissions regarding concerns with how the Strategy is being implemented.

In February of 2012, a representative of RCOWS highlighted an error found in the text of the 2009 ROD under the description of the Category 3 colonies. The reference in the ROD to Category 3 areas falling *''south of Highway 450 and East of R67W''* does not match the maps provided in either the Final EIS or the ROD; these maps depict Category 3 areas *West* of R67W. After investigation, it was determined that the language, as stated in the ROD (''East of R67W''), is a typographical error that was consistently used throughout the Final EIS, ROD, and 2009 Strategy to describe the location of Category 3 areas. Since the error was brought to light, the Forest Service has been working with the State of Wyoming and other affected landowners to address the error and to highlight additional measures that could be taken to modify the 2009 Prairie Dog Management Strategy.

In April of 2013, the State of Wyoming submitted a proposal to the Forest Service requesting an amendment to the 2009 Prairie Dog Management Strategy. Specifically, the State's proposal requests the establishment of a ¼ mile buffer around all private and state lands within and adjacent to Category 1 and 2 areas. The proposal further requests that all management tools be available for use within the buffer (including the expansion of poisons) to control and prevent unwanted prairie dog colonies from encroaching onto adjacent private and state lands. The State's proposal goes beyond just fixing the identified East/West error and highlighting additional measures that could be taken to modify

the 2009 Prairie Dog Management Strategy, as described in the previous paragraph. It is a revised strategy designed to ''increase management flexibility, protect landowners, and support prairie dog populations on the TBNG'' (State of Wyoming, April 17, 2013).

Estimated Dates

The draft environmental impact statement is expected in April 2014 and the final environmental impact statements is expected in August 2014.

Purpose and Need for Action

The *purpose* of this project is to:

(1) Respond to specific concerns from the State of Wyoming relative to prairie dog management on the TBNG;

(2) Ensure habitat requirements are met and necessary acreages are provided to support viable populations of prairie dogs and their associated species on the TBNG;

(3) Correct an error identified in the 2009 Prairie Dog Management Strategy ROD (p. 6) under the description of Category 3 areas (i.e., The reference in the ROD to Category 3 areas falling *''south of Highway 450 and East of R67W''* does not match the maps provided in either the Final EIS or the ROD; these maps depict Category 3 areas *West* of R67W); and

(4) Clarify elements of the 2009 Prairie Dog Management Strategy and consolidate Prairie Dog Management Strategy Categories 3 and 4 into a single 'Category' with corresponding management objectives.

The project is *needed* to:

- Decrease the potential expansion of prairie dog colonies onto adjacent private and/or state lands in Prairie Dog Management Categories 1 and 2 through boundary management;
- Ensure consistency with the current Wyoming Game and Fish Department Prairie Dog Translocation Policy;
- Maintain sufficient acres of prairie dog habitat: (a) To support black-footed ferret reintroduction; (b) to support other dependent species; and (c) to maintain Region 2 sensitive species, consistent with Forest Service policy and direction;
- Ensure that lands added through future land exchanges and/or acquisitions would be managed in relation to the Prairie Dog Management Strategy; and
- Eliminate designated control colonies, as identified in the 2009 Prairie Dog Management Strategy.

Proposed Action

The Forest Service proposes to amend the 2001 Grassland Plan to modify Categories 1 and 2 of the 2009 Prairie Dog Management Strategy based on continuing management concerns raised by the State of Wyoming (April 17, 2013). Specifically, the Forest Service will consider:

1. Establishing a ¼ mile buffer around all private and state land and control prairie dogs within the buffer;
2. Modifying existing management tool options to allow shooting and the use of rodenticides, including anticoagulant rodenticides, within the ¼ mile buffer;
3. Removing or modifying decision screens associated with the 2009 Prairie Dog Management Strategy such that the use of controls in the ¼ mile buffer would not be contingent on any trigger or management tool; and
4. Extending the poisoning season to reflect timeframes identified on the poison labels.

The Forest Service met with the State of Wyoming to clarify elements of the proposal. Based on those discussions, it was determined that acceptable management tools could include: Approved rodenticides (zinc phosphide); shooting; land exchanges; land acquisitions; third-party solutions (e.g., financial incentives, conservation agreements, and conservation easements); translocation; dusting; vegetation management (e.g., mowing, prescribed burning, livestock management); predator enhancement (e.g., raptor perches and reduced predator control in prairie dog colonies); and use of physical barriers (e.g., fencing and vegetative barriers).

The Forest Service also proposes to make the following minor modifications to the 2009 Prairie Dog Management Strategy:

- Correct the East/West township reference error by combining Categories 3 and 4 into a single Category (Category 3);
- Delete the reference to the 4.35 mile translocation distance outlined in an obsolete Wyoming Game and Fish Department Translocation Policy (WGFD 2004);
- Develop language to address how lands added through future land acquisitions and/or exchanges would be managed in relation to the Prairie Dog Management Strategy (e.g., if lands are acquired in Category 1, they would be managed consistent with Category 1 land management strategies); and
- Eliminate designated control colonies, as identified in the 2009 Prairie Dog Strategy.

The scope of this proposal is limited to those actions described above. Other issues related to black-tailed prairie dog or black-footed ferret conservation and management in the project area are outside the scope of this proposed action.

Lead and Cooperating Agencies

The Forest Service has invited the United States Fish and Wildlife Service (USFWS) to be a cooperating agency; we are waiting on their reply.

Responsible Official

Phil Cruz, Forest Supervisor, Medicine Bow-Routt National Forests and Thunder Basin National Grassland, 2468 Jackson Street, Laramie, Wyoming 82070 is the official responsible for making the decision on this action. He will document his decision and rationale in a Record of Decision.

Nature of Decision To Be Made

The Thunder Basin National Grassland Prairie Dog Amendment environmental impact statement will evaluate site-specific management proposals, consider alternatives to the Proposed Action, and analyze the effects of the activities proposed in the alternatives. It will form the basis for the Responsible Official to determine:

1. Whether the Proposed Action will proceed as proposed, as modified by an alternative, or not at all; and
2. Design criteria and monitoring requirements necessary for project implementation.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. While public comments are welcome at any time, comments received during the scoping period are most useful for the identification of issues and the development and analysis of alternatives to the Proposed Action. More detailed information specific to the Proposed Action (e.g., scoping document and maps) is located on the World Wide Web at: *http://www.fs.fed.us/nepa/nepa_project_exp.php?project=42753.*

Along with this opportunity to comment, the Douglas Ranger District will also be hosting four Open House/Presentation meetings for the Thunder Basin National Grassland Prairie Dog Amendment. The Open House/Presentation meetings will be held on—October 7th, 8th, 9th, and 10th.

- October 7: Douglas, Wyoming—Douglas National Guard Armory—315 Pearson Road.
- October 8: Newcastle, Wyoming—USDA Hell Canyon Ranger District Office—1225 Washington Blvd.

• October 9: Wright, Wyoming—Wright Town Hall—201 Wright Blvd.

• October 10: Cheyenne, Wyoming—Laramie County Library—2200 Pioneer Ave.

The meetings will begin at 6:00 p.m. and generally last until 9:00 p.m.; the meeting in Cheyenne will end at 8:30 p.m. The meetings will start with a 30-minute Open House, followed by a short presentation, and ending with allotted time for comments, questions, and answers. Forest Service employees assigned to the Thunder Basin National Grassland Prairie Dog Amendment will be available to discuss and answer questions the public may have about the Proposed Action.

The Forest Service will be operating under the new Part 218—Project-level Pre-decisional Administrative Review Process (hereinafter referred to as 'objection'), 36 CFR part 218 Subparts A and B, for this analysis. Per these regulations, individuals and entities who submit timely, specific written comments regarding a proposed project or activity during any designated opportunity for public comment will have standing to file an objection. This includes requests for comments during this initial scoping period as well as comments submitted during the 45-day comment period for the Draft EIS.

It is the responsibility of persons providing comments to submit them by the close of established comment periods. Only those who submit timely and specific written comments will have eligibility (36 CFR 218.5) to file an objection under 36 CFR 218.8. For objection eligibility, each individual or representative from each entity submitting timely and specific written comments must either sign the comment or verify identity upon request. Individuals and organizations wishing to be eligible to object must meet the information requirements in § 218.25(a)(3). Names and contact information submitted with comments will become part of the public record and may be released under the Freedom of Information Act.

Comment Requested

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early state, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's positions and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: September 9, 2013.

Phil Cruz,

Forest Supervisor.

[FR Doc. 2013–22289 Filed 9–12–13; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of the Advisory Committee on Agriculture Statistics Meeting

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Agricultural Statistics Service (NASS) announces a meeting of the Advisory Committee on Agriculture Statistics.

DATES: The Committee meeting will be held from 8:30 a.m. to 5:30 p.m. on Wednesday, November 13, 2013, and from 8:00 a.m. to 12:30 p.m. on Thursday, November 14, 2013. There will be an opportunity for public questions and comments at 9:45 a.m. on November 14, 2013. All times mentioned herein refer to Central Standard Time.

ADDRESSES: The Committee meeting on November 13, 2013 will take place at the NASS National Operations Center, 9700 Page Avenue, Suite 400, St. Louis, Missouri, 63132. The Committee will meet on November 14, 2013, at the Doubletree by Hilton-Westport, 1973 Craigshire Road, St. Louis, Missouri, 63146. Written comments may be filed before or up to two weeks after the meeting with the contact person identified herein at: U.S. Department of Agriculture, National Agricultural Statistics Service, 1400 Independence Avenue SW., Room 5029, South Building, Washington, DC 20250–2000.

FOR FURTHER INFORMATION CONTACT: Hubert Hamer, Executive Director, Advisory Committee on Agriculture Statistics, telephone: 202–690–8141, fax: 202–690–1311, or email: *hubert.hamer@nass.usda.gov.* General information about the committee can also be found at *www.nass.usda.gov/about_nass.*

SUPPLEMENTARY INFORMATION: The Advisory Committee on Agriculture Statistics, which consists of 20 members appointed from 7 categories covering a broad range of agricultural disciplines and interests, has scheduled a meeting on November 13–14, 2013. During this time the Advisory Committee will discuss topics including the status of NASS programs, Census of Agriculture Updates, Census of Agriculture Follow-on Survey Plans, and the NASS 5-Year Operating Plan Initiatives.

The Committee meeting is open to the public. The public is asked to pre-register for the meeting at least 10 business days prior to the meeting. Your pre-registration must state the names of each person in your group, organization, or interest represented; the number of people planning to give oral comments, if any; and whether anyone in your group requires special accommodations. Submit registrations to Executive Secretary, Advisory Committee on Agriculture Statistics, via fax: 202–690–1311, or email: *hq_dapp@nass.usda.gov.* Members of the public who request to give oral comments to the Committee must arrive at the meeting site by 8:45 a.m. on Thursday, November 14, 2013. Written comments by attendees or other interested stakeholders will be welcomed for the public record before and up to two weeks following the

meeting. The public may file written comments by mail to the Executive Director, Advisory Committee on Agriculture Statistics, U.S. Department of Agriculture, National Agricultural Statistics Service, 1400 Independence Avenue SW., Room 5029 South Building, Washington, DC 20250–2000. Written comments can also be sent via fax: 202–690–1311, or email: *hq_dapp@nass.usda.gov.* All statements will become a part of the official records of the USDA Advisory Committee on Agriculture Statistics and will be kept on file for public review in the office of the Executive Director, Advisory Committee on Agriculture Statistics, U.S. Department of Agriculture, Washington, DC 20250.

Signed at Washington, DC, September 5, 2013.

Joseph T. Reilly,

Associate Administrator, National Agricultural Statistics Service.

[FR Doc. 2013–22325 Filed 9–12–13; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funds Availability (NOFA) Inviting Applications for the Rural Community Development Initiative (RCDI) for Fiscal Year 2013

AGENCY: Rural Housing Service, USDA.

ACTION: Notice; correction.

SUMMARY: The Rural Housing Service published a document in the **Federal Register** on August 14, 2013, announcing the availability of $5,676,077 for competitive grant funds for the Rural Community Development Initiative (RCDI) program. This action is taken to correct the Rural Development State Office contact information.

Correction

In the **Federal Register** of August 14, 2013, in FR Doc. 2013–19773, on page 49451, in the second column, the Rural Development Arizona State Office phone number should read (602) 280–8745.

Correction

In the **Federal Register** of August 14, 2013, in FR Doc. 2013–19773, on page 49451, in the third column, the Rural Development Florida State Office phone number should read (352) 338–3440.

Correction

In the **Federal Register** of August 14, 2013, in FR Doc. 2013–19773, on page 49451, in the third column, the Rural Development Georgia State Office phone number should read (706) 546–2171.

Correction

In the **Federal Register** of August 14, 2013, in FR Doc. 2013–19773, on page 49451, in the third column, the Rural Development Illinois State Office TDD phone number was removed.

Correction

In the **Federal Register** of August 14, 2013, in FR Doc. 2013–19773, on page 49451, in the third column, the listing for the Rural Development Maine State Office, address to contact should read:

Maine State Office, 967 Illinois Avenue, Suite 4, Bangor, ME 04401–2767, (207) 990–9124, TDD (207) 942–7331; Ron Lambert

Correction

In the **Federal Register** of August 14, 2013, in FR Doc. 2013–19773, on page 49452, in the first column, the Rural Development New York State Office phone number should read (315) 477–6429.

Correction

In the **Federal Register** of August 14, 2013, in FR Doc. 2013–19773, on page 49452, in the first column, the listing for the Rural Development Oklahoma State Office, address to contact should read:

Oklahoma State Office, 3001 Azalea Park Drive, Muskogee, OK 74401, (918) 682–8831, TDD (405) 742–1007, Jerry Efurd

Correction

In the **Federal Register** of August 14, 2013, in FR Doc. 2013–19773, on page 49452, in the first and second columns, the listing for the Rural Development Vermont State Office, address to contact should read:

Vermont State Office, 87 State Street, Suite 324, P.O. Box 249, Montpelier, VT 05601–0249, (802) 828–6033, TDD (802) 223–6365, Rhonda Shippee

Correction

In the **Federal Register** of August 14, 2013, in FR Doc. 2013–19773, on page 49452, in the second column, the Rural Development Virginia State Office phone number should read (804) 287–1557.

Correction

In the **Federal Register** of August 14, 2013, in FR Doc. 2013–19773, on page 49452, in the second column, the listing for the Rural Development Wisconsin State Office, address to contact should read:

Wisconsin State Office, 5417 Clem's Way, Stevens Point, WI 54482, (715) 345–7615, TDD (715) 345–7610, Brian Deaner

Dated: August 22, 2013.

Richard A. Davis,

Acting Administrator, Rural Housing Service.

[FR Doc. 2013–22308 Filed 9–12–13; 8:45 am]

BILLING CODE 3410–XV–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Maine 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 orientation and planning meetings of the Maine Advisory Committee to the Commission will convene at 11:00 a.m. (EDT) on September 26, 2013, 309 Cumberland Avenue, Suite 201, Portland, ME 04112. The purpose of the orientation meeting is to provide ethics training and to describe the rules of operation for SAC activities to the Committee members. The purpose of the planning meeting is to review recent Commission and regional activities, discuss current civil rights issues in the State and to plan future activities.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by October 30, 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 on: September 10, 2013.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2013–22304 Filed 9–12–13; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Massachusetts 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 and briefing meeting of the Massachusetts Advisory Committee to the Commission will convene at 9:30 a.m. (EDT) on September 25, 2013, at 400 Huntington Ave., Boston, Massachusetts 02115. The purpose of the briefing meeting is to hear from experts including government officials, advocates, and other experts on the issue of the criminalization of school discipline. The planning meeting will discuss the next steps for the project and consider a timeline for completing tasks related to the project.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by October 30, 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 on September 10, 2013.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2013–22303 Filed 9–12–13; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–82–2013]

Foreign-Trade Zone (FTZ) 203—Moses Lake, Washington; Notification of Proposed Production Activity; AREVA Inc. (Fuel Rod Assemblies); Richland, Washington

The Moses Lake Public Corporation, grantee of FTZ 203, submitted a notification of proposed production activity to the FTZ Board on behalf of AREVA Inc. (AREVA), located in Richland, Washington. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on August 29, 2013.

The AREVA facility is located within Site 4 of FTZ 203. The facility is used for the processing of components into fuel rod assemblies. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt AREVA from customs duty payments on the foreign status components used in export production. On its domestic sales, AREVA would be able to choose the duty rate during customs entry procedures that applies to fuel rod assemblies (duty rate—3.3%) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components and materials sourced from abroad include: Tie plates; channels; spacers; end caps; springs; top and bottom nozzles; cages; guide tubes; and tubes, bar stocks, wires and plates of zirconium (duty rate ranges from 3.3 to 3.7%).

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 23, 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 30, 2013.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–22031 Filed 9–12–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–932]

Certain Steel Threaded Rod From the People's Republic of China; 2012–2013; Partial Rescission of the Fourth Antidumping Duty Administrative Review

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

SUMMARY: On June 3, 2013, the Department of Commerce (''the Department'') published a notice of initiation of an administrative review of the antidumping duty order on certain steel threaded rod from the People's Republic of China (''PRC'') based on multiple timely requests for an administrative review, and on August 28, 2013, the Department issued a correction to the notice of initiation. The review covers 80 companies. Based on a withdrawal of the requests for review of certain companies from Vulcan Threaded Products, Inc. (''Petitioner''), we are now rescinding this administrative review with respect to seven companies.

DATES: *Effective Date:* September 13, 2013.

FOR FURTHER INFORMATION CONTACT: Julia Hancock or Jerry Huang, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–1394 or (202) 482–4047, respectively.

Background

In April 2013, the Department received multiple timely requests to conduct an administrative review of the antidumping duty order on certain steel threaded rod from the PRC (''the

Order''). Based upon these requests, on June 3, 2013, the Department published a notice of initiation of an administrative review of the Order covering the period April 1, 2012, to March 31, 2013.[1] The Department incorrectly included three companies in the *Initiation Notice,* which was corrected in the *August Initiation Notice,* where the Department removed these three companies and instead initiated on two other companies.[2] The Department has initiated an administrative review with respect to 80 companies. On July 5, 2013, Petitioner withdrew its request for an administrative review on Certified Products International Inc. (''CPI''); Gem-Year Industrial Co., Ltd. (''Gem Year''); Haiyan Julong Standard Part Co., Ltd. (''Haiyan Julong''); Jiashan Zhongsheng Metal Products Co., Ltd. (''Jiashan Zhongsheng''); Jiaxing Xinyue Standard Part Co., Ltd. (''Jiaxing Xinyue''); Suntec Industries Co., Ltd. (''Suntec Industries''); and Shanghai Prime Machinery Co., Ltd. (''Shanghai Prime'').[3] Petitioner was the only party to request a review of these companies.

Partial Rescission

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. Petitioner's requests for review of CPI, Gem Year, Haiyan Julong, Jiashan Zhongsheng, Jiaxing Xinyue, Suntec Industries, and Shanghai Prime were withdrawn within the 90-day period. Because Petitioner's requests for review were timely withdrawn and because no other party requested a review of CPI, Gem Year, Haiyan Julong, Jiashan Zhongsheng, Jiaxing Xinyue, Suntec Industries, and Shanghai Prime, and each have separate rates from a prior segment of the proceeding, in accordance with 19 CFR 351.213(d)(1), we are partially rescinding this review with respect to these companies.

Assessment Rates

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries.[4] Because CPI, Gem Year, Haiyan Julong, Jiashan Zhongsheng, Jiaxing Xinyue, Suntec Industries, and Shanghai Prime have a separate rate from a prior segment of this proceeding, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(2). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as a final reminder to importers for whom this review is being rescinded, as of the publication date of this notice, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (''APO'') 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 or 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).

Dated: September 6, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–22361 Filed 9–12–13; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 33052, 33056–8 (June 3, 2013) (''*Initiation Notice*'').

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 53128, 53130 (August 28, 2013) (''*August Initiation Notice*'') at footnote 6. Moreover, in *August Initiation Notice* at footnote 5, the Department intended to state that ''{i}f one of the companies for which a review was requested does not qualify for a separate rate, all other exporters of Certain Steel Threaded Rod from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.''

[3] We note that there are additional companies for which all review requests were withdrawn within the 90 day period. *See* Letter to the Department from Petitioner, Re: Certain Steel Threaded Rod from the People's Republic of China: Petitioners' Withdrawal of Review Requests for Certain Companies, (July 5, 2013). These additional companies for which all review requests were withdrawn do not have a separate rate from a prior segment of this proceeding. We intend to address the disposition of these companies in the preliminary results of this review.

[4] *See* 19 CFR 351.212(b)(1).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–602]

Brass Sheet and Strip From France: Rescission of Antidumping Duty Administrative Review; 2012–2013

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

DATES: *Effective Date:* September 13, 2013.

FOR FURTHER INFORMATION CONTACT: Mark Flessner or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6312 or (202) 482–0469, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 1, 2013, the Department of Commerce (the Department) published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on brass sheet and strip from France for the period of review (POR) of March 1, 2012, through February 28, 2013.[1] The Department received a timely request from petitioners GBC Metals, LLC (of Global Brass and Copper, Inc., doing business as Olin Brass), Heyco Metals, Inc., Aurubis Buffalo, Inc., PMX Industries, Inc., and Revere Copper Products, Inc. (collectively, petitioners), in accordance with 19 CFR 351.213(b), for an administrative review of the antidumping duty order on brass sheet and strip from France. On May 1, 2013, the Department published a notice of initiation of an administrative review of the antidumping duty order on brass sheet and strip from France with respect to two companies, Griset, S.A. and KME

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 78 FR 13858 (March 1, 2013).

France (formerly known as Trefimetaux).[2]

The Department stated in its initiation of this review that it intended to rely on U.S. Customs and Border Protection (CBP) data to select respondents.[3] However, our review of the CBP database, with respect to the companies for which this review was requested, showed no entries of subject merchandise during the POR.[4] We released the results of our CBP data query to the petitioners (the only interested party to this segment of the proceeding) and invited them to comment on the CBP data. We received no comments on the CBP data.

Rescission of Review

Section 351.213(d)(1) of the Department's regulations stipulates that the Secretary will rescind an administrative review under this section, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. As the only party that requested a review (petitioners) withdrew the request within 90 days of the date of publication of notice of initiation of the requested review, we are rescinding this review of the antidumping duty order on brass sheet and strip from France pursuant to 19 CFR 351.213(d)(1).[5] We intend to issue assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: September 5, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–22354 Filed 9–12–13; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 25418 (May 1, 2013).

[3] *Id.*

[4] *See* Memorandum from Mark Flessner to the File entitled, ''Brass Sheet and Strip from France: Placement on the Record of Results of Inquiry to U.S. Customs and Border Patrol for 2012–2013 Period of Review,'' dated June 3, 2013; note that the agency's proper title, U.S. Customs and Border Protection, was misstated in the memorandum title.

[5] *See* letter from petitioners to the Secretary of Commerce entitled, ''Brass Sheet and Strip from France,'' dated July 30, 2013, at 2.

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Solicitation of Applications for Allocation of Tariff Rate Quotas on the Import of Certain Worsted Wool Fabrics to Persons Who Cut and Sew Men's and Boys' Worsted Wool Suits, Suit-Type Jackets and Trousers in the United States

AGENCY: International Trade Administration, Department of Commerce.

ACTION: The Department of Commerce (''Department'') is soliciting applications for an allocation of the 2014 tariff rate quotas on certain worsted wool fabric to persons who cut and sew men's and boys' worsted wool suits, suit-type jackets and trousers in the United States.

SUMMARY: The Department hereby solicits applications from persons (including firms, corporations, or other legal entities) who cut and sew men's and boys' worsted wool suits, suit-type jackets and trousers in the United States for an allocation of the 2014 tariff rate quotas on certain worsted wool fabric. Interested persons must submit an application on the form provided to the address listed below by October 15, 2013. The Department will cause to be published in the **Federal Register** its determination to allocate the 2014 tariff rate quotas and will notify applicants of their respective allocation as soon as possible after that date. Promptly thereafter, the Department will issue licenses to eligible applicants.

DATES: To be considered, applications must be received or postmarked by 5 p.m. on October 15, 2013.

ADDRESSES: Applications must be submitted to the Office of Textiles and Apparel, Room 30003, U.S. Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230 (telephone: (202) 482–3400). Application forms may be obtained from that office (via mail or facsimile) or from the following Internet address: *http://otexa.ita.doc.gov/wooltrq/wool_app.htm.*

FOR FURTHER INFORMATION CONTACT: Laurie Mease, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–2043.

SUPPLEMENTARY INFORMATION:

Background

Title V of the Trade and Development Act of 2000 (the Act) created two tariff rate quotas (TRQs), providing for temporary reductions in the import duties on limited quantities of two categories of worsted wool fabrics suitable for use in making suits, suit-type jackets, or trousers: (1) For worsted wool fabric with average fiber diameters greater than 18.5 microns (Harmonized Tariff Schedule of the United States (HTS) heading 9902.51.11); and (2) for worsted wool fabric with average fiber diameters of 18.5 microns or less (HTS heading 9902.51.12). On August 6, 2002, President Bush signed into law the Trade Act of 2002, which includes several amendments to Title V of the Act. On December 3, 2004, the Act was further amended pursuant to the Miscellaneous Trade Act of 2004, Public Law 108–429, by increasing the TRQ for worsted wool fabric with average fiber diameters greater than 18.5 microns, HTS 9902.51.11, to an annual total level of 5.5 million square meters, and extending it through 2007, and increasing the TRQ for average fiber diameters of 18.5 microns or less, HTS 9902.51.15 (previously 9902.51.12), to an annual total level of 5 million square meters and extending it through 2006. On August 17, 2006 the Act was further amended pursuant to the Pension Protection Act of 2006, Public Law 109–280, which extended both TRQs, 9902.51.11 and 9902.51.15, through 2009. The Senate-passed Emergency Economic Stabilization Act of 2008 extended the TRQ for both HTS numbers through 2014.

The Act requires that the TRQs be allocated to persons who cut and sew men's and boys' worsted wool suits, suit-type jackets and trousers in the United States. On October 24, 2005, the Department adopted final regulations establishing procedures for allocating the TRQ. *See* 70 FR 61363; 19 CFR 335. In order to be eligible for an allocation, an applicant must submit an application on the form provided at *http://otexa.ita.doc.gov/wooltrq/wool_app.htm* to the address listed above by 5 p.m. on October 15, 2013 in compliance with the requirements of 15 CFR 335. Any business confidential information that is marked business confidential will be kept confidential and protected from disclosure to the full extent permitted by law.

Dated: September 9, 2013.

Janet E. Heinzen,

Acting Deputy Assistant Secretary for Textiles and Apparel

[FR Doc. 2013–22357 Filed 9–12–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Solicitation of Applications for Allocation of Tariff Rate Quotas on the Import of Certain Worsted Wool Fabrics to Persons Who Weave Such Fabrics in the United States

AGENCY: Department of Commerce, International Trade Administration.

ACTION: The Department of Commerce (Department) is soliciting applications for an allocation of the 2014 tariff rate quotas on certain worsted wool fabrics to persons who weave such fabrics in the United States.

SUMMARY: The Department hereby solicits applications from persons (including firms, corporations, or other legal entities) who weave worsted wool fabrics in the United States for an allocation of the 2014 tariff rate quotas on certain worsted wool fabrics. Interested persons must submit an application on the form provided to the address listed below by October 15, 2013. The Department will cause to be published in the **Federal Register** its determination to allocate the 2014 tariff rate quotas and will notify applicants of their respective allocation as soon as possible after that date. Promptly thereafter, the Department will issue licenses to eligible applicants.

DATES: To be considered, applications must be received or postmarked by 5 p.m. on October 15, 2013.

ADDRESSES: Applications must be submitted to the Office of Textiles and Apparel, Room 30003, U.S. Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230 (telephone: (202) 482–3400). Application forms may be obtained from that office (via facsimile or mail) or from the following Internet address: *http://otexa.ita.doc.gov/wooltrq/wool_fabric.htm*

FOR FURTHER INFORMATION CONTACT: Laurie Mease, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–2043.

SUPPLEMENTARY INFORMATION:

Background

Title V of the Trade and Development Act of 2000 (the Act) created two tariff rate quotas (TRQs), providing for temporary reductions in the import duties on limited quantities of two categories of worsted wool fabrics suitable for use in making suits, suit-type jackets, or trousers: (1) for worsted wool fabric with average fiber diameters greater than 18.5 microns (Harmonized Tariff Schedule of the United States (HTS) heading 9902.51.11); and (2) for worsted wool fabric with average fiber diameters of 18.5 microns or less (HTS heading 9902.51.12). On August 6, 2002, President Bush signed into law the Trade Act of 2002, which includes several amendments to Title V of the Act. On December 3, 2004, the Act was further amended pursuant to the Miscellaneous Trade Act of 2004, Public Law 108–429. The 2004 amendment included authority for the Department to allocate a TRQ for a new HTS category, HTS 9902.51.16. This HTS category refers to worsted wool fabrics with average fiber diameters of 18.5 microns or less. The amendment provided that HTS 9902.51.16 is for the benefit of persons (including firms, corporations, or other legal entities) who weave such worsted wool fabrics in the United States suitable for making men's and boys' suits. The TRQ for HTS 9902.51.16 provided for temporary reductions in the import duties on 2,000,000 square meters annually for 2005 and 2006. The amendment requires that the TRQ be allocated to persons who weave worsted wool fabrics with average fiber diameters of 18.5 microns or less, which are suitable for use in making men's and boys' suits, in the United States. On August 17, 2006, the Act was further amended pursuant to the Pension Protection Act of 2006, Public Law 109–280, which extended the TRQ for HTS 9902.51.16 through 2009. The Senate-passed Emergency Economic Stabilization Act of 2008 extended the TRQ for HTS 9902.51.16 through 2014.

On October 24, 2005, the Department adopted final regulations establishing procedures for allocating the TRQ. *See* 70 FR 61363; 19 CFR part 335. In order to be eligible for an allocation, an applicant must submit an application on the form provided at *http://otexa.ita.doc.gov/wooltrq/wool_fabric.htm* to the address listed above by 5 p.m. on October 15, 2013 in compliance with the requirements of 15 CFR part 335. Any business confidential information that is marked business confidential will be kept confidential and protected from disclosure to the full extent permitted by law.

Dated: September 9, 2013.

Janet E. Heinzen,

Acting Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 2013–22358 Filed 9–12–13; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC864

Pacific Fishery Management Council (Pacific Council); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Council's Salmon Technical Team (STT), Scientific and Statistical Committee (SSC) Salmon Subcommittee, and Model Evaluation Workgroup (MEW) will review proposed salmon methodology changes in a joint work session, which is open to the public.

DATES: The work session will be held Tuesday, October 1, 2013, from 1 p.m. to 4:30 p.m., Wednesday, October 2, 2013, from 9 a.m. to 4:30 p.m., and, if necessary to complete business, Thursday, October 3, 2013, from 9 a.m. to noon.

ADDRESSES: The work session will be held at the Holiday Inn Portland Airport, Mt. Bachelor Room, 8439 NE Columbia Blvd., Portland, OR 97220; telephone: (503) 256–5000.

FOR FURTHER INFORMATION CONTACT: Mike Burner, Staff Officer; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to discuss and review proposed changes to analytical methods used in salmon management. A list of potential topics for the work session includes but is not limited to: Oregon coastal natural coho marine survival rate index, Lower Columbia River natural coho matrix control rules, forecast methodologies for the Sacramento fall Chinook index, and improved modeling of sublegal Chinook encounters. The final list of topics for consideration at the work session is scheduled to be adopted by the Council at their September 12–17, 2013 meeting in Boise, ID.

Although non-emergency issues not contained in the meeting agenda may come before the STT, SSC Salmon Subcommittee, and MEW for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act,

provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: September 10, 2013.

Tracey L. Thompson,

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

[FR Doc. 2013–22292 Filed 9–12–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC865

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Groundfish Management Team (GMT) will hold a working meeting, which is open to the public.

DATES: The GMT meeting will be held Monday, September 30, 2013 from 1 p.m. until business for the day is completed. The GMT meeting will reconvene Tuesday, October 1, 2013 through Friday, October 4, 2013 from 8:30 a.m. until business for each day has been completed.

ADDRESSES: The meeting will be held at the Pacific Council Office, Large Conference Room, 7700 NE. Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

FOR FURTHER INFORMATION CONTACT: Ms. Kelly Ames or Mr. John DeVore, Staff Officers, Pacific Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The primary purpose of the GMT working meeting is to develop recommendations for 2015–16 groundfish harvest specifications and management measures, long-term impact analysis, and Amendment 24. The GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT. The GMT's task will be to develop recommendations for consideration by the Council at its November meeting in Costa Mesa, CA.

Although non-emergency issues not contained in the meeting agenda may come before the GMT for discussion, those issues may not be the subject of formal GMT action during this meeting. GMT action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the GMT's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: September 10, 2013.

Tracey L. Thompson,

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

[FR Doc. 2013–22293 Filed 9–12–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC824

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Pier Maintenance Project

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to construction activities as part of a pier maintenance project. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting public comment on its proposal to issue an incidental harassment authorization (IHA) to the Navy to take, by harassment only, two species of marine mammal during the specified activity.

DATES: Comments and information must be received no later than October 15, 2013.

ADDRESSES: Comments on this proposal should be addressed to Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.Laws@noaa.gov.*

Instructions: 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. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Availability

A copy of the Navy's application and any supporting documents, as well as a list of the references cited in this document, may be obtained by visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* In the case of problems accessing these documents, please call the contact listed above.

National Environmental Policy Act

The Navy has prepared a draft Environmental Assessment (*Pier 6 Pile Replacement Naval Base Kitsap*) in accordance with the National Environmental Policy Act (NEPA) and the regulations published by the Council on Environmental Quality. It is posted at the aforementioned site. NMFS will independently evaluate the EA and determine whether or not to adopt it. We may prepare a separate NEPA analysis and incorporate relevant portions of the Navy's EA by reference. Information in the Navy's application, EA, and this notice collectively provide the environmental information related to proposed issuance of this IHA for public review and comment. We will review all comments submitted in response to this notice as we complete the NEPA process, including a decision of whether to sign a Finding of No Significant Impact (FONSI), prior to a

final decision on the incidental take authorization request.

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified area, the incidental, but not intentional, taking of small numbers of marine mammals, providing that certain findings are made and the necessary prescriptions are established.

The incidental taking of small numbers of marine mammals may be allowed only if NMFS (through authority delegated by the Secretary) finds that the total taking by the specified activity during the specified time period will (i) have a negligible impact on the species or stock(s) and (ii) not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). Further, the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking must be set forth, either in specific regulations or in an authorization.

The allowance of such incidental taking under section 101(a)(5)(A), by harassment, serious injury, death or a combination thereof, requires that regulations be established. Subsequently, a Letter of Authorization may be issued pursuant to the prescriptions established in such regulations, providing that the level of taking will be consistent with the findings made for the total taking allowable under the specific regulations. Under section 101(a)(5)(D), NMFS may authorize such incidental taking by harassment only, for periods of not more than 1 year, pursuant to requirements and conditions contained within an Incidental Harassment Authorization. The establishment of prescriptions through either specific regulations or an authorization requires notice and opportunity for public comment.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.'' Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as: ''. . . any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.'' The former is termed Level A harassment and the latter is termed Level B harassment.

Summary of Request

On May 22, 2013, we received a request from the Navy for authorization of the taking, by Level B harassment only, of marine mammals incidental to pile driving in association with the Pier 6 pile replacement project at Naval Base Kitsap Bremerton, WA (NBKB). Through the consultation process, that request was modified on June 5, 2013, and a final version, which we deemed adequate and complete, was submitted on June 12, 2013. In-water work associated with the project would be conducted over three years and would occur only during the approved in-water work window from June 15 to March 1. This proposed IHA would be valid from December 1, 2013, through March 1, 2014. Two species of marine mammal are expected to be affected by the specified activities: California sea lion (*Zalophus californianus californianus*) and harbor seal (*Phoca vitulina richardii*). These species may occur year-round in the action area, although California sea lions are less common and potentially absent in the summer months.

NBKB serves as the homeport for a nuclear aircraft carrier and other Navy vessels and as a shipyard capable of overhauling and repairing all types and sizes of ships. Other significant capabilities include alteration, construction, deactivation, and dry-docking of naval vessels. Pier 6 was completed in 1926 and requires substantial maintenance to maintain readiness. Over the length of the entire project, the Navy proposes to remove up to 400 deteriorating fender piles and to replace them with up to 330 new pre-stressed concrete fender piles. Under this proposed IHA, the Navy proposes to conduct 20 days of vibratory pile removal and 45 days of pile installation with an impact hammer.

Effects to marine mammals from the specified activity are expected to result from underwater sound produced by vibratory and impact pile driving. In order to assess project impacts, the Navy used thresholds recommended by NMFS, outlined later in this document. The Navy assumed practical spreading loss and used empirically-measured source levels from representative pile driving events to estimate potential marine mammal exposures. Predicted exposures are described later in this document. The calculations predict that only Level B harassment would occur associated with pile driving activities, and required mitigation measures further ensure that no more than Level B harassment would occur.

Description of the Specified Activity

Specific Geographic Region and Duration

NBKB is located on the north side of Sinclair Inlet in Puget Sound (see Figures 1–1 and 2–1 of the Navy's application). Sinclair Inlet, an estuary of Puget Sound extending 3.5 miles southwesterly from its connection with the Port Washington Narrows, connects to the main basin of Puget Sound through Port Washington Narrows and then Agate Pass to the north or Rich Passage to the east. Sinclair Inlet has been significantly modified by development activities. Fill associated with transportation, commercial, and residential development of NBKB, the City of Bremerton, and the local ports of Bremerton and Port Orchard has resulted in significant changes to the shoreline. The area surrounding Pier 6 is industrialized, armored and adjacent to railroads and highways. Sinclair Inlet is also the receiving body for a wastewater treatment plant located just west of NBKB. Sinclair Inlet is relatively shallow and does not flush fully despite freshwater stream inputs.

The project is expected to require a maximum of 135 days of in-water impact pile driving work and 65 days of in-water vibratory pile removal work over a 3-year period. In-water work would occur only from June 15 to March 1 of any year. During the timeframe of this proposed IHA (December 1, 2013–March 1, 2014), 45 days of impact pile driving and 20 days of vibratory removal would occur.

Description of Specified Activity

The Navy plans to remove deteriorated fender piles at Pier 6 and replace them with prestressed concrete piles. The entire project calls for the removal of 380 12-in diameter creosoted timber piles and twenty 12-in steel pipe piles. These would be replaced with 240 18-in square concrete piles and 90 24-in square concrete piles. It is not possible to specify accurately the number of piles that might be installed or removed in any given work window, due to various delays that may be expected during construction work and uncertainty inherent to estimating production rates. The Navy assumes a notional production rate of four piles per day in determining the number of

days of pile driving expected, and scheduling—as well as exposure analyses—is based on this assumption.

All piles are planned for removal via vibratory driver. The driver is suspended from a barge-mounted crane and positioned on top of a pile. Vibration from the activated driver loosens the pile from the substrate. Once the pile is released, the crane raises the driver and pulls the pile from the sediment. Vibratory extraction is expected to take approximately 5–30 minutes per pile. If piles break during removal, the remaining portion may be removed via direct pull or with a clamshell bucket. Replacement piles would be installed via impact driver and would require approximately 15–60 minutes of driving time per pile, depending on subsurface conditions. Impact driving and/or vibratory removal could occur on any work day during the period of the proposed IHA.

Description of Sound Sources and Distances to Thresholds

Impacts from the specified activity on marine mammals are expected to result from the production of underwater sound; therefore, we provide a brief technical background on sound, the characteristics of certain sound types, and on metrics used in this proposal.

Background

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in hertz (Hz) or cycles per second. Wavelength is the distance between two peaks of a sound wave; lower frequency sounds have longer wavelengths than higher frequency sounds, and attenuate (decrease) more rapidly in shallower water. Amplitude is the height of the sound pressure wave or the ''loudness'' of a sound and is typically measured using the decibel (dB) scale. A dB is the ratio between a measured pressure (with sound) and a reference pressure (sound at a constant pressure, established by scientific standards), and is a logarithmic unit that accounts for large variations in amplitude; therefore, relatively small changes in dB ratings correspond to large changes in sound pressure. When referring to sound pressure levels (SPLs; the sound force per unit area), sound is referenced in the context of underwater sound pressure to 1 microPascal (μPa) and in the context of airborne sound pressure to 20 μPa. One pascal is the pressure resulting from a force of one newton exerted over an area of one square meter. The source level (SL) represents the sound level at a distance of 1 m from the source (referenced to 1 μPa). The received level is the sound level at the listener's position.

Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. Rms is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick, 1983). Rms accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper, 2005). This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures. Unless otherwise noted, all references to SPLs in this document are in dB rms and are referenced as described above.

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in all directions away from the source (similar to ripples on the surface of a pond), except in cases where the source is directional. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Ambient Sound

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound. Ambient sound is defined as environmental background sound levels lacking a single source or point (Richardson *et al.,* 1995), and the sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (e.g., waves, earthquakes, ice, atmospheric sound), biological (e.g., sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (e.g., vessels, dredging, aircraft, construction). A number of sources contribute to ambient sound, including the following (Richardson *et al.,* 1995):

- Wind and waves: The complex interactions between wind and water surface, including processes such as breaking waves and wave-induced bubble oscillations and cavitation, are a main source of naturally occurring ambient sound for frequencies between 200 Hz and 50 kHz (Mitson, 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Surf sound becomes important near shore, with measurements collected at a distance of 8.5 km from shore showing an increase of 10 dB in the 100 to 700 Hz band during heavy surf conditions.
- Precipitation: Sound from rain and hail impacting the water surface can become an important component of total sound at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times.
- Biological: Marine mammals can contribute significantly to ambient sound levels, as can some fish and shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz.
- Anthropogenic: Sources of ambient sound related to human activity include transportation (surface vessels and aircraft), dredging and construction, oil and gas drilling and production, seismic surveys, sonar, explosions, and ocean acoustic studies. Shipping sound typically dominates the total ambient sound for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly. Sound from identifiable anthropogenic sources other than the activity of interest (e.g., a passing vessel) is sometimes termed background sound, as opposed to ambient sound. Known sound levels and frequency ranges associated with anthropogenic sources similar to those that would be used for this project are summarized in Table 1.

TABLE 1—REPRESENTATIVE SOUND LEVELS OF ANTHROPOGENIC SOURCES

Sound source	Frequency range (Hz)	Underwater sound level (dB re 1 μPa)	Reference
Small vessels	250–1,000	151 dB rms at 1 m	Richardson *et al.,* 1995.
Tug docking gravel barge	200–1,000	149 dB rms at 100 m	Blackwell and Greene, 2002.

TABLE 1—REPRESENTATIVE SOUND LEVELS OF ANTHROPOGENIC SOURCES—Continued

Sound source	Frequency range (Hz)	Underwater sound level (dB re 1 μPa)	Reference
Vibratory driving of 72-in (1.8 m) steel pipe pile.	10–1,500	180 dB rms at 10 m	Reyff, 2007.
Impact driving of 36-in steel pipe pile	10–1,500	195 dB rms at 10 m	Laughlin, 2007.
Impact driving of 66-in cast-in-steel-shell pile.	10–1,500	195 dB rms at 10 m	Reviewed in Hastings and Popper, 2005.

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

The underwater acoustic environment in Sinclair Inlet is likely to be dominated by noise from day-to-day port and vessel activities. Normal port activities include vessel traffic from aircraft carriers, large ships, submarines, support vessels, and security boats, and loading and maintenance operations. Other sources of human-generated underwater sound in the area are recreational vessels, industrial ship noise, and ferry traffic at the adjacent Washington State Ferry Terminal. In 2009, the average broadband (100 Hz–20 kHz) underwater noise level at NBK Bangor in the Hood Canal was measured at 114 dB (Slater, 2009), which is within the range of levels reported for a number of sites within the greater Puget Sound region (95–135 dB; e.g., Carlson *et al.,* 2005; Veirs and Veirs, 2006). Measurements near ferry terminals in Puget Sound, such as the Bremerton terminal adjacent to NBKB, resulted in median noise levels (50% cumulative distribution function) between 106 and 133 dB (Laughlin, 2012). Although no specific measurements have been made at NBKB, it is reasonable to believe that levels may generally be higher than at NBK Bangor as there is a greater degree of activity, that levels periodically exceed the 120-dB threshold and, therefore, that the high levels of anthropogenic activity in the area create an environment far different from quieter habitats where behavioral reactions to sounds around the 120-dB threshold have been observed (e.g., Malme *et al.,* 1984, 1988).

Sound Source Characteristics

In-water construction activities associated with the project would include impact pile driving and vibratory pile removal. The sounds produced by these activities fall into one of two sound types: Pulsed and non-pulsed (defined in the following). The distinction between these two general sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (e.g., Ward, 1997 in Southall *et al.,* 2007). Please see Southall *et al.,* (2007) for an in-depth discussion of these concepts.

Pulsed sound sources (e.g., explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than 1 sec), broadband, atonal transients (ANSI, 1986; Harris, 1998; NIOSH, 1998; ISO, 2003; ANSI, 2005) and occur either as isolated events or repeated in some succession. Pulsed sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-pulsed sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or non-continuous (ANSI, 1995; NIOSH, 1998). Some of these non-pulsed sounds can be transient signals of short duration but without the essential properties of pulses (e.g., rapid rise time). Examples of non-pulsed sounds include those produced by vessels, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems. The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment.

Impact hammers operate by repeatedly dropping a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper, 2005). Vibratory hammers cause liquefaction of surrounding sediment through vibration, allowing installation as the weight of the hammer push piles down or removal as the crane pulls up. Vibratory hammers produce significantly less sound than impact hammers. Peak SPLs may be 180 dB or greater, but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.,* 2009). Rise time is slower, reducing the probability and severity of injury, and sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.,* 2005).

Sound Thresholds

NMFS currently uses acoustic exposure thresholds as important tools to help better characterize and quantify the effects of human-induced noise on marine mammals. These thresholds have predominantly been presented in the form of single received levels for particular source categories (e.g., impulse, continuous, or explosive) above which an exposed animal would be predicted to incur auditory injury or be behaviorally harassed. Current NMFS practice (in relation to the MMPA) regarding exposure of marine mammals to sound is that cetaceans and pinnipeds exposed to sound levels of 180 and 190 dB rms or above, respectively, are considered to have been taken by Level A (i.e., injurious) harassment, while behavioral harassment (Level B) is considered to have occurred when marine mammals are exposed to sounds at or above 120 dB rms for continuous sound (such as

will be produced by vibratory pile driving) and 160 dB rms for pulsed sound (produced by impact pile driving), but below injurious thresholds. For airborne sound, pinniped disturbance from haul-outs has been documented at 100 dB (unweighted) for pinnipeds in general, and at 90 dB (unweighted) for harbor seals. NMFS uses these levels as guidelines to estimate when harassment may occur.

NMFS is in the process of revising these acoustic thresholds, with the first step being to identify new auditory injury criteria for all source types and new behavioral criteria for seismic activities (primarily airgun-type sources). For more information on that process, please visit *http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm.*

Distance to Sound Thresholds

Underwater Sound—Pile driving generates underwater noise that can potentially result in disturbance to marine mammals in the project area. In order to estimate the distance at which sound produced by the specified activity would attenuate to relevant thresholds, one must, at minimum, be able to reasonably approximate source levels and transmission loss (TL), which is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. In general, the sound pressure level (SPL) at some distance away from the source (e.g., driven pile) is governed by a measured source level, minus the TL of the energy as it dissipates with distance.

The degree to which underwater sound propagates away from a sound source is dependent on a variety of factors, including source depth and frequency, receiver depth, water depth, bottom composition and topography, presence or absence of reflective or absorptive in-water structures, and oceanographic conditions such as temperature, current, and water chemistry. The general formula for underwater TL neglects loss due to scattering and absorption, which is assumed to be zero here. Spherical spreading occurs in a perfectly unobstructed (free-field) environment not limited by depth or water surface, resulting in a 6 dB reduction in sound level for each doubling of distance from the source (20*log[range]). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source (10*log[range]). A practical spreading value of 15 (4.5 dB reduction in sound level for each doubling of distance) is often used under intermediate conditions, and is assumed here.

Source level, or the intensity of pile driving sound, is greatly influenced by factors such as the type of piles, hammers, and the physical environment in which the activity takes place. A number of studies have measured sound produced during underwater pile driving projects, primarily during work conducted by the Washington State Department of Transportation and the California Department of Transportation. In order to determine reasonable SPLs and their associated effects on marine mammals that are likely to result from pile driving at NBKB, the Navy evaluated existing data on the basis of pile materials and driver type. Table 2 shows the most appropriate proxy values to use for determining distances to relevant thresholds.

TABLE 2—SUMMARY OF PROXY MEASURED UNDERWATER SPLS

Location	Method	Pile size and material	Measured SPLs
Berth 22, Port of Oakland [1]	Impact	24-in concrete	176 dB at 10 m.
Mad River Slough, CA [1]	Vibratory	13-in steel pipe	155 dB at 10 m.
Port Townsend, WA [2]	Vibratory (removal)	12-in timber	150 dB at 16 m.

Sources:
[1] CalTrans, 2012;
[2] Laughlin, 2011

The value from Berth 22 was selected as representative of the largest concrete pile size to be installed and may be conservative when smaller concrete piles are driven. The value from Mad River Slough is for vibratory installation and would likely be conservative when applied to vibratory extraction, which would be expected to produce lower SPLs than vibratory installation of same-sized piles. All calculated distances to and the total area encompassed by the marine mammal sound thresholds are provided in Table 3.

TABLE 3—DISTANCES TO RELEVANT SOUND THRESHOLDS AND AREAS OF ENSONIFICATION

Description	Distance to threshold (m) and associated area of ensonification (km^2)			
	190 dB	180 dB	160 dB	120 dB
Concrete piles, impact	1.2, <0.0001	5.4, 0.0001	117, 0.04	n/a
Steel piles, vibratory	0	0	n/a	[2]2,154, 7.5
Timber piles, vibratory	0	0	n/a	1,585; 5.04

[1] SPLs used for calculations were: 191 dB for impact driving, 170 dB for vibratory removal of steel piles, and 168 dB for vibratory removal of timber piles.
[2] Areas presented take into account attenuation and/or shadowing by land. Please see Figures B–1 and B–2 in the Navy's application.

Sinclair Inlet does not represent open water, or free field, conditions. Therefore, sounds would attenuate according to the shoreline topography. Distances shown in Table 1 are estimated for free-field conditions, but areas are calculated per the actual conditions of the action area. See Figures B–1 and B–2 of the Navy's application for a depiction of areas in which each underwater sound threshold is predicted to occur at the project area due to pile driving.

Airborne Sound—Pile driving can generate airborne sound that could

potentially result in disturbance to marine mammals (specifically, pinnipeds) which are hauled out or at the water's surface. As a result, the Navy analyzed the potential for pinnipeds hauled out or swimming at the surface near NBKB to be exposed to airborne SPLs that could result in Level B behavioral harassment. Although there is no official airborne sound threshold, NMFS assumes for purposes of the MMPA that behavioral disturbance can occur upon exposure to sounds above 100 dB re 20 µPa rms (unweighted) for all pinnipeds, except harbor seals. For harbor seals, the threshold is 90 dB re 20 µPa rms (unweighted).

As was discussed for underwater sound from pile driving, the intensity of pile driving sounds is greatly influenced by factors such as the type of piles, hammers, and the physical environment in which the activity takes place. As before, measured values from other studies were used as proxy values to determine reasonable airborne SPLs and their associated effects on marine mammals that are likely to result from pile driving at NBKB. There are no measurements known for unweighted airborne sound from either impact driving of concrete piles or for vibratory driving of timber piles.

TABLE 4—SUMMARY OF PROXY MEASURED AIRBORNE SPLS

Location	Method	Pile size and material	Measured SPLs
Test Pile Program, Hood Canal [1]	Impact	24-in steel pipe	89 dB at 15 m.
Wahkiakum Ferry Terminal, WA [2]	Vibratory	18-in steel pipe	87.5 dB at 15 m.

Sources:
[1] Illingworth & Rodkin, Inc., 2012;
[2] Laughlin, 2010

Steel piles generally produce louder source levels than do similarly sized concrete or timber piles. Similarly, the value shown here for the larger steel piles (18-in) would likely be louder than smaller steel piles or timber piles. Therefore, these values will likely overestimate the distances to relevant thresholds. Based on these values and the assumption of spherical spreading loss, distances to relevant thresholds and associated areas of ensonification are presented in Table 5; these areas are depicted in Figure B–3 of the Navy's application.

TABLE 5—DISTANCES TO RELEVANT SOUND THRESHOLDS AND AREAS OF ENSONIFICATION

Group	Threshold, re 20 µPa rms (unweighted)	Distance to threshold (m) and associated area of ensonification (m^2)	
		Impact driving	Vibratory driving
Harbor seals	90 dB	13, 169	11, 121
California sea lions	100 dB	5, 25	4, 16

[1] SPLs used for calculations were: 112.5 dB for impact driving, 111 dB for use of a vibratory hammer.

There are no haul-out opportunities within these small zones, which are encompassed by the zones estimated for underwater sound. Protective measures would be in place out to the distances calculated for the underwater thresholds, and the distances for the airborne thresholds would be covered fully by mitigation and monitoring measures in place for underwater sound thresholds. We recognize that pinnipeds in water that are within the area of ensonification for airborne sound could be incidentally taken by either underwater or airborne sound or both. We consider these incidences of harassment to be accounted for in the take estimates for underwater sound. The effects of airborne sound are not considered further in this document's analysis.

Description of Marine Mammals in the Area of the Specified Activity

There are five marine mammal species with records of occurrence in waters of Sinclair Inlet in the action area. These are the California sea lion, harbor seal, Steller sea lion (eastern stock only; *Eumetopias jubatus monteriensis*), gray whale (*Eschrichtius robustus*), and killer whale (*Orcinus orca*). For the killer whale, both transient (west coast stock) and resident (southern stock) animals, which are currently considered unnamed subspecies (Committee on Taxonomy, 2012), have occurred in the area. However, southern resident animals are known to have occurred only once, with the last confirmed sighting from 1997 in Dyes Inlet. A group of 19 whales from the L–25 subpod entered and stayed in Dyes Inlet, which connects to Sinclair Inlet northeast of NBKB, for 30 days. Dyes Inlet may be reached only by traversing from Sinclair Inlet through the Port Washington Narrows, a narrow connecting body that is crossed by two bridges, and it was speculated at the time that the whales' long stay was the result of a reluctance to traverse back through the Narrows and under the two bridges. There is one other unconfirmed report of a single southern resident animal occurring in the project area, in January 2009. Of these stocks, the Steller sea lion and southern resident killer whales are listed under the Endangered Species Act (ESA), with the eastern stock of Steller sea lions listed as threatened and the southern resident stock of killer whales listed as endangered.

An additional seven species have confirmed occurrence in Puget Sound, but are considered rare to extralimital in Sinclair Inlet and the surrounding waters. These species—the humpback whale (*Megaptera novaeangliae*), minke whale (*Balaenoptera acutorostrata scammoni*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), harbor porpoise (*Phocoena phocoena vomerina*), Dall's porpoise (*Phocoenoides dalli dalli*), and northern elephant seal (*Mirounga angustirostris*)—along with the southern resident killer whale, are considered extremely unlikely to occur in the action area or to be affected by the specified activities, and are not considered further in this document. A review of sightings records available from the Orca Network (*www.orcanetwork.org;* accessed August 15, 2013) confirms that there are no

recorded observations of these species in the action area (with the exception of the appearance of southern residents in 1997).

This section summarizes the population status and abundance of these species. We have reviewed the Navy's detailed species descriptions, including life history information, for accuracy and completeness and refer the reader to Sections 3 and 4 of the Navy's application instead of reprinting the information here. Table 5 lists the marine mammal species with expected potential for occurrence in the vicinity of NBKB during the project timeframe. The following information is summarized largely from NMFS Stock Assessment Reports.

TABLE 6—MARINE MAMMALS POTENTIALLY PRESENT IN THE VICINITY OF NBKB

Species	Stock abundance[1] (CV, N_{min})	Relative occurrence in Sinclair Inlet	Season of occurrence
California sea lion, U.S. Stock	296,750 (n/a, 153,337)	Common	Year-round, excluding July.
Harbor seal, WA inland waters stock	[2]14,612 (0.15, 12,844)	Common	Year-round.
Steller sea lion, Eastern stock	58,334–72,223 (n/a, 52,847)	Occasional presence	Seasonal (Oct-May).
Killer whale, West Coast transient stock	354 (n/a)	Uncommon	Year-round.
Gray whale, Eastern North Pacific stock	19,126 (0.071, 18,017)	Uncommon	Year-round.

[1] NMFS marine mammal stock assessment reports at: *http://www.nmfs.noaa.gov/pr/sars/species.htm.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

[2] This abundance estimate is greater than eight years old and is therefore not considered current.

Harbor Seal

Harbor seals inhabit coastal and estuarine waters and shoreline areas of the northern hemisphere from temperate to polar regions. The eastern North Pacific subspecies is found from Baja California north to the Aleutian Islands and into the Bering Sea. Multiple lines of evidence support the existence of geographic structure among harbor seal populations from California to Alaska (Carretta *et al.,* 2011). However, because stock boundaries are difficult to meaningfully draw from a biological perspective, three separate harbor seal stocks are recognized for management purposes along the west coast of the continental U.S.: (1) Inland waters of Washington (including Hood Canal, Puget Sound, and the Strait of Juan de Fuca out to Cape Flattery), (2) outer coast of Oregon and Washington, and (3) California (Carretta *et al.,* 2011). Multiple stocks are recognized in Alaska. Samples from Washington, Oregon, and California demonstrate a high level of genetic diversity and indicate that the harbor seals of Washington inland waters possess unique haplotypes not found in seals from the coasts of Washington, Oregon, and California (Lamont *et al.,* 1996). Only the Washington inland waters stock may be found in the project area.

Washington inland waters harbor seals are not protected under the ESA or listed as depleted under the MMPA. Because there is no current abundance estimate for this stock, there is no current estimate of potential biological removal (PBR). However, because annual human-caused mortality (13) is significantly less than the previously calculated PBR (771) the stock is not considered strategic under the MMPA. The stock is considered to be within its optimum sustainable population (OSP) level.

The best abundance estimate of the Washington inland waters stock of harbor seals is 14,612 (CV = 0.15) and the minimum population size of this stock is 12,884 individuals (Carretta *et al.,* 2011). Aerial surveys of harbor seals in Washington were conducted during the pupping season in 1999, during which time the total numbers of hauled-out seals (including pups) were counted (Jeffries *et al.,* 2003). Radio-tagging studies conducted at six locations collected information on harbor seal haul-out patterns in 1991–92, resulting in a correction factor of 1.53 (CV = 0.065) to account for animals in the water which are missed during the aerial surveys (Huber *et al.,* 2001), which, coupled with the aerial survey counts, provides the abundance estimate. Because the estimate is greater than eight years old, NMFS does not consider it current. However, it does represent the best available information regarding stock abundance. Harbor seal counts in Washington State increased at an annual rate of ten percent from 1991–96 (Jeffries *et al.,* 1997). However, a logistic model fit to abundance data from 1978–99 resulted in an estimated maximum net productivity rate of 12.6 percent (95% CI = 9.4–18.7%) and the population is thought to be stable (Jeffries *et al.,* 2003).

Historical levels of harbor seal abundance in Washington are unknown. The population was apparently greatly reduced during the 1940s and 1950s due to a state-financed bounty program and remained low during the 1970s before rebounding to current levels (Carretta *et al.,* 2011). Data from 2004–08 indicate that a minimum of 3.8 harbor seals are killed annually in Washington inland waters commercial fisheries (Carretta *et al.,* 2011). Animals captured east of Cape Flattery are assumed to belong to this stock. The estimate is considered a minimum because there are likely additional animals killed in unobserved fisheries and because not all animals stranding as a result of fisheries interactions are likely to be recorded. Another 9.2 harbor seals per year are estimated to be killed as a result of various non-fisheries human interactions (Carretta *et al.,* 2011). Tribal subsistence takes of this stock may occur, but no data on recent takes are available.

Harbor seal numbers increase from January through April and then decrease from May through August as the harbor seals move to adjacent bays on the outer coast of Washington for the pupping season. From April through mid-July, female harbor seals haul out on the outer coast of Washington at pupping sites to give birth. Harbor seals are expected to occur in Sinclair Inlet and NBKB at all times of the year. No permanent haul-out has been identified at NBKB. The nearest known haul-outs are along the south side of Sinclair Inlet on log breakwaters at several marinas in Port Orchard, approximately 1 mile from Pier 6. An additional haul-out location in Dyes Inlet, approximately 8.5 km north and west (shoreline distance), was believed to support less than 100 seals (Jeffries *et al.,* 2000). Please see Figure 4–2 of the Navy's application.

California Sea Lion

California sea lions range from the Gulf of California north to the Gulf of Alaska, with breeding areas located in the Gulf of California, western Baja

California, and southern California. Five genetically distinct geographic populations have been identified: (1) Pacific Temperate, (2) Pacific Subtropical, (3) Southern Gulf of California, (4) Central Gulf of California and (5) Northern Gulf of California (Schramm *et al.,* 2009). Rookeries for the Pacific Temperate population are found within U.S. waters and just south of the U.S.-Mexico border, and animals belonging to this population may be found from the Gulf of Alaska to Mexican waters off Baja California. For management purposes, a stock of California sea lions comprising those animals at rookeries within the U.S. is defined (i.e., the U.S. stock of California sea lions) (Carretta *et al.,* 2011). Pup production at the Coronado Islands rookery in Mexican waters is considered an insignificant contribution to the overall size of the Pacific Temperate population (Lowry and Maravilla-Chavez, 2005).

California sea lions are not protected under the ESA or listed as depleted under the MMPA. Total annual human-caused mortality (at least 431) is substantially less than the potential biological removal (PBR, estimated at 9,200 per year); therefore, California sea lions are not considered a strategic stock under the MMPA. There are indications that the California sea lion may have reached or is approaching carrying capacity, although more data are needed to confirm that leveling in growth persists (Carretta *et al.,* 2011).

The best abundance estimate of the U.S. stock of California sea lions is 296,750 and the minimum population size of this stock is 153,337 individuals (Carretta *et al.,* 2011). The entire population cannot be counted because all age and sex classes are never ashore at the same time; therefore, the best abundance estimate is determined from the number of births and the proportion of pups in the population, with censuses conducted in July after all pups have been born. Specifically, the pup count for rookeries in southern California from 2008 was adjusted for pre-census mortality and then multiplied by the inverse of the fraction of newborn pups in the population (Carretta *et al.,* 2011). The minimum population size was determined from counts of all age and sex classes that were ashore at all the major rookeries and haul-out sites in southern and central California during the 2007 breeding season, including all California sea lions counted during the July 2007 census at the Channel Islands in southern California and at haul-out sites located between Point Conception and Point Reyes, California (Carretta *et al.,* 2011). An additional unknown number of California sea lions are at sea or hauled out at locations that were not censused and are not accounted for in the minimum population size.

Trends in pup counts from 1975 through 2008 have been assessed for four rookeries in southern California and for haul-outs in central and northern California. During this time period counts of pups increased at an annual rate of 5.4 percent, excluding six El Nino years when pup production declined dramatically before quickly rebounding (Carretta *et al.,* 2011). The maximum population growth rate was 9.2 percent when pup counts from the El Niño years were removed. However, the apparent growth rate from the population trajectory underestimates the intrinsic growth rate because it does not consider human-caused mortality occurring during the time series; the default maximum net productivity rate for pinnipeds (12 percent per year) is considered appropriate for California sea lions (Carretta *et al.,* 2011).

Historic exploitation of California sea lions include harvest for food by Native Americans in pre-historic times and for oil and hides in the mid-1800s, as well as exploitation for a variety of reasons more recently (Carretta *et al.,* 2011). There are few historical records to document the effects of such exploitation on sea lion abundance (Lowry *et al.,* 1992). Data from 2003–09 indicate that a minimum of 337 (CV = 0.56) California sea lions are killed annually in commercial fisheries. In addition, a summary of stranding database records for 2005–09 shows an annual average of 65 such events, which is likely a gross underestimate because most carcasses are not recovered. California sea lions may also be removed because of predation on endangered salmonids (17 per year, 2008–10) or incidentally captured during scientific research (3 per year, 2005–09) (Carretta *et al.,* 2011). Sea lion mortality has also been linked to the algal-produced neurotoxin domoic acid (Scholin *et al.,* 2000). There is currently an Unusual Mortality Event (UME) declaration in effect for California sea lions. Future mortality may be expected to occur, due to the sporadic occurrence of such harmful algal blooms. Beginning in January 2013, elevated strandings of California sea lion pups have been observed in Southern California, with live sea lion strandings nearly three times higher than the historical average. The causes of this UME are under investigation (*http://www.nmfs.noaa.gov/pr/health/mmume/californiasealions2013.htm;* accessed August 20, 2013).

California sea lions were not recorded in Puget Sound until approximately 1979 (Steiger and Calambokidis, 1986). Everitt *et al.* (1980) reported the initial occurrence of large numbers in northern Puget Sound in the spring of that year. Similar sightings and increases in numbers were documented throughout the region after the initial sighting (Steiger and Calambokidis 1986), including urbanized areas such as Elliot Bay near Seattle and heavily used areas of central Puget Sound (Gearin *et al.,* 1986). California sea lions now use haul-out sites within all regions of Washington inland waters (Jeffries *et al.,* 2000). California sea lions migrate northward along the coast to central and northern California, Oregon, Washington, and Vancouver Island during the non-breeding season from September to May and return south the following spring (Mate, 1975; Bonnell *et al.,* 1983). Jeffries *et al.* (2000) estimated that 3,000 to 5,000 individuals make this trip, with peak numbers of up to 1,000 occurring in Puget Sound during this time period. The California sea lion population has grown substantially, and it is likely that the numbers migrating to Washington inland waters have increased as well.

Occurrence in Puget Sound is typically between September and June with peak abundance between September and May. During summer months (June through August) and associated breeding periods, California sea lions are largely returning to rookeries in California and are not present in large numbers in Washington inland waters. They are known to utilize a diversity of man-made structures for hauling out (Riedman, 1990) and, although there are no regular California sea lion haul-outs known within Sinclair Inlet (Jeffries *et al.,* 2000), they are frequently observed hauled out at several opportune areas at NBKB (e.g., floating security fence; see Figures 4–1 and 4–2 of the Navy's application). The next nearest recorded haul-outs are navigation buoys and net pens in Rich Passage, approximately 10 km east of NBKB (Jeffries *et al.,* 2000).

Steller Sea Lion

Steller sea lions are distributed mainly around the coasts to the outer continental shelf along the North Pacific rim from northern Hokkaido, Japan through the Kuril Islands and Okhotsk Sea, Aleutian Islands and central Bering Sea, southern coast of Alaska and south to California. Based on distribution, population response, phenotypic, and genotypic data, two separate stocks of Steller sea lions are recognized within U. S. waters, with the population

divided into western and eastern distinct population segments (DPSs) at 144° W (Cape Suckling, Alaska) (Loughlin, 1997). The eastern DPS extends from California to Alaska, including the Gulf of Alaska, and is the only stock that may occur in the Hood Canal.

Steller sea lions were listed as threatened range-wide under the ESA in 1990. After division into two stocks, the western stock was listed as endangered in 1997, while the eastern stock remained classified as threatened. NMFS proposed on April 18, 2012, that the eastern stock is recovered and should be delisted. Pending a final decision on that proposal, the stock remains designated as depleted under the MMPA by default due to its threatened status under the ESA. However, the minimum estimated annual level of human-caused mortality (59.1) is significantly less than the calculated potential biological removal (PBR) of 2,378 animals. The stock has shown a consistent, long-term rate of increase, which may indicate that it is reaching optimum sustainable population (OSP) size (Allen and Angliss, 2013).

The most recent population estimate for the eastern stock is estimated to be within the range 58,334 to 72,223 (Allen and Angliss, 2013). Calkins and Pitcher (1982) and Pitcher *et al.,* (2007) concluded that the total Steller sea lion population could be estimated by multiplying pup counts by a factor based on the birth rate, sex and age structure, and growth rate of the population. This range is determined by multiplying the most recent pup counts available by region, from 2006 (British Columbia) and 2009 (U.S.), by pup multipliers of either 4.2 or 5.2 (Pitcher *et al.,* 2007). The pup multipliers varied depending on the vital rate parameter that resulted in the growth rate: as low as 4.2 if it were due to high fecundity, and as high as 5.2 if it were due to low juvenile mortality. These are not minimum population estimates, since they are extrapolated from pup counts from photographs taken in 2006–2009, and demographic parameters are estimated for an increasing population. The minimum population, which is estimated at 52,847 individuals, was calculated by adding the most recent non-pup and pup counts from all sites surveyed; this estimate is not corrected for animals at sea. The most recent minimum count for Steller sea lions in Washington was 516 in 2001 (Pitcher *et al.,* 2007).

The abundance of the Eastern DPS of Steller sea lions is increasing throughout the northern portion of its range (Southeast Alaska and British Columbia; Merrick *et al.,* 1992; Sease *et al.,* 2001; Olesiuk and Trites, 2003; Olesiuk, 2008; NMFS, 2008), and stable or increasing slowly in the central portion (Oregon through central California; NMFS, 2008). In the southern end of its range (Channel Islands in southern California; Le Boeuf *et al.,* 1991), it has declined significantly since the late 1930s, and several rookeries and haul-outs have been abandoned. Changes in ocean conditions (e.g., warmer temperatures) may be contributing to habitat changes that favor California sea lions over Steller sea lions in the southern portion of the Steller's range (NMFS, 2008). Between the 1970s and 2002, the average annual population growth rate of eastern Steller sea lions was 3.1 percent (Pitcher *et al.,* 2007). Pitcher *et al.* (2007) concluded this rate did not represent a maximum rate of increase, though, and the maximum theoretical net productivity rate for pinnipeds (12 percent) is considered appropriate (Allen and Angliss, 2013).

Data from 2005–10 show a total mean annual mortality rate of 5.71 (CV = 0.23) sea lions per year from observed fisheries and 11.25 reported takes per year that could not be assigned to specific fisheries, for a total from all fisheries of 17 eastern Steller sea lions (Allen and Angliss, 2013). In addition, opportunistic observations and stranding data indicate that an additional 28.8 animals are killed or seriously injured each year through interaction with commercial and recreational troll fisheries and by entanglement. For the most recent years from which data are available (2004–08), 11.9 animals were taken per year by subsistence harvest in Alaska. Sea lion deaths are also known to occur because of illegal shooting, vessel strikes, or capture in research gear and other traps, totaling 1.4 animals per year from 2006–10. The total annual human-caused mortality is a minimum estimate because takes via fisheries interactions and subsistence harvest in Canada are poorly known, although are believed to be small.

The eastern stock breeds in rookeries located in southeast Alaska, British Columbia, Oregon, and California. There are no known breeding rookeries in Washington (Allen and Angliss, 2013) but eastern stock Steller sea lions are present year-round along the outer coast of Washington, including immature animals or non-breeding adults of both sexes. In Washington, Steller sea lions primarily occur at haul-out sites along the outer coast from the Columbia River to Cape Flattery and in inland waters sites along the Vancouver Island coastline of the Strait of Juan de Fuca (Jeffries *et al.,* 2000; Olesiuk and Trites, 2003; Olesiuk, 2008). Numbers vary seasonally in Washington waters with peak numbers present during the fall and winter months (Jeffries *et al.,* 2000). More recently, five winter haul-out sites used by adult and subadult Steller sea lions have been identified in Puget Sound (see Figure 4–2 of the Navy's application). Numbers of animals observed at all of these sites combined were less than 200 individuals. The closest haul-out, with approximately 30 to 50 individuals near the Navy's Manchester Fuel Depot, occurs approximately 6.5 mi from the project site but is physically separated by various land masses and waterways. However, one Steller sea lion was observed hauled out on the floating security barrier at NBKB in November 2012. No permanent haul-out has been identified in the project area and Steller sea lion presence is considered to be rare and seasonal.

Killer Whale

Killer whales are one of the most cosmopolitan marine mammals, found in all oceans with no apparent restrictions on temperature or depth, although they do occur at higher densities in colder, more productive waters at high latitudes and are more common in nearshore waters (Leatherwood and Dahlheim, 1978; Forney and Wade, 2006; Allen and Angliss, 2011). Killer whales are found throughout the North Pacific, including the entire Alaska coast, in British Columbia and Washington inland waterways, and along the outer coasts of Washington, Oregon, and California. On the basis of differences in morphology, ecology, genetics, and behavior, populations of killer whales have largely been classified as ''resident'', ''transient'', or ''offshore'' (e.g., Dahlheim *et al.,* 2008). Several studies have also provided evidence that these ecotypes are genetically distinct, and that further genetic differentiation is present between subpopulations of the resident and transient ecotypes (e.g., Barrett-Lennard, 2000). The taxonomy of killer whales is unresolved, with expert opinion generally following one of two lines: killer whales are either (1) a single highly variable species, with locally differentiated ecotypes representing recently evolved and relatively ephemeral forms not deserving species status, or (2) multiple species, supported by the congruence of several lines of evidence for the distinctness of sympatrically occurring forms (Krahn *et al.,* 2004). Resident and

transient whales are currently considered to be unnamed subspecies (Committee on Taxonomy, 2011).

The resident and transient populations have been divided further into different subpopulations on the basis of genetic analyses, distribution, and other factors. Recognized stocks in the North Pacific include Alaska Residents, Northern Residents, Southern Residents, Gulf of Alaska, Aleutian Islands, and Bering Sea Transients, and West Coast Transients, along with a single offshore stock. West coast transient killer whales, which occur from California through southeastern Alaska, are the only type expected to potentially occur in the project area.

West Coast transient killer whales are not protected under the ESA or listed as depleted under the MMPA. The estimated annual level of human-caused mortality (0) does not exceed the calculated PBR (3.5); therefore, West Coast Transient killer whales are not considered a strategic stock under the MMPA. It is thought that the stock grew rapidly from the mid-1970s to mid-1990s as a result of a combination of high birth rate, survival, as well as greater immigration of animals into the nearshore study area (DFO, 2009). The rapid growth of the population during this period coincided with a dramatic increase in the abundance of the whales' primary prey, harbor seals, in nearshore waters. Population growth began slowing in the mid-1990s and has continued to slow in recent years (DFO, 2009). Population trends and status of this stock relative to its OSP level are currently unknown, as is the actual maximum productivity rate. Analyses in DFO (2009) estimated a rate of increase of about six percent per year from 1975 to 2006, but this included recruitment of non-calf whales into the population. The default maximum net growth rate for cetaceans (4 percent) is considered appropriate pending additional information (Carretta *et al.,* 2011).

The West Coast transient stock is a trans-boundary stock, with minimum counts for the population of transient killer whales coming from various photographic datasets. Combining these counts of cataloged transient whales gives an abundance estimate of 354 individuals for the West Coast transient stock (Allen and Angliss, 2011). Although this direct count of individually identifiable animals does not necessarily represent the number of live animals, it is considered a conservative minimum estimate (Allen and Angliss, 2011). However, the number in Washington waters at any one time is probably fewer than twenty individuals (Wiles, 2004). The West Coast transient killer whale stock is not designated as depleted under the MMPA or listed under the ESA. The estimated annual level of human-caused mortality and serious injury does not exceed the PBR. Therefore, the West Coast Transient stock of killer whales is not classified as a strategic stock.

The estimated minimum mortality rate incidental to U.S. commercial fisheries is zero animals per year (Allen and Angliss, 2011). However, this could represent an underestimate as regards total fisheries-related mortality due to a lack of data concerning marine mammal interactions in Canadian commercial fisheries known to have potential for interaction with killer whales. Any such interactions are thought to be few in number (Allen and Angliss, 2011). Other mortality, as a result of shootings or ship strikes, has been of concern in the past. However, no ship strikes have been reported for this stock, and shooting of transients is thought to be minimal because their diet is based on marine mammals rather than fish. There are no reports of a subsistence harvest of killer whales in Alaska or Canada.

Transient occurrence in inland waters appears to peak during August and September which is the peak time for harbor seal pupping, weaning, and post-weaning (Baird and Dill, 1995). The number of west coast transients in Washington inland waters at any one time was considered likely to be fewer than twenty individuals by Wiles (2004), although more recent information (2004–10) suggests that transient use of inland waters has increased, possibly due to increasing prey abundance (Houghton *et al.,* in prep.). However, Sinclair Inlet is a shallow bay located approximately eight miles through various waterways from the main open waters of Puget Sound, where killer whales occur more frequently, and killer whale occurrence in Sinclair Inlet is uncommon. From December 2002 to January 2013, there were two reports of transient killer whales transiting through the area around NBKB, with both reports occurring in May (a group of up to 12 in 2004 and a group of up to 5 in 2012; *www.orcanetwork.org*).

Gray Whale

Gray whales are found in shallow coastal waters, migrating between summer feeding areas in the north and winter breeding areas in the south. Gray whales were historically common throughout the northern hemisphere but are now found only in the Pacific, where two populations are recognized, Eastern and Western North Pacific (ENP and WNP). ENP whales breed and calve primarily in areas off Baja California and in the Gulf of California. From February to May, whales typically migrate northbound to summer/fall feeding areas in the Chukchi and northern Bering Seas, with the southbound return to calving areas typically occurring in November and December. WNP whales are known to feed in the Okhotsk Sea and off of Kamchatka before migrating south to poorly known wintering grounds, possibly in the South China Sea.

The two populations have historically been considered geographically isolated from each other; however, recent data from satellite-tracked whales indicates that there is some overlap between the stocks. Two WNP whales were tracked from Russian foraging areas along the Pacific rim to Baja California (Mate *et al.,* 2011), and, in one case where the satellite tag remained attached to the whale for a longer period, a WNP whale was tracked from Russia to Mexico and back again (IWC, 2012). Between 22–24 WNP whales are known to have occurred in the eastern Pacific through comparisons of ENP and WNP photo-identification catalogs (IWC, 2012; Weller *et al.,* 2011; Burdin *et al.,* 2011), and WNP animals comprised 8.1 percent of gray whales identified during a recent field season off of Vancouver Island (Weller *et al.,* 2012). In addition, two genetic matches of WNP whales have been recorded off of Santa Barbara, CA (Lang *et al.,* 2011a). Therefore, a portion of the WNP population is assumed to migrate, at least in some years, to the eastern Pacific during the winter breeding season. However, no WNP whales are known to have occurred in Washington inland waters. The likelihood of any gray whale being exposed to project sound to the degree considered in this document is already low, given the uncommon occurrence of gray whales in the project area. In the event that a gray whale did occur in the project area, it is extremely unlikely that it would be one of the approximately twenty WNP whales that have been documented in the eastern Pacific (less than one percent probability). The likelihood that a WNP whale would be present in the action area is insignificant and discountable.

In addition, recent studies provide new information on gray whale stock structure within the ENP, with emphasis on whales that feed during summer off the Pacific coast between northern California and southeastern Alaska, occasionally as far north as Kodiak Island, Alaska (Gosho *et al.,* 2011). These whales, collectively known as the Pacific Coast Feeding Group (PCFG), are a trans-boundary population

with the U.S. and Canada and are defined by the International Whaling Commission (IWC) as follows: gray whales observed between June 1 to November 30 within the region between northern California and northern Vancouver Island (from 41° N to 52° N) and photo-identified within this area during two or more years (Carretta *et al.,* 2013). Photo-identification and satellite tagging studies provide data on abundance, population structure, and movements of PCFG whales (Calambokidis *et al.,* 2010; Mate *et al;* 2010; Gosho *et al.,* 2011). These data in conjunction with genetic studies (e.g., Frasier *et al.,* 2011; Lang *et al.,* 2011b) indicate that the PCFG may be a demographically distinct feeding aggregation, and may warrant consideration as a distinct stock (Carretta *et al.,* 2013). Therefore, abundance for the PCFG (as a component of the broader ENP stock) was calculated by NMFS. It is unknown whether PCFG whales would be encountered in Washington inland waters.

The ENP population of gray whales, which is managed as a stock, was removed from ESA protection in 1994, is not currently protected under the ESA, and is not listed as depleted under the MMPA. Punt and Wade (2010) estimated the ENP population was at 91 percent of carrying capacity and at 129 percent of the maximum net productivity level and therefore within the range of its optimum sustainable population. The ENP stock of gray whales is not classified as a strategic stock under the MMPA because the estimated annual level of human-caused mortality (128) is less than the calculated PBR (558) (Carretta *et al.,* 2013). PCFG whales do not currently have a formal status under the MMPA, although the estimated annual level of human-caused mortality (0.6) is less than the calculated PBR (2.8) (Carretta *et al.,* 2013). The WNP population is listed as endangered under the ESA and depleted under the MMPA as a foreign stock.

The best abundance estimate of the ENP stock of gray whales is 19,126 (CV = 0.071) and the minimum population size of this stock is 18,017 individuals (Carretta *et al.,* 2013). Systematic counts of gray whales migrating south along the central California coast have been conducted by shore-based observers since 1967. The best and minimum abundance estimates were calculated from 2006–07 survey data, the first year in which improved counting techniques and a more consistent approach to abundance estimation were used (Carretta *et al.,* 2013). The population size of the ENP gray whale stock has been increasing over the past several decades despite a west coast UME (unexplained causes) from 1999–2001. The estimated annual rate of increase from 1967–88, based on the revised abundance time series from Laake *et al.* (2009), is 3.2 percent (Punt and Wade, 2010). Based on the same analyses, the best estimate of the maximum productivity rate for gray whales is considered to be 6.2 percent. The best abundance estimate for PCFG whales is 194 (SE = 17.0), as determined through photographic mark-recapture studies (Calambokidis *et al.,* 2010). The most recent estimate of WNP gray whale abundance is 137 individuals (IWC, 2012).

As noted above, gray whale numbers were significantly reduced by whaling, becoming extirpated from the Atlantic by the early 1700s and listed as an endangered species in the Pacific. The ENP stock has since recovered sufficiently to be delisted from the ESA. Gray whales remain subject to occasional fisheries-related mortality and death from ship strikes. Based on stranding network data for the period 2006–10, there are an average of 0.2 deaths per year from the former and 2.2 per year from the latter. In addition, subsistence hunting of gray whales by hunters in Russia and the U.S. is approved by the IWC, although none is currently authorized in the U.S. From 2006–10, the annual Russian subsistence harvest was 123 whales (Carretta *et al.,* 2013). Climate change is considered a significant habitat concern for gray whales, as prey composition and distribution is likely to be altered and human activity in the whales' summer feeding grounds increases (Carretta *et al.,* 2013).

Gray whales generally migrate southbound past Washington in late December and January, and transit past Washington on the northbound return in March to May. Gray whales do not generally make use of Washington inland waters, but have been observed in certain portions of those waters in all months of the year, with most records occurring from March through June (Calambokidis *et al.,* 2010; *www.orcanetwork.org*) and associated with regular feeding areas. Usually fewer than twenty gray whales visit the inner marine waters of Washington and British Columbia beginning in about January, with some staying until summer. Six to ten of these are PCFG whales that return most years to feeding sites near Whidbey and Camano Islands in northern Puget Sound. The remaining individuals occurring in any given year generally appear unfamiliar with feeding areas, often arrive emaciated, and commonly die of starvation (WDFW, 2012). From December 2002 to January 2013, the Orca Network sightings database reports four occurrences of gray whales in the project area during the in-water work window (*www.orcanetwork.org*). Three sightings occurred during the winter of 2008–09, and one stranding was reported in January 2013. The necropsy of the whale indicated that it was a juvenile male in poor nutritional health. Two other strandings have been recorded in the project area, in May 2005 and July 2011.

Potential Effects of the Specified Activity on Marine Mammals

We have determined that pile driving, as outlined in the project description, has the potential to result in behavioral harassment of marine mammals that may be present in the project vicinity while construction activity is being conducted. In theory, impact pile driving could result in injury of marine mammals although, for reasons described later in this document, we do not believe such an outcome to be likely or even possible in some cases. The full range of potential effects of sound on marine mammals, and pile driving in particular, are described in this section.

Marine Mammal Hearing

Effects on marine mammals anticipated from the specified activities would be expected to result primarily from exposure of animals to underwater sound. Hearing is the most important sensory modality for marine mammals, and exposure to sound can have deleterious effects. To appropriately assess these potential effects, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (Richardson *et al.,* 1995; Wartzok and Ketten, 1999). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on measured or estimated hearing ranges on the basis of available behavioral data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. The lower and/or upper frequencies for some of these functional hearing groups have been modified from those designated by Southall *et al.* (2007). The functional groups and the associated frequencies are indicated below (note that these frequency ranges do not necessarily correspond to the range of best hearing, which varies by species):

• Low-frequency cetaceans (mysticetes): Functional hearing is estimated to occur between approximately 7 Hz and 30 kHz (extended from 22 kHz on the basis of data indicating some mysticetes can hear above 22 kHz; Au *et al.,* 2006; Lucifredi and Stein, 2007; Ketten and Mountain, 2009; Tubelli *et al.,* 2012);

• Mid-frequency cetaceans (larger toothed whales, beaked whales, and most delphinids): Functional hearing is estimated to occur between approximately 150 Hz and 160 kHz;

• High-frequency cetaceans (porpoises, river dolphins, and members of the genera *Kogia* and *Cephalorhynchus*): Functional hearing is estimated to occur between approximately 200 Hz and 180 kHz; and

• Pinnipeds in water: Functional hearing is estimated to occur between approximately 75 Hz to 100 kHz for Phocidae (true seals) and between 100 Hz and 40 kHz for Otariidae (eared seals), with the greatest sensitivity between approximately 700 Hz and 20 kHz. The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemila *et al.,* 2006; Mulsow *et al.,* 2011).

Three pinniped and two cetacean species could potentially occur in the proposed project area during the project timeframe. The harbor seal is a phocid species, while both sea lions are otariid species. Of the cetacean species that may occur in the project area, the killer whale is classified as mid-frequency and the gray whale is classified as low-frequency (Southall *et al.,* 2007).

Underwater Sound Effects

Potential Effects of Pile Driving Sound—The effects of sounds from pile driving might result in one or more of the following: temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2003; Nowacek *et al.,* 2007; Southall *et al.,* 2007). The effects of pile driving on marine mammals are dependent on several factors, including the size, type, and depth of the animal; the depth, intensity, and duration of the pile driving sound; the depth of the water column; the substrate of the habitat; the standoff distance between the pile and the animal; and the sound propagation properties of the environment. Impacts to marine mammals from pile driving activities are expected to result primarily from acoustic pathways. As such, the degree of effect is intrinsically related to the received level and duration of the sound exposure, which are in turn influenced by the distance between the animal and the source. The further away from the source, the less intense the exposure should be. The substrate and depth of the habitat affect the sound propagation properties of the environment. Shallow environments are typically more structurally complex, which leads to rapid sound attenuation. In addition, substrates that are soft (e.g., sand) would absorb or attenuate the sound more readily than hard substrates (e.g., rock) which may reflect the acoustic wave. Soft porous substrates would also likely require less time to drive the pile, and possibly less forceful equipment, which would ultimately decrease the intensity of the acoustic source.

In the absence of mitigation, impacts to marine species may result from physiological and behavioral responses to both the type and strength of the acoustic signature (Viada *et al.,* 2008). The type and severity of behavioral impacts are more difficult to define due to limited studies addressing the behavioral effects of impulsive sounds on marine mammals. Potential effects from impulsive sound sources can range in severity, ranging from effects such as behavioral disturbance, tactile perception, physical discomfort, slight injury of the internal organs and the auditory system, to mortality (Yelverton *et al.,* 1973).

Hearing Impairment and Other Physical Effects—Marine mammals exposed to high intensity sound repeatedly or for prolonged periods can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Kastak *et al.,* 1999; Schlundt *et al.,* 2000; Finneran *et al.,* 2002, 2005). TS can be permanent (PTS), in which case the loss of hearing sensitivity is not recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.,* 2007). Marine mammals depend on acoustic cues for vital biological functions, (e.g., orientation, communication, finding prey, avoiding predators); thus, TTS may result in reduced fitness in survival and reproduction. However, this depends on the frequency and duration of TTS, as well as the biological context in which it occurs. TTS of limited duration, occurring in a frequency range that does not coincide with that used for recognition of important acoustic cues, would have little to no effect on an animal's fitness. Repeated sound exposure that leads to TTS could cause PTS. PTS, in the unlikely event that it occurred, would constitute injury, but TTS is not considered injury (Southall *et al.,* 2007). It is unlikely that the project would result in any cases of temporary or especially permanent hearing impairment or any significant non-auditory physical or physiological effects for reasons discussed later in this document. Some behavioral disturbance is expected, but it is likely that this would be localized and short-term because of the short project duration.

Several aspects of the planned monitoring and mitigation measures for this project (see the ''Proposed Mitigation'' and ''Proposed Monitoring and Reporting'' sections later in this document) are designed to detect marine mammals occurring near the pile driving to avoid exposing them to sound pulses that might, in theory, cause hearing impairment. In addition, many cetaceans are likely to show some avoidance of the area where received levels of pile driving sound are high enough that hearing impairment could potentially occur. In those cases, the avoidance responses of the animals themselves would reduce or (most likely) avoid any possibility of hearing impairment. Non-auditory physical effects may also occur in marine mammals exposed to strong underwater pulsed sound. It is especially unlikely that any effects of these types would occur during the present project given the brief duration of exposure for any given individual and the planned monitoring and mitigation measures. The following subsections discuss in somewhat more detail the possibilities of TTS, PTS, and non-auditory physical effects.

Temporary Threshold Shift—TTS is the mildest form of hearing impairment that can occur during exposure to a strong sound (Kryter, 1985). While experiencing TTS, the hearing threshold rises, and a sound must be stronger in order to be heard. In terrestrial mammals, TTS can last from minutes or hours to days (in cases of strong TTS). For sound exposures at or somewhat above the TTS threshold, hearing sensitivity in both terrestrial and marine mammals recovers rapidly after exposure to the sound ends. Few data on sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals, and none of the published data concern TTS elicited by exposure to multiple pulses of sound. Available data on TTS in marine mammals are summarized in Southall *et al.* (2007).

Given the available data, the received level of a single pulse (with no frequency weighting) might need to be

approximately 186 dB re 1 μPa²-s (i.e., 186 dB sound exposure level [SEL] or approximately 221–226 dB pk-pk) in order to produce brief, mild TTS. Exposure to several strong pulses that each have received levels near 190 dB re 1 μPa rms (175–180 dB SEL) might result in cumulative exposure of approximately 186 dB SEL and thus slight TTS in a small odontocete, assuming the TTS threshold is (to a first approximation) a function of the total received pulse energy. Levels greater than or equal to 190 dB re 1 μPa rms are expected to be restricted to radii no more than 5 m (16 ft) from the pile driving. For an odontocete closer to the surface, the maximum radius with greater than or equal to 190 dB re 1 μPa rms would be smaller.

The above TTS information for odontocetes is derived from studies on the bottlenose dolphin (*Tursiops truncatus*) and beluga whale (*Delphinapterus leucas*). There is no published TTS information for other species of cetaceans. However, preliminary evidence from a harbor porpoise exposed to pulsed sound suggests that its TTS threshold may have been lower (Lucke *et al.,* 2009). To avoid the potential for injury, NMFS' current policy is that cetaceans should not be exposed to pulsed underwater sound at received levels exceeding 180 dB re 1 μPa rms. As summarized above, data that are now available imply that TTS is unlikely to occur unless odontocetes are exposed to pile driving pulses stronger than 180 dB re 1 μPa rms.

Permanent Threshold Shift—When PTS occurs, there is physical damage to the sound receptors in the ear. In severe cases, there can be total or partial deafness, while in other cases the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter, 1985). There is no specific evidence that exposure to pulses of sound can cause PTS in any marine mammal. However, given the possibility that mammals close to pile driving activity might incur TTS, there has been further speculation about the possibility that some individuals occurring very close to pile driving might incur PTS. Single or occasional occurrences of mild TTS are not indicative of permanent auditory damage, but repeated or (in some cases) single exposures to a level well above that causing TTS onset might elicit PTS.

Relationships between TTS and PTS thresholds have not been studied in marine mammals but are assumed to be similar to those in humans and other terrestrial mammals. PTS might occur at a received sound level at least several decibels above that inducing mild TTS if the animal were exposed to strong sound pulses with rapid rise time. Based on data from terrestrial mammals, a precautionary assumption is that the PTS threshold for impulse sounds (such as pile driving pulses as received close to the source) is at least 6 dB higher than the TTS threshold on a peak-pressure basis and probably greater than 6 dB (Southall *et al.,* 2007). On an SEL basis, Southall *et al.* (2007) estimated that received levels would need to exceed the TTS threshold by at least 15 dB for there to be risk of PTS. Thus, for cetaceans, Southall *et al.* (2007) estimate that the PTS threshold might be an M-weighted SEL (for the sequence of received pulses) of approximately 198 dB re 1 μPa²-s (15 dB higher than the TTS threshold for an impulse). Given the higher level of sound necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

Measured source levels from impact pile driving can be as high as 214 dB re 1 μPa at 1 m. Although no marine mammals have been shown to experience TTS or PTS as a result of being exposed to pile driving activities, captive bottlenose dolphins and beluga whales exhibited changes in behavior when exposed to strong pulsed sounds (Finneran *et al.,* 2000, 2002, 2005). The animals tolerated high received levels of sound before exhibiting aversive behaviors. Experiments on a beluga whale showed that exposure to a single watergun impulse at a received level of 207 kPa (30 psi) p-p, which is equivalent to 228 dB p-p re 1 μPa, resulted in a 7 and 6 dB TTS in the beluga whale at 0.4 and 30 kHz, respectively. Thresholds returned to within 2 dB of the pre-exposure level within four minutes of the exposure (Finneran *et al.,* 2002). Although the source level of pile driving from one hammer strike is expected to be much lower than the single watergun impulse cited here, animals being exposed for a prolonged period to repeated hammer strikes could receive more sound exposure in terms of SEL than from the single watergun impulse (estimated at 188 dB re 1 μPa²-s) in the aforementioned experiment (Finneran *et al.,* 2002). However, in order for marine mammals to experience TTS or PTS, the animals have to be close enough to be exposed to high intensity sound levels for a prolonged period of time. Based on the best scientific information available, these SPLs are far below the thresholds that could cause TTS or the onset of PTS.

Non-auditory Physiological Effects—Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to strong underwater sound include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007). Studies examining such effects are limited. In general, little is known about the potential for pile driving to cause auditory impairment or other physical effects in marine mammals. Available data suggest that such effects, if they occur at all, would presumably be limited to short distances from the sound source and to activities that extend over a prolonged period. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.,* 2007) or any meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in those ways. Marine mammals that show behavioral avoidance of pile driving, including some odontocetes and some pinnipeds, are especially unlikely to incur auditory impairment or non-auditory physical effects.

Disturbance Reactions

Disturbance includes a variety of effects, including subtle changes in behavior, more conspicuous changes in activities, and displacement. Behavioral responses to sound are highly variable and context-specific and reactions, if any, depend on species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day, and many other factors (Richardson *et al.,* 1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007).

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. Behavioral state may affect the type of response as well. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; NRC, 2003; Wartzok *et al.,* 2003).

Controlled experiments with captive marine mammals showed pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997; Finneran *et al.,* 2003). Observed responses of wild

marine mammals to loud pulsed sound sources (typically seismic guns or acoustic harassment devices, but also including impact pile driving) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; Thorson and Reyff, 2006; see also Gordon *et al.,* 2004; Wartzok *et al.,* 2003; Nowacek *et al.,* 2007). Responses to non-pulsed sources, such as vibratory pile installation, have not been documented as well as responses to pulsed sounds.

With both types of pile driving, it is likely that the onset of pile driving could result in temporary, short term changes in an animal's typical behavior and/or avoidance of the affected area. These behavioral changes may include (Richardson *et al.,* 1995): changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where sound sources are located; and/or flight responses (e.g., pinnipeds flushing into water from haul-outs or rookeries). Since pile driving would likely only occur for a few hours a day, over a short period of time, it is unlikely to result in permanent displacement. Any potential impacts from pile driving activities could be experienced by individual marine mammals, but would not be likely to cause population level impacts, or affect the long-term fitness of the species.

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, the consequences of behavioral modification could be expected to be biologically significant if the change affects growth, survival, or reproduction. Significant behavioral modifications that could potentially lead to effects on growth, survival, or reproduction include:

- Drastic changes in diving/surfacing patterns (such as those thought to be causing beaked whale stranding due to exposure to military mid-frequency tactical sonar);
- Habitat abandonment due to loss of desirable acoustic environment; and
- Cessation of feeding or social interaction.

The onset of behavioral disturbance from anthropogenic sound depends on both external factors (characteristics of sound sources and their paths) and the specific characteristics of the receiving animals (hearing, motivation, experience, demography) and is difficult to predict (Southall *et al.,* 2007).

Auditory Masking

Natural and artificial sounds can disrupt behavior by masking, or interfering with, a marine mammal's ability to hear other sounds. Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher levels. Chronic exposure to excessive, though not high-intensity, sound could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions. Masking can interfere with detection of acoustic signals such as communication calls, echolocation sounds, and environmental sounds important to marine mammals. Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction. If the coincident (masking) sound were man-made, it could be potentially harassing if it disrupted hearing-related behavior. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. Because sound generated from in-water pile driving is mostly concentrated at low frequency ranges, it may have less effect on high frequency echolocation sounds made by porpoises. However, lower frequency man-made sounds are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey sound. It may also affect communication signals when they occur near the sound band and thus reduce the communication space of animals (e.g., Clark *et al.,* 2009) and cause increased stress levels (e.g., Foote *et al.,* 2004; Holt *et al.,* 2009).

Masking has the potential to impact species at population, community, or even ecosystem levels, as well as at individual levels. Masking affects both senders and receivers of the signals and can potentially have long-term chronic effects on marine mammal species and populations. Recent research suggests that low frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, and that most of these increases are from distant shipping (Hildebrand, 2009). All anthropogenic sound sources, such as those from vessel traffic, pile driving, and dredging activities, contribute to the elevated ambient sound levels, thus intensifying masking. However, much of the sound from the proposed activities is confined in an area of inland waters (Sinclair Inlet) that is bounded by landmass and far removed from more open waters of Puget Sound; therefore, the sound generated is not expected to contribute significantly to increased ocean ambient sound.

The most intense underwater sounds in the proposed action are those produced by impact pile driving. Given that the energy distribution of pile driving covers a broad frequency spectrum, sound from these sources would likely be within the audible range of marine mammals present in the project area. Impact pile driving activity is relatively short-term, with rapid pulses occurring for the duration of the driving event. The probability for impact pile driving resulting from this proposed action masking acoustic signals important to the behavior and survival of marine mammal species is likely to be discountable. Vibratory pile driving is also relatively short-term, with rapid oscillations occurring for the duration of the driving event, which is likely to be short for this project. It is possible that vibratory pile driving resulting from this proposed action may mask acoustic signals important to the behavior and survival of marine mammal species, but the short-term duration and limited affected area would result in insignificant impacts from masking. Any masking event that could possibly rise to Level B harassment under the MMPA would occur concurrently within the zones of behavioral harassment already estimated for vibratory and impact pile driving, and which have already been taken into account in the exposure analysis.

Airborne Sound Effects

Marine mammals that occur in the project area could be exposed to airborne sounds associated with pile driving that have the potential to cause harassment, depending on their distance from pile driving activities. Airborne pile driving sound would have less impact on cetaceans than pinnipeds because sound from atmospheric sources does not transmit well underwater (Richardson *et al.,* 1995);

thus, airborne sound would only be an issue for pinnipeds in the project area, whether hauled-out or in the water with heads in the air. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled-out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon their habitat and move further from the source. Studies by Blackwell *et al.* (2004) and Moulton *et al.* (2005) indicate a tolerance or lack of response to unweighted airborne sounds as high as 112 dB peak and 96 dB rms.

Anticipated Effects on Habitat

The proposed activities at NBKB would not result in permanent impacts to habitats used directly by marine mammals, but may have potential short-term impacts to food sources such as forage fish and salmonids, and may affect acoustic habitat (see masking discussion above). There are no rookeries or major haul-out sites, no known foraging hotspots, or other ocean bottom structure of significant biological importance to marine mammals present in the marine waters in the vicinity of the project area. Therefore, the main impact issue associated with the proposed activity would be temporarily elevated sound levels and the associated direct effects on marine mammals, as discussed previously in this document. The most likely impact to marine mammal habitat occurs from pile driving effects on likely marine mammal prey (i.e., fish) near NBKB and minor impacts to the immediate substrate during installation and removal of piles during the pier maintenance project.

Pile Driving Effects on Potential Prey (Fish)

Construction activities may produce both pulsed (i.e., impact pile driving) and continuous (i.e., vibratory pile driving) sounds. Fish react to sounds which are especially strong and/or intermittent low-frequency sounds. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. Hastings and Popper (2005) and Hastings (2009) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving (or other types of sounds) on fish, although several are based on studies in support of large, multiyear bridge construction projects (e.g., Scholik and Yan, 2001, 2002; Popper and Hastings, 2009). Sound pulses at received levels of 160 dB re 1 µPa may cause subtle changes in fish behavior. SPLs of 180 dB may cause noticeable changes in behavior (Pearson *et al.,* 1992; Skalski *et al.,* 1992). SPLs of sufficient strength have been known to cause injury to fish and fish mortality. The most likely impact to fish from pile driving activities at the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated. In general, impacts to marine mammal prey species are expected to be minor and temporary due to the short timeframe for the project. However, adverse impacts may occur to a few species of fish which may still be present in the project area despite operating in a reduced work window in an attempt to avoid important fish spawning time periods.

Pile Driving Effects on Potential Foraging Habitat

The area likely impacted by the project is relatively small compared to the available habitat in inland waters in the region. Avoidance by potential prey (i.e., fish) of the immediate area due to the temporary loss of this foraging habitat is also possible. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity.

Given the short daily duration of sound associated with individual pile driving events and the relatively small areas being affected, pile driving activities associated with the proposed action are not likely to have a permanent, adverse effect on any fish habitat, or populations of fish species. Therefore, pile driving is not likely to have a permanent, adverse effect on marine mammal foraging habitat at the project area. The area around NBKB, including the adjacent ferry terminal and nearby marinas, is heavily altered with significant levels of industrial and recreational activity, and is unlikely to harbor significant amounts of forage fish.

Proposed Mitigation

In order to issue an incidental take authorization (ITA) under section 101(a)(5)(D) of the MMPA, we must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

Measurements from proxy pile driving events were coupled with practical spreading loss to estimate zones of influence (ZOIs; see ''Estimated Take by Incidental Harassment''); these values were used to develop mitigation measures for pile driving activities at NBKB. The ZOIs effectively represent the mitigation zone that would be established around each pile to prevent Level A harassment to marine mammals, while providing estimates of the areas within which Level B harassment might occur. In addition to the specific measures described later in this section, the Navy would conduct briefings between construction supervisors and crews, marine mammal monitoring team, and Navy staff prior to the start of all pile driving activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

Monitoring and Shutdown for Pile Driving

The following measures would apply to the Navy's mitigation through shutdown and disturbance zones:

Shutdown Zone—For all pile driving and removal activities, the Navy will establish a shutdown zone intended to contain the area in which SPLs equal or exceed the 190 dB rms acoustic injury criteria. The purpose of a shutdown zone is to define an area within which shutdown of activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area), thus preventing injury, serious injury, or death of marine mammals. Radial distances for shutdown zones are shown in Table 3. However, a minimum shutdown zone of 10 m (which is larger than the maximum predicted injury zone) will be established during all pile driving activities, regardless of the estimated zone. Vibratory pile driving activities are not predicted to produce sound exceeding the Level A standard, but these precautionary measures are intended to prevent the already unlikely possibility of physical interaction with construction equipment and to further reduce any possibility of acoustic injury.

Disturbance Zone—Disturbance zones are the areas in which SPLs equal or

exceed 160 and 120 dB rms (for pulsed and non-pulsed sound, respectively). Disturbance zones provide utility for monitoring conducted for mitigation purposes (i.e., shutdown zone monitoring) by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring of disturbance zones enables observers to be aware of and communicate the presence of marine mammals in the project area but outside the shutdown zone and thus prepare for potential shutdowns of activity. However, the primary purpose of disturbance zone monitoring is for documenting incidents of Level B harassment; disturbance zone monitoring is discussed in greater detail later (see ''Proposed Monitoring and Reporting''). Nominal radial distances for disturbance zones are shown in Table 3.

In order to document observed incidences of harassment, monitors record all marine mammal observations, regardless of location. The observer's location, as well as the location of the pile being driven, is known from a GPS. The location of the animal is estimated as a distance from the observer, which is then compared to the location from the pile. It may then be estimated whether the animal was exposed to sound levels constituting incidental harassment on the basis of predicted distances to relevant thresholds in post-processing of observational and acoustic data, and a precise accounting of observed incidences of harassment created. This information may then be used to extrapolate observed takes to reach an approximate understanding of actual total takes.

Monitoring Protocols—Monitoring would be conducted before, during, and after pile driving activities. In addition, observers shall record all incidences of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven. Observations made outside the shutdown zone will not result in shutdown; that pile segment would be completed without cessation, unless the animal approaches or enters the shutdown zone, at which point all pile driving activities would be halted. Please see the Monitoring Plan (Appendix C in the Navy's application), developed by the Navy in agreement with NMFS, for full details of the monitoring protocols. Monitoring will take place from 15 minutes prior to initiation through 30 minutes post-completion of pile driving activities. Pile driving activities include the time to remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

The following additional measures apply to visual monitoring:

(1) Monitoring will be conducted by qualified observers, who will be placed at the best vantage point(s) practicable to monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator. Qualified observers are trained biologists, with the following minimum qualifications:

- Visual acuity in both eyes (correction is permissible) sufficient for discernment of moving targets at the water's surface with ability to estimate target size and distance; use of binoculars may be necessary to correctly identify the target;
- Advanced education in biological science, wildlife management, mammalogy, or related fields (bachelor's degree or higher is required);
- Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience);
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown zone; and marine mammal behavior; and
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

(2) Prior to the start of pile driving activity, the shutdown zone will be monitored for 15 minutes to ensure that it is clear of marine mammals. Pile driving will only commence once observers have declared the shutdown zone clear of marine mammals; animals will be allowed to remain in the shutdown zone (i.e., must leave of their own volition) and their behavior will be monitored and documented. The shutdown zone may only be declared clear, and pile driving started, when the entire shutdown zone is visible (i.e., when not obscured by dark, rain, fog, etc.). In addition, if such conditions should arise during impact pile driving that is already underway, the activity would be halted.

(3) If a marine mammal approaches or enters the shutdown zone during the course of pile driving operations, activity will be halted and delayed until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or 15 minutes have passed without re-detection of the animal. Monitoring will be conducted throughout the time required to drive a pile.

Special Conditions

The Navy has not requested the authorization of incidental take for Steller sea lions, killer whales, or gray whales (see discussion in Estimated Take by Incidental Harassment). Therefore, shutdown would be implemented in the event that a Steller sea lion or any cetacean is observed upon sighting within (or in anticipation of entering) the defined disturbance zone. As described later in this document, we believe that occurrence of any of these species during the in-water work window would be uncommon. For gray and killer whales, in particular, the occurrence of an individual or group would likely be highly noticeable and would attract significant attention in local media and with local whale watchers and interested citizens.

Prior to the start of pile driving on any day, the Navy would contact and/or review the latest sightings data from the Orca Network and/or Center for Whale Research to determine the location of the nearest marine mammal sightings. The Orca Sightings Network consists of a list of over 600 residents, scientists, and government agency personnel in the U.S. and Canada, and includes passive acoustic detections. The presence of a killer whale or gray whale in the southern reaches of Puget Sound would be a notable event, drawing public attention and media scrutiny. With this level of coordination in the region of activity, the Navy should be able to effectively receive real-time information on the presence or absence of whales, sufficient to inform the day's activities. Pile removal or driving would not occur if there was the risk of incidental harassment of a species for which incidental take was not authorized.

Prior to beginning pile driving on each day, monitors would scan the floating security barrier to ensure that no Steller sea lions are present. During vibratory pile removal, four land-based observers will monitor the area; these would be positioned with two at the

pier work site, one at the eastern extent of the ZOI in the Manette neighborhood of Bremerton, and one at the southern extent of the ZOI near the Annapolis ferry landing in Port Orchard (please see Figure 1 of Appendix C in the Navy's application). Additionally, one vessel-based observer will travel through the monitoring area, completing an entire loop approximately every 30 minutes. If any killer whales, grey whales, or Steller sea lions are detected, activity would not begin or would shut down.

Timing Restrictions

In the project area, designated timing restrictions exist to avoid in-water work when salmonids and other spawning forage fish are likely to be present. The in-water work window is June 15-March 1. All in-water construction activities would occur only during daylight hours (sunrise to sunset).

Soft Start

The use of a soft-start procedure is believed to provide additional protection to marine mammals by warning or providing a chance to leave the area prior to the hammer operating at full capacity, and typically involves a requirement to initiate sound from vibratory hammers for fifteen seconds at reduced energy followed by a 30-second waiting period. This procedure is repeated two additional times. However, implementation of soft start for vibratory pile driving during previous pile driving work conducted by the Navy at another location has led to equipment failure and serious human safety concerns. Therefore, vibratory soft start is not proposed as a mitigation measure for this project, as we have determined it not to be practicable. We have further determined this measure unnecessary to providing the means of effecting the least practicable impact on marine mammals and their habitat. Prior to issuing any further IHAs to the Navy for pile driving activities in 2014 and beyond, we plan to facilitate consultation between the Navy and other practitioners (e.g., Washington State Department of Transportation and/or the California Department of Transportation) in order to determine whether the potentially significant human safety issue is inherent to implementation of the measure or is due to operator error. For impact driving, soft start will be required, and contractors will provide an initial set of three strikes from the impact hammer at 40 percent energy, followed by a 30-second waiting period, then two subsequent three-strike sets.

We have carefully evaluated the applicant's proposed mitigation measures and considered a range of other measures in the context of ensuring that we prescribe the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another: (1) The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals; (2) the proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and (3) the practicability of the measure for applicant implementation.

Based on our evaluation of the applicant's proposed measures, as well as any other potential measures that may be relevant to the specified activity, we have preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that we must set forth ''requirements pertaining to the monitoring and reporting of such taking''. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. The Navy's proposed monitoring and reporting is also described in their Marine Mammal Monitoring Plan (Appendix C of the Navy's application).

Visual Marine Mammal Observations

The Navy will collect sighting data and behavioral responses to construction for marine mammal species observed in the region of activity during the period of activity. All observers will be trained in marine mammal identification and behaviors and are required to have no other construction-related tasks while conducting monitoring. The Navy will monitor the shutdown zone and disturbance zone before, during, and after pile driving, with observers located at the best practicable vantage points. Based on our requirements, the Navy would implement the following procedures for pile driving:

- MMOs would be located at the best vantage point(s) in order to properly see the entire shutdown zone and as much of the disturbance zone as possible.
- During all observation periods, observers will use binoculars and the naked eye to search continuously for marine mammals.
- If the shutdown zones are obscured by fog or poor lighting conditions, pile driving at that location will not be initiated until that zone is visible. Should such conditions arise while impact driving is underway, the activity would be halted.
- The shutdown and disturbance zones around the pile will be monitored for the presence of marine mammals before, during, and after any pile driving or removal activity.

During vibratory pile removal, four observers would be deployed as described under Proposed Mitigation, including four land-based observers and one-vessel-based observer traversing the extent of the Level B harassment zone. During impact driving, one observer would be positioned at or near the pile to observe the much smaller disturbance zone.

Individuals implementing the monitoring protocol will assess its effectiveness using an adaptive approach. Monitoring biologists will use their best professional judgment throughout implementation and seek improvements to these methods when deemed appropriate. Any modifications to protocol will be coordinated between NMFS and the Navy.

Data Collection

We require that observers use approved data forms. Among other pieces of information, the Navy will record detailed information about any implementation of shutdowns, including the distance of animals to the pile and description of specific actions that ensued and resulting behavior of the animal, if any. In addition, the Navy will attempt to distinguish between the number of individual animals taken and the number of incidences of take. We require that, at a minimum, the following information be collected on the sighting forms:

- Date and time that monitored activity begins or ends;
- Construction activities occurring during each observation period;
- Weather parameters (e.g., percent cover, visibility);
- Water conditions (e.g., sea state, tide state);
- Species, numbers, and, if possible, sex and age class of marine mammals;

- Description of any observable marine mammal behavior patterns, including bearing and direction of travel, and if possible, the correlation to SPLs;
- Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point;
- Locations of all marine mammal observations; and
- Other human activity in the area.
- Description of implementation of mitigation measures (e.g., shutdown or delay).

Reporting

A draft report would be submitted to NMFS within 45 days of the completion of marine mammal monitoring, or 60 days prior to the issuance of any subsequent IHA for this project, whichever comes first. The report will include marine mammal observations pre-activity, during-activity, and post-activity during pile driving days, and will also provide descriptions of any adverse responses to construction activities by marine mammals and a complete description of all mitigation shutdowns and the results of those actions and a refined take estimate based on the number of marine mammals observed during the course of construction. A final report would be prepared and submitted within 30 days following resolution of comments on the draft report.

Estimated Take by Incidental Harassment

With respect to the activities described here, the MMPA defines ''harassment'' as: ''Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].'' All anticipated takes would be by Level B harassment, involving temporary changes in behavior. The proposed mitigation and monitoring measures are expected to minimize the possibility of injurious or lethal takes such that take by Level A harassment, serious injury, or mortality is considered discountable. However, it is unlikely that injurious or lethal takes would occur even in the absence of the proposed mitigation and monitoring measures.

If a marine mammal responds to a stimulus by changing its behavior (e.g., through relatively minor changes in locomotion direction/speed or vocalization behavior), the response may or may not constitute taking at the individual level, and is unlikely to affect the stock or the species as a whole. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on animals or on the stock or species could potentially be significant (Lusseau and Bejder, 2007; Weilgart, 2007). Given the many uncertainties in predicting the quantity and types of impacts of sound on marine mammals, it is common practice to estimate how many animals are likely to be present within a particular distance of a given activity, or exposed to a particular level of sound. This practice potentially overestimates the numbers of marine mammals taken. In addition, it is often difficult to distinguish between the individuals harassed and incidences of harassment. In particular, for stationary activities, it is more likely that some smaller number of individuals may accrue a number of incidences of harassment per individual than for each incidence to accrue to a new individual.

The project area is not believed to be particularly important habitat for marine mammals, nor is it considered an area frequented by marine mammals, although harbor seals may be present year-round and sea lions are known to haul-out on man-made objects at the NBKB waterfront. Sightings of other species are rare. Therefore, behavioral disturbances that could result from anthropogenic sound associated with these activities are expected to affect only a relatively small number of individual marine mammals, although those effects could be recurring over the life of the project if the same individuals remain in the project vicinity. The Navy has requested authorization for the incidental taking of small numbers of harbor seals and California sea lions in Sinclair Inlet and nearby waters that may be ensonified by project activities.

Marine Mammal Densities

For all species, the best scientific information available was used to derive density estimates and the maximum appropriate density value for each species was considered for use in the marine mammal take assessment calculations. These values, shown in Table 7 below, were derived or confirmed by experts convened to develop such information for use in Navy environmental compliance efforts in the Pacific Northwest, including Washington inland waters. The Navy Marine Species Density Database (NMSDD) density estimates were recently finalized, and use data from local marine mammal data sets, expert opinion, and survey data from Navy biologists and other agencies. A technical report documenting methodologies used to derive these densities and relevant background data is still in development (DoN, in prep.). These data are generally considered the best available information for Washington inland waters, except where specific local abundance information is available. At NBKB, the Navy began collecting opportunistic observational data of animals hauled-out on the floating security barrier. These surveys began in February 2010 and have been conducted approximately monthly from September 2010 through present (DoN, 2013). In addition, the Washington State Department of Transportation (WSDOT) recently conducted in-water pile driving over the course of multiple work windows as part of the Manette Bridge construction project in the nearby Port Washington Narrows. WSDOT conducted required marine mammal monitoring as part of this project (WSDOT, 2011, 2012; Rand, 2011). We determined, for both harbor seals and California sea lions, that these sources of local abundance information comprise the best available data for use in the take assessment calculations, as described below.

TABLE 7—MAXIMUM MARINE MAMMAL DENSITY ESTIMATES FOR NBKB (SINCLAIR INLET)

Species	Density (Sinclair Inlet), #/km^2
Harbor seal	0.4267
California sea lion	0.13
Steller sea lion	0.037
Transient killer whale	0.0024
Gray whale	0.0005

Description of Take Calculation

The take calculations presented here rely on the best data currently available for marine mammal populations in Puget Sound. The following assumptions are made when estimating potential incidences of take:

- All marine mammal individuals potentially available are assumed to be present within the relevant area, and thus incidentally taken;
- An individual can only be taken once during a 24-h period; and,
- There will be 20 total days of vibratory driving and 45 days of impact pile driving.
- Exposures to sound levels above the relevant thresholds equate to take, as defined by the MMPA.

The calculation for marine mammal takes is estimated by:

Exposure estimate = (n * ZOI) * days of total activity

Where:

n = density estimate used for each species/season

ZOI = sound threshold ZOI impact area; the area encompassed by all locations where the SPLs equal or exceed the threshold being evaluated

n * ZOI produces an estimate of the abundance of animals that could be present in the area for exposure, and is rounded to the nearest whole number before multiplying by days of total activity.

The ZOI impact area is the estimated range of impact to the sound criteria. The distances specified in Table 3 and 5 were used to calculate ZOIs around each pile. The ZOI impact area calculations took into consideration the possible affected area with attenuation due to topographical constraints of Sinclair Inlet, and the radial distances to thresholds are not always reached.

While pile driving can occur any day, and the analysis is conducted on a per day basis, only a fraction of that time (typically a matter of hours on any given day) is actually spent pile driving. The exposure assessment methodology is an estimate of the numbers of individuals exposed to the effects of pile driving activities exceeding NMFS-established thresholds. Of note in these exposure estimates, mitigation methods (i.e., visual monitoring and the use of shutdown zones; soft start for impact pile driving) were not quantified within the assessment and successful implementation of mitigation is not reflected in exposure estimates. In addition, equating exposure with response (i.e., a behavioral response meeting the definition of take under the MMPA) is a simplistic and conservative assumption. For these reasons, results from this acoustic exposure assessment likely overestimate take estimates to some unquantifiable degree.

Airborne Sound—No incidents of incidental take resulting solely from airborne sound are likely, as distances to the harassment thresholds will not reach areas where pinnipeds may haul out. Harbor seals can haul out at a variety of natural or manmade locations, but Navy waterfront surveys have found it rare for harbor seals to haul out along the NBKB waterfront (DoN, 2013). Individual sea lions are frequently observed hauled out on pontoons of the floating security fence within the restricted areas of NBKB, but this area is not within the airborne disturbance ZOI. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when looking with heads above water. However, these animals will previously have been 'taken' as a result of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Multiple incidents of exposure to sound above NMFS' thresholds for behavioral harassment are not believed to result in increased behavioral disturbance, in either nature or intensity of disturbance reaction. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted.

Harbor Seal—While no harbor seal haul-outs are present in the action area or in the immediate vicinity of NBKB, haul-outs are present elsewhere in Sinclair Inlet and in other nearby waters and harbor seals may haul out on available objects opportunistically. Use of the NMSDD density value (0.4267 animals/km^2; corrected for proportion of animals hauled-out at any given time) would result in an estimate of 2–3 incidences of harassment per day; it is likely that this would not adequately represent the potential presence of harbor seals given observed occurrence at other nearby construction projects. Marine mammal monitoring conducted during pile driving work on the Manette Bridge showed variable numbers of harbor seals (but generally greater than indicated by the NMSDD density). During the first year of construction (in-water work window only), an average of 3.7 harbor seals were observed per day of monitoring with a maximum of 59 observed in October 2011 (WSDOT, 2011; Rand, 2011). During the most recent construction period (July-November 2012), an average of eleven harbor seals per monitoring day was observed, though some animals were likely counted multiple times (WSDOT, 2012). Given the potential for similar occurrence of harbor seals in the vicinity of NBKB during the in-water construction period, we determined it appropriate to use this most recent, local abundance information in the take assessment calculation.

California Sea Lion—Similar to harbor seals, it is not likely that use of the NMSDD density value for California sea lions (0.13 animals/km^2) would adequately represent their potential occurrence in the project area. California sea lions are commonly observed hauled out on the floating security barrier which is in close proximity to Pier 6; counts from 34 surveys (March 2010-June 2013) showed an average of 42 individuals per survey day (range 0–144; DoN, 2013). These counts represent the best local abundance data available and were used in the take assessment calculation.

Steller Sea Lion—No Steller sea lion haul-outs are present within or near the action area, and Steller sea lions have not been observed during Navy waterfront surveys or during monitoring associated with the Manette Bridge construction project. It is assumed that the possibility exists that a Steller sea lion could occur in the project area, but there is no known attractant in Sinclair Inlet, which is a relatively muddy, industrialized area, and the floating security barrier that California sea lions use as an opportunistic haul-out cannot generally accommodate the larger adult Steller sea lions (juveniles could haul-out on the barrier). Use of the NMSDD density estimate (0.037 animals/km^2) results in an estimate of zero exposures, and there are no existing data to indicate that Steller sea lions would occur more frequently locally. Therefore, the Navy has not requested the authorization of incidental take for Steller sea lions and we do not propose such authorization. The Navy would not begin activity or would shut down upon report of a Steller sea lion present within or approaching the relevant ZOI.

Killer Whale—Transient killer whales are rarely observed in the project area, with records since 2002 showing one group transiting through the area in May 2004 and a subsequent, similar observation in May 2010. No other observations have occurred during Navy surveys or during project monitoring for Manette Bridge. Use of the NMSDD density estimate (0.0024 animals/km^2) results in an estimate of zero exposures, and there are no existing data to indicate that killer whales would occur more frequently locally. Therefore, the Navy has not requested the

authorization of incidental take for transient killer whales and we do not propose such authorization. The Navy would not begin activity or would shut down upon report of a killer whale present within or approaching the relevant ZOI.

Gray Whale—Gray whales are rarely observed in the project area, and the majority of in-water work would occur when whales are relatively less likely to occur (i.e., outside of March-May). Since 2002 and during the in-water work window, there are observational records of three whales (all during winter 2008–09) and a stranding record of a fourth whale (January 2013). No other observations have occurred during Navy surveys or during project monitoring for Manette Bridge. Use of the NMSDD density estimate (0.0005 animals/km^2) results in an estimate of zero exposures, and there are no existing data to indicate that gray whales would occur more frequently locally. Therefore, the Navy has not requested the authorization of incidental take for gray whales and we do not propose such authorization. The Navy would not begin activity or would shut down upon report of a gray whale present within or approaching the relevant ZOI.

TABLE 8—NUMBER OF POTENTIAL INCIDENTAL TAKES OF MARINE MAMMALS

Species	Exposure estimate
Harbor seal[1]	715
California sea lion[2]	2,730
Steller sea lion	0
Transient killer whale	0
Gray whale	0

[1] Use of NMSDD density results in estimated range of potential exposures of 130–195. Local abundance data were used in exposure assessment, i.e., 11 harbor seals potentially exposed per day for 65 days of pile driving.

[2] Use of NMSDD density results in estimated potential exposures of 65. Local abundance data were used in exposure assessment, i.e., 42 California sea lions potentially exposed per day for 65 days of pile driving.

For the Steller sea lion, transient killer whale, and gray whale, available information indicates that presence of these species is sufficiently rare to make exposure unlikely. Further, the Navy's proposed monitoring plan further mitigates any such possibility to the point that we consider it discountable and do not propose to authorize incidental take for these three species.

Negligible Impact and Small Numbers Analyses and Preliminary Determinations

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.'' In making a negligible impact determination, we consider a variety of factors, including but not limited to: (1) The number of anticipated mortalities; (2) the number and nature of anticipated injuries; (3) the number, nature, intensity, and duration of Level B harassment; and (4) the context in which the take occurs.

Small Numbers Analysis

The number of incidences of take proposed for authorization for harbor seals and California sea lions would be considered small relative to the relevant stocks or populations (less than five percent and one percent, respectively) even if each estimated taking occurred to a new individual. This is an extremely unlikely scenario as, for pinnipeds in estuarine/inland waters, there is likely to be some overlap in individuals present day-to-day.

Negligible Impact Analysis

Pile driving activities associated with the Navy's pier maintenance project, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment (behavioral disturbance) only, from underwater sounds generated from pile driving and removal. Potential takes could occur if individuals of these species are present in the ensonified zone when the specified activity is occurring.

No injury, serious injury, or mortality is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. The potential for these outcomes is minimized through the construction method and the implementation of the planned mitigation measures. Specifically, piles would be removed via vibratory means—an activity that does not have the potential to cause injury to marine mammals due to the relatively low source levels produced (less than 180 dB) and the lack of potentially injurious source characteristics—and, while impact pile driving produces short, sharp pulses with higher peak levels and much sharper rise time to reach those peaks, only small diameter concrete piles are planned for impact driving. Predicted source levels for such impact driving events are significantly lower than those typical of impact driving of steel piles and/or larger diameter piles. In addition, implementation of soft start and shutdown zones significantly reduces any possibility of injury. Given sufficient ''notice'' through use of soft start (for impact driving), marine mammals are expected to move away from a sound source that is annoying prior to its becoming potentially injurious. Environmental conditions in Sinclair Inlet are expected to generally be good, with calm sea states, although Sinclair Inlet waters may be more turbid than those further north in Puget Sound or in Hood Canal. Nevertheless, we expect conditions in Sinclair Inlet would allow a high marine mammal detection capability for the trained observers required, enabling a high rate of success in implementation of shutdowns to avoid injury, serious injury, or mortality. In addition, the topography of Sinclair Inlet should allow for placement of observers sufficient to detect cetaceans, should any occur (see Figure 1 of Appendix C in the Navy's application).

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff, 2006; HDR, Inc., 2012). Most likely, individuals will simply move away from the sound source and be temporarily displaced from the areas of pile driving, although even this reaction has been observed primarily only in association with impact pile driving. The pile driving activities analyzed here are similar to, or

less impactful than, numerous other construction activities conducted in San Francisco Bay and in the Puget Sound region, which have taken place with no reported injuries or mortality to marine mammals, and no known long-term adverse consequences from behavioral harassment. Repeated exposures of individuals to levels of sound that may cause Level B harassment are unlikely to result in hearing impairment or to significantly disrupt foraging behavior. Thus, even repeated Level B harassment of some small subset of the overall stock is unlikely to result in any significant realized decrease in viability for the affected individuals, and thus would not result in any adverse impact to the stock as a whole. Level B harassment will be reduced to the level of least practicable impact through use of mitigation measures described herein and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area—which is not believed to provide any habitat of special significance—while the activity is occurring.

In summary, this negligible impact analysis is founded on the following factors: (1) The possibility of injury, serious injury, or mortality may reasonably be considered discountable; (2) the anticipated incidences of Level B harassment consist of, at worst, temporary modifications in behavior; (3) the absence of any significant habitat within the project area, including rookeries, significant haul-outs, or known areas or features of special significance for foraging or reproduction; (4) the presumed efficacy of the proposed mitigation measures in reducing the effects of the specified activity to the level of least practicable impact. In addition, neither of these stocks are listed under the ESA or considered depleted under the MMPA. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activity will have only short-term effects on individuals. The specified activity is not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

Preliminary Determinations

The number of marine mammals actually incidentally harassed by the project will depend on the distribution and abundance of marine mammals in the vicinity of the survey activity. However, we find that the number of potential takings proposed for authorization (by level B harassment only), which we consider to be a conservative, maximum estimate, is small relative to the relevant regional stock or population numbers, and that the effect of the activity will be mitigated to the level of least practicable impact through implementation of the mitigation and monitoring measures described previously. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, we preliminarily find that the total taking from the activity will have a negligible impact on the affected species or stocks. Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, we have preliminarily determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

There are no ESA-listed marine mammals expected to occur in the action area. Therefore, the Navy has not requested authorization of the incidental take of ESA-listed species and no such authorization is proposed for issuance; therefore, no consultation under the ESA is required. National Environmental Policy Act (NEPA)

The Navy has prepared a Draft Environmental Assessment (EA; *Pier 6 Pile Replacement Naval Base Kitsap*) in accordance with NEPA and the regulations published by the Council on Environmental Quality. We have posted it on the NMFS Web site (see SUPPLEMENTARY INFORMATION) concurrently with the publication of this proposed IHA. NMFS will independently evaluate the EA and determine whether or not to adopt it. We may prepare a separate NEPA analysis and incorporate relevant portions of the Navy's EA by reference. Information in the Navy's application, EA, and this notice collectively provide the environmental information related to proposed issuance of the IHA for public review and comment. We will review all comments submitted in response to this notice as we complete the NEPA process, including a decision of whether to sign a Finding of No Significant Impact (FONSI), prior to a final decision on the IHA request.

Proposed Authorization

As a result of these preliminary determinations, we propose to authorize the take of marine mammals incidental to the Navy's pier maintenance project, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: September 10, 2013.

Helen M. Golde,

Deputy Director, ≤Office of Protected Resources, National Marine Fisheries Service.

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BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes products from the Procurement List previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 10/14/2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION:

Deletions

On 8/2/2013 (78 FR 46927–46928), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 USC 8501–8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products:

Folder, File, Paperboard, Heavy Duty, 1/3 Cut Tab, Clear Sleeve, Kraft

NSN: 7530–00–281–5908—Legal
NSN: 7530–00–281–5968—Letter
NPA: L.C. Industries for the Blind, Inc., Durham, NC
Contracting Activity: General Services Administration, New York, NY

NSN: 7510–01–368–3504—Ink Refill, Stamp, Pre-inked, Blue
NSN: 7510–01–381–8032—Ink Refill, Stamp, Pre-inked, Black
NSN: 7510–01–381–8062—Ink Refill, Stamp, Pre-inked, Red
NSN: 7520–01–419–6746—Stamp, Custom-made, Pre-inked, 1 5⁄8″ × 4″
NPA: Industries of the Blind, Inc., Greensboro, NC
Contracting Activities: Department of Veterans Affairs, NAC, Hines, IL, General Services Administration, New York, NY

NSN: 7520–01–453–1967—4 PC Stamps Kit, 'Route-It Set'
NSN: 7520–01–453–1968—4 PC Stamps Kit, 'Accountant Set'
NSN: 7520–01–453–1969—4 PC Stamps Kit, 'Mail Room Set'
NPA: Industries of the Blind, Inc., Greensboro, NC
Contracting Activity: General Services Administration, New York, NY

NSN: 7530–00–238–4319—Card, Index
NPA: Louisiana Association for the Blind, Shreveport, LA
Contracting Activity: General Services Administration, New York, NY

NSN: 7930–01–418–1102—EcoLab Water Soluble Cleaners/Detergents
NPA: Association for the Blind and Visually Impaired—Goodwill Industries of Greater Rochester, Rochester, NY
Contracting Activity: General Services Administration, Fort Worth, TX

Safety-Walk, Tapes & Treads

NSN: 7220–00–NIB–0136—710 Black Coarse Tap
NSN: 7220–00–NIB–0137—610 Black General Purpose
NSN: 7220–00–NIB–0138—620 Clear General Purpose
NSN: 7220–00–NIB–0139—630 Yellow General Purpose
NSN: 7220–00–NIB–0140—660 Brown General Purpose
NSN: 7220–00–NIB–0141—510 Black Conformable
NSN: 7220–00–NIB–0043—620 Clear General Purpose
NSN: 7220–00–NIB–0044—620 Clear General Purpose
NSN: 7220–00–NIB–0045—620 Clear General Purpose
NPA: Louisiana Association for the Blind, Shreveport, LA
Contracting Activity: General Services Administration, New York, NY

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–22291 Filed 9–12–13; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Addition to and Deletions from the Procurement List.

SUMMARY: The Committee is proposing to add a service to the Procurement List that will be provided by a nonprofit agency employing persons who are blind or have other severe disabilities, and deletes services previously provided by such agencies.

DATES: *Comments Must Be Received On Or Before:* 10/14/2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Addition

If the Committee approves the proposed addition, the entity of the Federal Government identified in this notice will be required to provide the service listed below from the nonprofit agency employing persons who are blind or have other severe disabilities.

The following service is proposed for addition to the Procurement List for production by the nonprofit agency listed:

Service

Service Type/Location: Custodial Service, GSA, PBS, Region 2, Department of State/Passport Office, Minillas North Tower, 9th Floor, De Diego Ave. Parada 22, Santurce, PR.
NPA: The Corporate Source, Inc., New York, NY.
Contracting Activity: GSA/Public Buildings Service, Hato Rey, PR.

Deletions

The following services are proposed for deletion from the Procurement List:

Services

Service Type/Location: Janitorial/Custodial Service, Frank T. Bow Federal Building, 201 Cleveland Avenue SE., Canton, OH.
NPA: The Workshops, Inc., Canton, OH.
Contracting Activity: GSA/Public Buildings Service, Property Management Service Center, Chicago, IL.

Service Type/Location: Janitorial/Custodial Service, Gamelin USARC, 10 Asylum Road, Bristol, RI.
NPA: Road to Responsibility, Inc., Marshfield, MA.
Contracting Activity: Dept. of the Army, W6QM MICC–FT DIX (RC–E), FT DIX, NJ.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–22290 Filed 9–12–13; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Reserve Forces Policy Board (RFPB); Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Secretary of Defense, Reserve Forces Policy Board, DoD.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the Reserve Forces Policy Board (RFPB) will take place.

DATES: Wednesday, October 2, 2013, from 3:00 p.m. to 4:00 p.m.

ADDRESSES: The address is the Reserve Forces Policy Board Conference Room, 5113 Leesburg Pike, Skyline Four, Suite 601, Falls Church, Virginia 22041.

FOR FURTHER INFORMATION CONTACT: CAPT Steven Knight, Designated Federal Officer, (703) 681–0608 (Voice), (703) 681–0002 (Facsimile), Email—*steven.p.knight.mil@mail.mil.* Mailing address is Reserve Forces Policy Board, 5113 Leesburg Pike, Suite 601, Falls Church, VA 22041. Web site: *http://ra.defense.gov/rfpb/.* The most up-to-date changes to the meeting can be found on the RFPB Web site.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (FACA) (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 obtain, review and evaluate information related to strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components. The Board will review proposed recommendations of its Secretary of Defense Strategic Question Task Group.

Agenda: The Reserve Forces Policy Board will hold a meeting from 3:00 p.m. until 4:00 p.m. The Board will review and deliberate over proposed recommendations of the Board's Secretary of Defense Strategic Questions Task Group.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, the meeting is open to the public. Seating is on a first-come basis. To request a seat at the meeting, interested persons must email or phone Captain Steven Knight, the Designated Federal Officer, not later than noon on Monday, September 30, 2013, as listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, interested persons may submit written statements to the Reserve Forces Policy Board at any time. Written statements should be submitted to the Reserve Forces Policy Board's Designated Federal Officer at the address or facsimile number listed in the **FOR FURTHER INFORMATION CONTACT** section. If statements pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. Written statements received after this date may not be provided to or considered by the Reserve Forces Policy Board until its next meeting. The Designated Federal Officer will review all timely submitted written statements and provide copies to all the committee members before the meeting that is the subject of this notice. Please note that since the Board operates under the provisions of the FACA, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the Board's Web site.

Dated: September 9, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–22276 Filed 9–12–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2013–0031]

Proposed Collection; Comment Request

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Army 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 12, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Joint Product Manager for Force Protection Systems (JPM–FPS), 5900 Putnam Road, Building 365/Suite 1, (SFAE–CBD–GN–F), ATTN: Mark Shuler, Fort Belvoir, VA 22060–5420, or call JPM–FPS at 703–704–2402.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Automated Installation Entry (AIE) System; OMB Control Number 0702–TBD.

Needs and Uses: The information collection requirement is necessary to verify the identity of an individual and determine the fitness of an individual requesting and/or requiring access to installations, and issuance of local access credentials. The information collection methodology involves the employment of technological collection of data via an electronic physical access control system (PACS) which provides the capability to rapidly and electronically authenticate credentials and validate the individual's authorization to enter an installation.

Affected Public: Individuals or households; business or other for profit.

Annual Burden Hours: 2,204 hours.

Number of Respondents: 44,075.

Responses per Respondent: 1.

Average Burden per Response: 3 minutes.

Frequency: On occasion.

Personal data is required to support HQDA physical security/access control programs. Data is collected within the AIE system registration database to facilitate automated access control as specified in DTM 09–012, Interim Policy for DoD Physical Access Control and AR 190–13, Army Physical security. Data is employed to ensure positive identification of individuals authorized access to installations. AIE supports military personnel (Active/Reserve/Guard/retired); DoD civilian/contractor employees; corporate employees; vendors and visitors enrollment and access.

Dated: September 9, 2013.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2013–22248 Filed 9–12–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Supplemental Environmental Impact Statement for the Grays Harbor Navigation Improvement Project, Grays Harbor, Washington

AGENCY: Department of Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, the U.S. Army Corps of Engineers (Corps), Seattle District, as lead Federal agency, will prepare a Supplemental Environmental Impact Statement (SEIS) evaluating the Grays Harbor Navigation Improvement Project. The purpose of this supplement is to address proposed changes to the Grays Harbor and Chehalis River Navigation Project developed since the Corps prepared the 1982 Grays Harbor, Chehalis and Hoquiam Rivers, Washington Channel Improvements for Navigation Interim Feasibility Report and Final Environmental Impact Statement (EIS) and its 1989 supplement. The SEIS updates the original EIS and its supplement with more recent relevant environmental information, and updates the description of effects that may potentially occur from implementing the proposed action. The SEIS will evaluate the practicality and potential environmental impacts of three alternatives: two with varying channel depths and no action.

ADDRESSES: To be included on the mailing list for review of the SEIS, all requests should be submitted to Mr. Kevin McKeag, U.S. Army Corps of Engineers, Seattle District, 4735 East Marginal Way South, Seattle, Washington, 98134.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin McKeag, Environmental and Cultural Resources Branch, U.S. Army Corps of Engineers, at email: *kevin.j.mckeag@usace.army.mil,* by regular mail (see **ADDRESSES**), or telephone: 206–764–3576.

SUPPLEMENTARY INFORMATION: Preparation of an SEIS will inform the Corps' eventual decision on whether or not to implement the proposed action. As part of the NEPA process, the Corps will gather and analyze information to compare the potential environmental effects of possible project alternatives and a ''no action'' alternative in the SEIS. The SEIS will be prepared to assess the potential social, economic and environmental impacts of the project, and will be sufficient in scope to address Federal, State and local regulatory requirements and pertinent environmental and socio-economic issues. The Federal SEIS process begins with publication of this Notice of Intent. The SEIS will be prepared in accordance with the Corps' procedures for implementing NEPA (33 CFR Part 230) and consistent with the Corps' policy to facilitate public understanding and review of agency proposals.

1. *Proposed Action:* The proposed action is to deepen the Federal navigation deep-draft channel in Grays Harbor from its currently maintained depth of minus 36 feet mean lower low water (MLLW) down to its authorized depth of minus 38 feet MLLW, including placement of the dredged material at existing authorized dredged material placement sites (including appropriate upland placement as necessary for any sediments not meeting unconfined aquatic placement criteria). Congress initially authorized construction of the navigation channel in the Rivers and Harbors Appropriations Act of 1899. Dredging of the navigation channel to a depth of minus 38 feet MLLW was subsequently authorized in the form of the Navigation Improvement Project by Congress in Section 202 of the Water Resources Development Act of 1986 (Pub. L. 99–662) in November 1986.

2. *Alternatives:* The SEIS will evaluate the practicability and environmental impacts of three alternatives, including the no action alternative: (1) Deepen channel to minus 37 feet MLLW; (2) Deepen channel to minus 38 feet MLLW; and (3) no action (continue to maintain channel at existing depth of minus 36 feet MLLW). The draft SEIS will identify the agency preferred action alternative, which will be identified in consideration of overall environmental impacts and contributions to cumulative impacts. The potential direct, indirect, and cumulative impacts of the proposed action and action alternatives on the following resource issues will be analyzed in the SEIS: Vessel traffic and navigational safety; aquatic habitats; aquatic species, including Endangered Species Act-listed species and Washington State species of concern; Tribal treaty rights; wetland and riparian habitat; wildlife; vehicle traffic; cultural, historic, and archeological resources; air and water quality; noise; recreation; land use; and aesthetics.

3. *Public Involvement:* Initial public participation included a December 2012 public meeting held at the Port of Grays Harbor. Additional public involvement efforts will continue throughout the development of a Draft SEIS, and when complete, the Draft SEIS will be distributed (either mailed or emailed) to pertinent Federal, State and local agencies, Government officials, local libraries, Native American Tribes, and environmental interest organizations, and known interested citizens, for review and comment.

4. *Scoping.* Consistent with NEPA procedures, a public scoping meeting will not be held in the development of this Supplemental EIS. Comments received during the December 2012 public meeting will be used to assist in development of the Draft SEIS.

5. *Other Environmental Review and Coordination Requirements:* The Corps has and will continue to coordinate with several agencies and entities throughout the NEPA process including: the Port of Grays Harbor, the Quinault Indian Nation, the Chehalis Tribe, Northwest Indian Fisheries Commission, Washington Department of Ecology, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, U.S. Fish and Wildlife Service, and National Marine Fisheries Service. The draft SEIS will address the extent to which the proposed project is in compliance with all applicable laws and regulations, including NEPA, the Clean Water Act, the Endangered Species Act, the Coastal Zone Management Act, the Clean Air Act, the National Historic Preservation Act, and Treaty Rights.

6. *Availability of Draft SEIS.* The draft SEIS is estimated to be completed and available for public review in fall 2013.

Dated: September 3, 2013.

Bruce A. Estok,

Commanding Officer, COL, EN.

[FR Doc. 2013–22286 Filed 9–12–13; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Meetings for the Draft Environmental Impact Statement/ Overseas Environmental Impact Statement for Military Readiness Activities in the Mariana Islands Training and Testing Study Area

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, and regulations implemented by the Council on Environmental Quality (40 Code of Federal Regulations Parts 1500–1508), and Presidential Executive Order 12114, the Department of the Navy (DoN) has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement/ Overseas Environmental Impact Statement (EIS/OEIS). The Draft EIS/ OEIS evaluates the potential environmental effects associated with military readiness training and research, development, test, and evaluation activities (training and testing) conducted within the Mariana Islands Training and Testing (MITT) Study

Area. The National Marine Fisheries Service (NMFS), the U.S. Air Force, and the U.S. Coast Guard are cooperating agencies for this EIS/OEIS.

The MITT Study Area is composed of established ranges (at-sea ranges and land based training areas on Guam and the Commonwealth of Northern Mariana Islands [CNMI]); operating areas; and special use airspace in the region of the Mariana Islands that are part of the Mariana Islands Range Complex (MIRC) and its surrounding seas; includes a transit corridor between the MIRC and the Hawaii Range Complex; and Navy pierside locations where sonar maintenance and testing activities occur.

With the filing of the Draft EIS/OEIS, the DoN is initiating a 60-day public comment period and has scheduled four public meetings to receive comments on the Draft EIS/OEIS. This notice announces the dates and locations of the public meetings and provides supplementary information about the environmental planning effort.

DATES AND ADDRESSES: The 60-day Draft EIS/OEIS public review period will begin September 13, 2013 and end November 12, 2013. The DoN will hold four public meetings to inform the public about the Proposed Action and alternatives under consideration, and to provide an opportunity for the public to comment on the Proposed Action, alternatives, and the adequacy and accuracy of the analysis in the Draft EIS/OEIS. Each of the public meetings will include an open house information session and an opportunity to present oral comments. DoN representatives will be available during the public meetings to clarify information related to the Draft EIS/OEIS. Federal and local agencies and officials, and interested organizations and individuals are encouraged to provide comments in writing during the public review period or in person at one of the scheduled public meetings.

The public meetings will be held between 5:00 p.m. and 8:00 p.m. on the following dates:

1. October 7, 2013, at the University of Guam, Leon Guerrero School of Business and Public Administration Building, Anthony Leon Guerrero Multi-Purpose Room 129, Mangilao, Guam 96923.

2. October 8, 2013, at the Pedro P. Tenorio Multi-Purpose Center in Susupe, Saipan, MP 96950.

3. October 9, 2013, at the Tinian High School Cafeteria, San Jose Village, Tinian, MP 96952.

4. October 10, 2013, at the Sinapalo Elementary School Cafeteria, Sinapalo I, Songsong Village, Rota, MP 96951.

Attendees will be able to submit oral and written comments during the public meetings. Oral comments from the public will be recorded by a court reporter. In the interest of available time, and to ensure all who wish to provide an oral comment to the court reporter have the opportunity to do so, each speaker's comments will be limited to three (3) minutes, which may be extended if meeting attendance permits. Equal weight will be given to oral and written statements. Comments may also be submitted via the U.S. Postal Service to Naval Facilities Engineering Command Pacific, Attention: MITT EIS/OEIS Project Manager, 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860–3134, or electronically via the project Web site (*www.MITT-EIS.com*). All comments, oral or written, submitted during the public review period will become part of the public record on the Draft EIS/OEIS and will be responded to in the Final EIS/OEIS. All public comments must be postmarked or received by November 12, 2013, Chamorro Standard Time (ChST) to ensure they become part of the official record.

FOR FURTHER INFORMATION CONTACT: Naval Facilities Engineering Command Pacific, Attention: MITT EIS/OEIS Project Manager, 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860–3134.

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare this Draft EIS/OEIS was published in the **Federal Register** on September 8, 2011 (Vol. 76, No. 174, pp. 55653–55654).

The DoN's Proposed Action is to conduct training and testing activities, which may include the use of active Sound Navigation and Ranging (sonar) and explosives, primarily in established operating and military warning areas of the MITT Study Area. The Proposed Action also includes pierside sonar maintenance and testing alongside Navy piers located in Inner Apra Harbor, and land-based training activities at existing ranges and other training locations on Guam and the CNMI.

The purpose of the Proposed Action is to achieve and maintain military readiness to meet the requirements of Title 10 of the U.S. Code, thereby ensuring that the DoN and other military services accomplish their mission to maintain, train, and equip combat-ready military forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. This Draft EIS/OEIS will also support the renewal of federal regulatory permits and authorizations for current training and testing activities and to propose future activities requiring environmental analysis.

The Draft EIS/OEIS evaluates the potential environmental impacts of three alternatives, including the No Action Alternative. The No Action Alternative continues baseline training and testing activities, and airspace and seaspace reconfigurations, as defined by existing environmental planning documents. Alternative 1 (Preferred Alternative) consists of the No Action Alternative, plus adjustments to the Study Area boundaries and to the types and levels of training and testing activities as necessary to support current and planned requirements. This alternative consists of activities conducted throughout the Study Area and mission requirements associated with force structure changes, including those resulting from the development, testing, and ultimate introduction of new vessels, aircraft, and weapons systems into the Fleet. Alternative 2 consists of all activities that would occur under Alternative 1, plus additional adjustments to the types and levels of training and testing activities. Alternative 2 is contingent upon potential budget increases, strategic necessity, and future training and testing requirements.

In this EIS/OEIS, the DoN analyzes potential impacts on environmental resources resulting from activities under the alternatives. Resources evaluated include sediments and water quality, air quality, marine habitats, marine mammals, sea turtles, marine birds, marine vegetation, marine invertebrates, fish, terrestrial species and habitats, cultural resources, socioeconomic resources, and public health and safety.

DoN is requesting from NMFS a Marine Mammal Protection Act incidental take authorization and governing regulations for the incidental take of marine mammals that may result from the implementation of the activities analyzed in the Draft EIS/OEIS. In accordance with Section 7 of the Endangered Species Act, the DoN is consulting with NMFS and U.S. Fish and Wildlife Service on the potential impacts of training and testing activities on federally listed species. In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, the DoN is consulting with NMFS on federally managed species and their essential fish habitat.

The Draft EIS/OEIS was distributed to Federal and local agencies, elected officials, and other interested organizations and individuals. Copies of the Draft EIS/OEIS are also available for public review at the following public libraries:

1. University of Guam Robert F. Kennedy Memorial Library, Government Documents Tan Siu Lin Building, University of Guam Station, Mangilao, GU 96923.

2. Tinian Public Library, P.O. Box 520704, Tinian, MP 96952.

3. Joeten-Kiyu Public Library, Insatto St., Beach Road, Susupe P.O. Box 501092, Saipan, MP 96950.

4. Nieves M. Flores Memorial Public Library, 254 Martyr St., Hagatna, GU 96910.

5. Rota Public Library, P.O. Box 537, Rota, MP 96951.

The Draft EIS/OEIS is also available for electronic viewing at *www.MITT–EIS.com.* A compact disc of the Draft EIS/OEIS will be made available upon written request by contacting: Naval Facilities Engineering Command Pacific, Attention: MITT EIS/OEIS Project Manager, 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860–3134.

Dated: September 5, 2013.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2013–22296 Filed 9–12–13; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2972–022]

Woonsocket Falls Project, City of Woonsocket; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of License.

b. *Project No.:* 2972–022.

c. *Date Filed:* June 21, 2012.

d. *Applicant:* City of Woonsocket.

e. *Name of Project:* Woonsocket Falls Project.

f. *Location:* On the Blackstone River, in Providence County, Woonsocket, Rhode Island.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicants Contact:* Mr. Michael Debroisse, Engineering, City of Woonsocket, 169 Main Street, Woonsocket, RI 02895, (401) 762–6400.

Mr. Sean Coffey, Burns & Levinson LLP, One Citizens Plaza, Suite 1100, Providence, RI 02903, (401) 831–8173.

i. *FERC Contact:* Mr. Mark Pawlowski, (202) 502–6052, *mark.pawlowski@ferc.gov*

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests 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–2972–022.

k. *Description of Request:* The licensee requests to amend its license to remove the Woonsocket Falls Dam and impoundment as licensed project facilities because the dam and impoundment have been transferred to the U.S. Army Corps of Engineers pursuant to the requirements of section 2875 of the National Defense Authorization Act of 2008 (PL 110–181). The licensee would continue to operate and maintain the hydroelectric facilities consisting of: (1) An intake structure constructed on the east bank of the river about 60 feet upstream from the dam; (2) two 8-foot diameter concrete penstocks; (3) a powerhouse located about 240 feet downstream from the dam; (4) a 1,200-foot-long, 13.8-kilovolt (kV) transmission line; and (5) appurtenant facilities.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208- 3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All motions to intervene, protests, or comments should relate to project works which are the subject of the application. 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. If an intervener 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: September 9, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–22319 Filed 9–12–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–540–000]

SourceGas Distribution LLC; Notice of Application

Take notice that on August 27, 2013, SourceGas Distribution LLC (SourceGas), 600 12th Street, Suite 300, Golden, Colorado 80401, filed in Docket No. CP13–540–000 an application pursuant to section 7(f) of the Natural Gas Act (NGA) requesting the determination of service areas across the Nebraska-Colorado border within which SourceGas may, without further commission authorization, provide natural gas distribution service. SourceGas also requests a waiver of the Commission's accounting and reporting requirements and other regulatory requirements ordinarily applicable to natural gas companies under the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Mark R. Haskell, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW., Washington, DC, 20004, or call (202) 739–3000, or by email *mhaskell@morganlewis.com*.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Comment Date: September 30, 2013.

Dated: September 9, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–22318 Filed 9–12–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR13–61–000.

Applicants: Houston Pipe Line Company LP.

Description: Tariff filing per 284.123(b)(2)/.: Houston Pipe Line Company LP Petition for Firm Rate Approval & SOC Changes to be effective 9/1/2013.

Filed Date: 8/30/13.

Accession Number: 20130830–5033.

Comments Due: 5 p.m. ET 9/20/13.

Docket Numbers: PR13–61–000.

Applicants: Columbia Gas of Maryland, Inc.

Description: Tariff filing per 284.123/.224: Statement of Operating Conditions to be effective 8/30/2013.

Filed Date: 8/30/13.

Accession Number: 20130830–5107.

Comments Due: 5 p.m. ET 9/20/13.

Docket Numbers: RP13–1315–000.

Applicants: Enable Gas Transmission, LLC.

Description: Tariff filing per 154.203: Negotiated Rate Filing—September 2013—DCP Compliance to be effective 9/6/2013.

Filed Date: 9/6/13.

Accession Number: 20130906–5140.

Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: RP13–1316–000.

Applicants: Enable Mississippi River Transmission, L.

Description: Petition for Temporary Waiver of Tariff Provisions and Request for Expedited Action and Shortened Comment Period of Enable Mississippi River Transmission, LLC under RP13–1316.

Filed Date: 9/6/13.

Accession Number: 20130906–5153.

Comments Due: 5 p.m. ET 9/13/13.

Docket Numbers: RP13–1317–000.

Applicants: Alliance Pipeline L.P.

Description: Tariff filing per 154.204: Hess Corporation to Hess Tioga Gas Plant to be effective 9/1/2013.

Filed Date: 9/6/13.

Accession Number: 20130906–5168.

Comments Due: 5 p.m. ET 9/18/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP13–556–004.

Applicants: Gulf Shore Energy Partners, LP.

Description: Gulf Shore Energy Partners, LP GAS TARIFF ORIGINAL VOLUME NO. 1—Compliance to be effective 8/28/2013.

Filed Date: 8/29/13.

Accession Number: 20130829–5062.

Comments Due: 5 p.m. ET 9/10/13.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 9, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–22307 Filed 9–12–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–4683–004*; ER11–4684–004; ER11–2489–004; ER12–726–003; ER12–2639–002; ER11–3620–005; ER11–2882–006; ER10–2432–005; ER10–2435–005; ER10–2440–005; ER10–2442–005; ER10–2444–005; ER10–2446–005; ER10–2449–005; ER12–1431–003; ER12–1434–003; ER12–1432–003; ER12–1435–003; ER10–3139–005; ER12–2510–002; ER12–2511–002; ER12–2512–002; ER12–2513–002; ER13–1139–004*.

Applicants: Elizabethtown Energy, LLC, Lumberton Energy, LLC, Hatchet Ridge Wind, LLC, Spring Valley Wind LLC, Ocotillo Express LLC, Lyonsdale Biomass, LLC, ReEnergy Sterling CT Limited Partnership, Bayonne Plant Holding, L.L.C., Camden Plant Holding, L.L.C., Dartmouth Power Associates Limited Partn, Elmwood Park Power, LLC, Newark Bay Cogeneration Partnership, L.P, Pedricktown Cogeneration Company LP, York Generation Company LLC, ReEnergy Ashland LLC, ReEnergy Fort Fairfield LLC, ReEnergy Livermore Falls LLC, ReEnergy Stratton LLC, Black River Generation, LLC, Brandon Shores LLC,C.P. Crane LLC,H.A. Wagner LLC, Raven Power Marketing LLC, Imperial Valley Solar 1, LLC.

Description: Notification of Non-Material Change in Status of Riverstone MBR Entities.

Filed Date: 9/5/13.

Accession Number: 20130905–5273.

Comments Due: 5 p.m. ET 9/26/13.

Docket Numbers: ER13–38–003.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 09–06–2013 SA 6500 Escanaba Original SSR Agr to be effective 6/15/2012.

Filed Date: 9/6/13.

Accession Number: 20130906–5000.

Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–973–001.

Applicants: Saja Energy LLC.

Description: Notice of Change in Status under Market-Based Rate Authority of Saja Energy LLC.

Filed Date: 9/6/13.

Accession Number: 20130906–5125.

Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–1659–001.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance Filing per August 8, 2013 Order in Docket No. ER13–1659–000 to be effective 8/12/2013.

Filed Date: 9/6/13.

Accession Number: 20130906–5014.

Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–2326–000.

Applicants: Southwest Power Pool, Inc.

Description: 2573 Buckeye Wind Energy LLC GIA to be effective 8/15/2013.

Filed Date: 9/6/13.

Accession Number: 20130906–5018.

Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–2327–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 09–06–13 Order No. 771 Compliance to be effective 10/30/2013.

Filed Date: 9/6/13.

Accession Number: 20130906–5060.

Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–2328–000.

Applicants: Southern California Edison Company.

Description: SGIA and Distribution Service Agmt for 13607 Orden Roof Top Solar Project to be effective 9/7/2013.

Filed Date: 9/6/13.

Accession Number: 20130906–5069.

Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–2329–000.

Applicants: Southern California Edison Company.

Description: SGIA and Distribution Service Agmt for 13300 Carmenita Roof Top Solar Project to be effective 9/7/2013.

Filed Date: 9/6/13.

Accession Number: 20130906–5074.

Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–2330–000.

Applicants: Southern California Edison Company.

Description: SGIA and Distribution Service Agmt for 13227 Orden Roof Top Solar Project to be effective 9/7/2013.

Filed Date: 9/6/13.

Accession Number: 20130906–5078.

Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–2331–000.

Applicants: Southern California Edison Company.

Description: SGIA and Distribution Service Agmt for 12825 Carmenita Roof Top Solar Project to be effective 9/7/2013.

Filed Date: 9/6/13.

Accession Number: 20130906–5079.

Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–2332–000.

Applicants: Southern California Edison Company.

Description: SGIA and Distribution Service Agmt for 13220 Orden Roof Top Solar Project to be effective 9/7/2013.

Filed Date: 9/6/13.

Accession Number: 20130906–5081.
Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–2333–000.
Applicants: NorthWestern Corporation.
Description: SA 693—Pacific Steel—Havre to be effective 8/5/2013.
Filed Date: 9/6/13.
Accession Number: 20130906–5107.
Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–2334–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 09–06–2013 SA 6001 Interstate-ITC Blackstart to be effective 9/24/2013.
Filed Date: 9/6/13.
Accession Number: 20130906–5113.
Comments Due: 5 p.m. ET 9/27/13.

Docket Numbers: ER13–2335–000.
Applicants: Southwest Power Pool, Inc.
Description: Attachment AD 2012 Second Amendatory Agreement to be effective 9/1/2013.
Filed Date: 9/6/13.
Accession Number: 20130906–5135.
Comments Due: 5 p.m. ET 9/27/13.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES13–52–000.
Applicants: Interstate Power and Light Company.
Description: Application of Interstate Power and Light Company for Amendment of Original Application and Authorization to Issue Securities and Request for Waiver of Competitive Bidding Requirements.
Filed Date: 9/6/13.
Accession Number: 20130906–5122.
Comments Due: 5 p.m. ET 9/27/13.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA13–7–000.
Applicants: Prairie Power, Inc.
Description: Application of Prairie Power, Inc. continued waiver of the requirements of Order Nos. 888, 889, and 890, and Part 358 of the Commission's regulations.
Filed Date: 9/4/13.
Accession Number: 20130904–5210.
Comments Due: 5 p.m. ET 9/25/13.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF12–135–000.
Applicants: Iowa Hydro, LLC.
Description: Proposed Refund Report and Request for Waivers of Filing and Refund Requirements of Iowa Hydro, LLC, et. al.
Filed Date: 9/6/13.
Accession Number: 20130906–5013.
Comments Due: 5 p.m. ET 10/9/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 06, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–22282 Filed 9–12–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–485–000]

Texas Gas Transmission, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Texas Gas Abandonment Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Texas Gas Abandonment Project involving abandonment of facilities by Texas Gas Transmission, LLC (Texas Gas) located in numerous counties in Kentucky, Tennessee, Mississippi, Arkansas, and Louisiana. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on October 9, 2013.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

Texas Gas provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?''. This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

Texas Gas proposes to abandon in-place and ultimately transfer to a corporate affiliate, Bluegrass Pipeline Company, LLC (Bluegrass), portions of its existing looped [1] Mainline System (MLS) 26–2 and MLS 26–1 pipelines and its Bastrop-Eunice System (BAE) 26–1 pipeline, including auxiliary and associated facilities in numerous counties in Kentucky, Tennessee, Mississippi, Arkansas, and Louisiana. Texas Gas clarified that the pipeline proposed for abandonment consists mostly of a contiguous pipeline designated as either MLS 26–2, MLS 26–1, or BAE 26–1, depending on what additional Texas Gas pipelines are located in the same right-of-way, and that certain segments along the pipeline were selected for abandonment based upon the suitability for future transportation of natural gas liquids. Texas Gas states it has experienced a decline in its customer base and throughput volumes over the last few years as a direct result of the emergence of gas supplies nearer its market areas and the construction of new pipeline infrastructure in the Midwest. Consequently, Texas Gas states, it has attempted to solicit interest in customers acquiring new or additional capacity on its system. However, Texas Gas received no requests for long-term firm service. Due to this lack of market demand for firm services, Texas Gas concluded that the facilities proposed for abandonment are no longer needed.

The Texas Gas Abandonment Project would abandon by transfer about 567.8 miles of 26-inch-diameter pipeline consisting of:

- 246.5 miles of the MLS 26–2 Pipeline from the Hardinsburg Compressor Station at milepost (MP) 530.4 in Breckenridge County, Kentucky

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

to MP 283.9 in Tipton County, Tennessee;

- 2.6 miles of the MLS 26–1 Pipeline from MP 242.0 in DeSoto County, Mississippi to the Southaven Header at MP 239.4;
- 124.1 miles of the MLS 26–2 Pipeline from MP 228.4 in DeSoto County, Mississippi to the east header of the Mississippi River crossing at MP 104.3 in Washington County, Mississippi;
- 2.9 miles of the MLS 26–1 Pipeline from the east header of the Mississippi River crossing at MP 104.3 in Washington County, Mississippi to the west header of the crossing at MP 101.5 in Chicot County, Arkansas;
- 45.8 miles of the MLS 26–2 Pipeline from the west header of the Mississippi River crossing at MP 101.5 in Chicot County, Arkansas to the discharge end of the Bastrop Compressor Station at MP 55.7 in Morehouse Parish, Louisiana;
- 45.8 miles of the BAE 26–1 Pipeline from the suction end of the Bastrop Compressor Station at MP 0.0 in Morehouse Parish, Louisiana to a block valve at the end of the 36-inch-diameter pipeline loop at MP 45.8 in Ouachita Parish, Louisiana;
- 48.5 miles of the BAE 26–1 Pipeline from a block valve at the end of the 36-inch-diameter pipeline loop at MP 78.1 in La Salle Parish, Louisiana to the north header of the Red River crossing at MP 126.6 in Rapides Parish, Louisiana; and
- 54.1 miles of the BAE 26–1 Pipeline from the south header of the Red River crossing at MP 129.1 in Rapides Parish, Louisiana to the discharge header of the Eunice Compressor Station at MP 183.2 in Acadia Parish, Louisiana.

Texas Gas would also abandon by transfer all ancillary and associated facilities such as valves, catholic protection, pig launchers/receivers, and control equipment; and abandon minor facilities at 140 sites across the systems, all of which would require ground disturbing activities.

Texas Gas states that following abandonment authority it would continue to provide natural gas transportation service on its remaining 30- and 26-inch-diameter loop line facilities and that Bluegrass would convert the abandoned facilities to natural gas liquids (NGL) transportation service.

The general location of the project facilities is shown in appendix 1.[2]

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

Land Requirements for Construction

Texas Gas' abandonment activities would require ground disturbance of approximately 20.8 acres at 140 sites and would involve the following: Disconnection of the 26-inch-diameter pipeline from the suction and discharge piping at 10 compressor stations; reconfiguration of the compressor stations' piping to maintain station function and reconnection of the 26-inch-diameter pipeline; isolation of mainline valves, mainline valves with cross-over pipeline segments, and headers by removing short segments of 26-inch-diameter pipeline containing these facilities and reconnecting the 26-inch-diameter pipeline; replacement of 74 customer and interconnecting taps by their removal from the 26-inch-diameter pipeline and installing new taps at adjacent existing Texas Gas-owned pipelines; and abandonment by removal of 9 other unused taps. The area of ground disturbance at each of the 140 sites would average about 0.148 acre. Upon conclusion of the abandonment activities, the disturbed acreage would be restored.

Facilities To Be Constructed Following Abandonment

Texas Gas indicates that following transfer of the facilities, Bluegrass would perform activities that are not under the jurisdiction of the FERC. Although FERC doesn't have the regulatory authority to modify or deny the construction of these facilities, we will disclose available information regarding the construction impacts in our EA. These activities would include:

Northeast Connector Project—Bluegrass would construct facilities to undertake the transportation of NGL between producing areas in West Virginia, Pennsylvania, and Ohio and Texas Gas' existing Hardinsburg Compressor Station in Breckenridge County, Kentucky. The facilities would include:

- About 217 miles of 20-inch-diameter pipeline in Pennsylvania, West Virginia, and Ohio;
- one new pump station in Highland County, Ohio; and
- about 394 miles of 24-inch-diameter pipeline in Ohio and Kentucky.

Conversion Project—Bluegrass would construct facilities related to the conversion of the facilities abandoned by Texas Gas including:

- About 2 miles of 26-inch-diameter pipeline near Texas Gas' existing Greenville Compressor Station in Washington County, Mississippi;
- about 32 miles of 26-inch-diameter pipeline adjacent to Texas Gas' existing facilities in Ouachita, Caldwell, and LaSalle Parishes, Louisiana;
- about 2.5 miles of 26-inch-diameter pipeline adjacent to Texas Gas' existing facilities in Rapides Parish, Louisiana;
- about 91 miles of 24-inch-diameter pipeline in Tipton County, Tennessee; Mississippi and Crittenden Counties, Arkansas; and DeSoto County, Mississippi;
- three NGL pump stations near Texas Gas' existing Slaughters, Covington, and Columbia compressor stations in Webster County, Kentucky; Tipton County, Tennessee; and Caldwell Parish, Louisiana, respectively; and
- pipeline replacements at numerous sites along the pipeline segments proposed for abandonment by Texas Gas.

Louisiana Extension Project—Bluegrass would construct a pipeline for the transportation of NGL in Louisiana, consisting of 59 miles of 24-inch-diameter pipeline between Texas Gas' Eunice Compressor Station in Acadia Parish and existing fractionation and underground storage facilities in Calcasieu Parish, Louisiana.

Louisiana Fractionation and Storage Facilities—A separate, as yet unidentified, joint venture entity is also contemplating increasing both fractionation and underground storage capability in Calcasieu Parish, Louisiana.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the abandonment of the proposed project under these general headings:

- Geology and soils;
- Land use;
- Water resources, fisheries, and wetlands;

- Cultural resources;
- Vegetation and wildlife;
- Air quality and noise;
- Endangered and threatened species;
- Public safety; and
- Cumulative impacts.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section below.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA [3]. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with applicable State Historic Preservation Offices (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before October 9, 2013.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number CP13–485–000 with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are existing right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP13–485–000). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: September 6, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–22317 Filed 9–12–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–2319–000]

PE Hydro Generation, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of PE Hydro Generation, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability is September 30, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 9, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–22281 Filed 9–12–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–2316–000]

Seneca Generation, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Seneca Generation, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is September 30, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 9, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–22278 Filed 9–12–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–2318–000]

All Dams Generation, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of All Dams Generation, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and

385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is September 30, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 9, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–22280 Filed 9–12–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–2308–000]

Sapphire Power Marketing LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Sapphire Power Marketing LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is September 30, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 9, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–22277 Filed 9–12–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–2317–000]

Lake Lynn Generation, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Lake Lynn Generation, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability is September 30, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC

Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 9, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–22279 Filed 9–12–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12741–003]

Albany Engineering Corporation; Notice of Successive Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On August 20, 2013, Albany Engineering Corporation (Albany Engineering) filed an application for a successive preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of hydropower adjacent to the New York State Canal Corporation's Lock C5 located on the Hudson River in Saratoga and Washington Counties, New York. 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 Thomson Project would consist of: (1) A new arc-shaped dam consisting of six 111-foot-long 12-foot-high spillway sections integrated with five 50-foot-diameter circular-shell piers, located 1,600 feet downstream of the existing Northumberland Dam; (2) a new 324-acre impoundment between the new dam and the existing Northumberland Dam, that would extend an existing impoundment having a surface area of 2,750 acres at a normal water surface elevation of 101.1 feet mean sea level by lowering the crest of the existing dam; (3) a 4,000-foot-long by 12-foot-deep segment of the existing Champlain Canal; (4) the existing Lock No. 5 facilities; (5) five identical turbine-generating units each housed in one of five circular-shell piers, with a total capacity of 23.7 megawatts; (6) a new 8,000-foot-long, 34.5-kilovolt transmission line; and (7) appurtenant facilities. The proposed project would have an estimated average annual generation of 68.9 gigawatt-hours.

Applicant Contact: Wendy Jo Carey, Albany Engineering Corporation, 5 Washington Square, Albany, NY 12205; phone: (518) 456–7712.

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–12741–003.

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–12741) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: September 9, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–22320 Filed 9–12–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Colorado River Storage Project-Rate Order No. WAPA–161

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Order Temporarily Extending Firm Power, Transmission, and Ancillary Services Rates.

SUMMARY: This action is to extend the existing Salt Lake City Area Integrated Projects (SLCA/IP) Firm Power Rate and the Colorado River Storage Project (CRSP) Transmission and Ancillary Services Rates through September 30, 2015. The existing SLCA/IP Firm Power Rate and CRSP Transmission and Ancillary Services Rates are set to expire September 30, 2013.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Jeka, CRSP Manager, CRSP Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580, (801) 524–6372, email *jeka@wapa.gov,* or Mr. Rodney Bailey, Power Marketing Manager, CRSP Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580, (801) 524–4007, email *rbailey@wapa.gov*.

SUPPLEMENTARY INFORMATION: Rate Schedules SLIP–F9, SP–PTP7, SP–NW3, SP–NFT6, SP–SD3, SP–RS3, SP–EI3, SP–FR3, and SP–SSR3, contained in Rate Order No. WAPA–137,[1] were approved by the Federal Energy Regulatory Commission (FERC) for a 5-year period through September 30, 2013. Western Area Power Administration (Western) is proposing to temporarily extend the existing SLCA/IP Firm Power Rate and CRSP Transmission and Ancillary Services Rates under Rate Schedules SLIP–F9, SP–PTP7, SP–NW3, SP–NFT6, SP–SD3, SP–RS3, SP–EI3, SP–FR3, and SP–SSR3 pursuant to 10 CFR § 903.23(b). As required by the Grand Canyon Protection Act of 1992, the Bureau of Reclamation has been preparing a reallocation of the costs of the Glen Canyon Dam. The results of the reallocation were recently finalized, provided to Western, and will be implemented into the FY 2013 power repayment study. Due to uncertainties that the reallocation will have on the SLCA/IP Rate, Western is seeking a temporary extension of the existing rates to allow sufficient time for a new rate process to be completed and the new rates to be placed into effect. The existing rates collect sufficient annual revenue to recover annual expenses, including interest and capital requirements, thus ensuring repayment of the project within the cost recovery criteria set forth in DOE Order RA 6120.2.

By Delegation Order No. 00–037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the Administrator of Western; (2) the authority to confirm,

[1] The rates in WAPA–137 were approved by the Federal Energy Regulatory Commission on a final basis on June 19, 2009, in Docket No. EF08–5171–000 (127 FERC ¶ 62,220).

approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to FERC.

Western did not have a consultation and comment period and did not hold public information and comment forums for this extension as permitted by 10 CFR 903.23(b).

I hereby approve Rate Order No. WAPA–161, which temporarily extends Rate Schedules SLIP–F9 for SLCA/IP Firm Power and SP–PTP7, SP–NW3, SP–NFT6, SP–SD3, SP–RS3, SP–EI3, SP–FR3, and SP–SSR3 for CRSP Transmission and Ancillary Services through September 30, 2015.

Dated: September 6, 2013.

Daniel B. Poneman,

Deputy Secretary.

DEPARTMENT OF ENERGY DEPUTY SECRETARY

In the Matter of: Western Area Power Administration Temporary Extension for Salt Lake City Area Integrated Projects Firm Power Rates and Colorado River Storage Project Transmission and Ancillary Services Rates; Rate Order No. WAPA–161

ORDER CONFIRMING AND APPROVING A TEMPORARY EXTENSION OF THE SALT LAKE CITY AREA INTEGRATED PROJECTS FIRM POWER RATE AND THE COLORADO RIVER STORAGE PROJECT TRANSMISSION AND ANCILLARY SERVICES RATES

Section 302(a) of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152) transferred to and vested in the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other Acts that specifically apply to the project systems involved.

By Delegation Order No. 00–037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the Administrator of the Western Area Power Administration (Western); (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC). This rate extension is issued pursuant to the Delegation Order and DOE rate extension procedures at 10 CFR § 903.23(b).

BACKGROUND

Rate Schedules SLIP–F9, SP–PTP7, SP–NW3, SP–NFT6, SP–SD3, SP–RS3, SP–EI3, SP–FR3, and SP–SSR3, contained in Rate Order No. WAPA–137, were approved by the FERC for a 5-year period on October 1, 2008, through September 30, 2013. FERC issued its approval on June 19, 2009, in Docket No. EF08–5171–000 (127 FERC ¶ 62,220).

DISCUSSION

Western is extending the existing Salt Lake City Area Integrated Projects (SLCA/IP) Firm Power Rate and Colorado River Storage Project (CRSP) Transmission and Ancillary Services Rates until September 30, 2015, pursuant to 10 CFR § 903.23(b). As required by the Grand Canyon Protection Act of 1992, the Bureau of Reclamation has been preparing a reallocation of the costs of the Glen Canyon Dam. The results of the reallocation were recently finalized, provided to Western, and will be implemented into the FY 2013 power repayment study. Due to uncertainties that the reallocation will have on the SLCA/IP rate, Western is seeking a temporary extension of the existing rates to allow sufficient time for a new rate process to be completed and the new rates to be placed into effect. The existing SLCA/IP Firm Power Rate and CRSP Transmission and Ancillary Services Rates collect revenues sufficient to recover annual expenses, including interest and capital requirements, thus ensuring repayment of the project costs under the cost recovery criteria set forth in DOE Order RA 6120.2. As permitted by 10 CFR § 903.23(b), Western did not have an advanced notice and comment period and did not hold public information and comment forums on the extension of SLCA/IP Firm Power Rate and CRSP Transmission and Ancillary Services Rates.

ORDER

In view of the above and under the authority delegated to me, I hereby extend, as permitted by 10 CFR § 903.23(b), for a 2-year period, effective October 1, 2013, through September 30, 2015, the existing rate schedules SLIP–F9 for SLCA/IP Firm Power, and SP–PTP7, SP–NW3, SP–NFT6, SP–SD3, SP–RS3, SP–EI3, SP–FR3, and SP–SSR3 for CRSP Transmission and Ancillary Services.

Dated: September 6, 2013.

Daniel B. Poneman,

Deputy Secretary.

[FR Doc. 2013–22297 Filed 9–12–13; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9536–3]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et. Seq.). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Rick Westlund (202) 566–1682, or email at *westlund.rick@epa.gov* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR Number 1666.09; NESHAP for Commercial Ethylene Oxide Sterilization and Fumigation Operations; 40 CFR part 63 subparts A and O; was approved on 08/01/2013; OMB Number 2060–0283; expires on 08/31/2016; Approved without change.

EPA ICR Number 1926.06; NSPS for Commercial and Industrial Solid Waste Incineration Units; 40 CFR part 60 subparts A and CCCC; was approved on 08/01/2013; OMB Number 2060–0450; expires on 08/31/2016; Approved without change.

EPA ICR Number 1927.06; Emission Guidelines for Existing Commerce and Industrial Solid Waste Incineration Units; 40 CFR part 60 subparts A and DDDD; was approved on 08/01/2013; OMB Number 2060–0451; expires on 08/31/2016; Approved without change.

EPA ICR Number 2195.04; Submission of Protocols and Study Reports for Environmental Research

Involving Human Subjects; 40 CFR part 26; was approved on 08/12/2013; OMB Number 2070–0169; expires on 08/31/2016; Approved with change.

EPA ICR Number 2047.04; Participation by Disadvantaged Business Enterprises in Procurement under EPA Financial Assistance Agreements (Reinstatement); was approved on 08/13/2013; OMB Number 2090–0030; expires on 08/31/2015; Approved with change.

EPA ICR Number 0877.12; RadNet (Renewal); was approved on 08/15/2013; OMB Number 2060–0015; expires on 08/31/2016; Approved without change.

EPA ICR Number 0795.14; Notification of Chemical Exports—TSCA Section 12(b); 40 CFR part 707 subpart D; was approved on 08/16/2013; OMB Number 2070–0030; expires on 08/31/2016; Approved without change.

EPA ICR Number 2302.02; EPA's Design for the Environment Formulator Product Recognition Program; was approved on 08/20/2013; OMB Number 2070–0178; expires on 08/31/2016; Approved with change.

EPA ICR Number 1058.11; NSPS for Incinerators; 40 CFR part 60 subparts A and E; was approved on 08/26/2013; OMB Number 2060–0040; expires on 08/31/2016; Approved without change.

EPA ICR Number 2213.04; Control of Evaporative Emissions from New and In-Use Portable Gasoline Containers (Renewal); 40 CFR part 59 subpart F; was approved on 08/26/2013; OMB Number 2060–0597; expires on 08/31/2016; Approved without change.

EPA ICR Number 2096.05; NESHAP for Iron and Steel Foundries; 40 CFR part 63 subparts A and EEEEE; was approved on 08/26/2013; OMB Number 2060–0543; expires on 08/31/2016; Approved without change.

EPA ICR Number 1139.09; TSCA Section 4 Test Rules, Consent Orders, Enforceable Consent Agreements, Voluntary Testing Agreements, Voluntary Data Submissions, and Exemptions from Testing Requirement; 40 CFR parts 790 and 799; was approved on 08/28/2013; OMB Number 2070–0033; expires on 08/31/2016; Approved with change.

EPA ICR Number 1963.05; NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities; 40 CFR part 63 subparts A and EEEE; was approved on 08/28/2013; OMB Number 2060–0539; expires on 08/31/2016; Approved without change.

EPA ICR Number 0597.11; Tolerance Petitions for Pesticides on Food/Feed Crops and New Inert Ingredients; 40 CFR part 180; was approved on 08/28/2013; OMB Number 2070–0024; expires on 08/31/2016; Approved without change.

Comment Filed

EPA ICR Number 2446.01; Implementation of the Formaldehyde Emissions Standards for Composite Wood Products Act; Reporting and Recordkeeping Requirements (Proposed Rule); in 40 CFR part 770; OMB filed comment on 08/13/2013.

EPA ICR Number 2441.01; Formaldehyde Emissions From Composite Wood Products, Third-Party Certification Framework, Recordkeeping and Reporting (Proposed Rule); in 40 CFR part 770; OMB filed comment on 08/13/2013.

Withdrawn and Continue

EPA ICR Number 1696.07; Fuels and Fuel Additives: Health-Effects Research Requirements for Manufacturers; Withdrawn from OMB and Continue existing collection on August 27, 2013.

John Moses,

Director, Collections Strategies Division.

[FR Doc. 2013–22230 Filed 9–12–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0894; FRL 9534–5]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Registration of Fuels and Fuel Additives—Requirements for Manufacturers (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), Registration of Fuels and Fuel Additives—Requirements for Manufacturers (Renewal) (EPA ICR No. 0309.14, OMB Control No. 2060–0150), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through September 30, 2013. Public comments were previously requested via the **Federal Register** (78 FR 16498) on March 15, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before October 15, 2013.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2006–0894, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oria_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: James W. Caldwell, Compliance Division, Office of Transportation and Air Quality, Mail Code 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343–9303; fax number: (202) 343–2801; email address: *caldwell.jim@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that 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, William Jefferson Clinton Federal Building 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.*

Abstract: In accordance with the regulations at 40 CFR 79, Subparts A, B, C, and D, Registration of Fuels and Fuel Additives, manufacturers (including importers) of motor-vehicle gasoline, motor-vehicle diesel fuel, and additives for those fuels are required to have these products registered by EPA prior to their introduction into commerce. Registration involves providing a chemical description of the fuel or additive and certain technical, marketing, and health-effects information. The development of health-effects data, as required by 40

CFR 79, Subpart F, is covered by a separate information collection. Manufacturers are also required to submit periodic reports (annually for additives, quarterly and annually for fuels) on production volume and related information. The information is used to identify products whose evaporative or combustion emissions may pose an unreasonable risk to public health, thus meriting further investigation and potential regulation. The information is also used to ensure that fuel additives comply with EPA requirements for protecting catalytic converters and other automotive emission controls. The data have been used to construct a comprehensive data base on fuel and additive composition. The Mine Safety and Health Administration of the Department of Labor restricts the use of diesel additives in underground coal mines to those registered by EPA. Most of the information is business confidential.

Form Numbers: EPA Forms 3520–12, 3520–12A, 3520–12Q, 3520–13, 3520–13A, and 3520–13B.

Respondents/affected entities: Manufacturers and importers of motor-vehicle gasoline, motor-vehicle diesel fuel, and additives to those fuels.

Respondents obligation to respond: Mandatory per 40 CFR part 79.

Estimated number of respondents: 1850.

Frequency of response: On occasion, quarterly, annually.

Total estimated burden: 20,600 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,898,875 per year, includes $44,875 annualized capital or operation & maintenance costs.

Changes in estimates: There is an increase of 900 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to an increase in the number of registered fuels for which quarterly and annual reports are required.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–22227 Filed 9–12–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[3ER–FRL–9011–1]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 09/03/2013 through 09/06/2013 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20130263, Draft EIS, FHWA, NV, Pyramid Highway/US 395 Connection, Comment Period Ends: 11/12/2013, Contact: Abdelmoez Abdalla 775–687–1231

EIS No. 20130264, Final EIS, FHWA, CO, Interstate 25 Improvements through Pueblo, Review Period Ends: 10/15/2013, Contact: Chris Horn 720–963–3017

EIS No. 20130265, Final EIS, USFS, UT, Fishlake National Forest Oil and Gas Leasing Analysis Project, Review Period Ends: 10/21/2013, Contact: Rob Hamilton 435–896–1022

EIS No. 20130266, Draft EIS, USN, GU, The Mariana Islands Training and Testing, Comment Period Ends: 11/12/2013, Contact: John Van Name 808–471–1714

EIS No. 20130267, Final Supplement, USFS, CA, Sierra Nevada Forest Plan Amendment (SNFPA), Review Period Ends: 11/18/2013, Contact: Donald Yasuda 916–640–1168

EIS No. 20130268, Final EIS, USFWS, WV, Proposed Issuance of an Incidental Take Permit For the Beech Ridge Energy Wind Project Habitat Conservation Plan, Review Period Ends: 10/15/2013, Contact: Laura Hill 304–636–6586

EIS No. 20130269, Draft EIS, NRC, 00, Generic—Waste Confidence, Comment Period Ends: 11/27/2013, Contact: Sarah Lopas 301–287–0675

EIS No. 20130270, Draft EIS, FHWA, OH, Cleveland Opportunity Corridor Project, Comment Period Ends: 10/28/2013, Contact: Naureen Dar 614–280–6846

EIS No. 20130271, Final EIS, HUD, NY, Halletts Point Rezoning, Review Period Ends: 10/15/2013, Contact: Robert Dobruskin 212–720–3423

EIS No. 20130272, Final EIS, USFS, AK, Greens Creek Mine Tailings Disposal Facility Expansion, Review Period Ends: 10/28/2013, Contact: Sarah Samuelson 907–789–6274

Amended Notices

EIS No. 20130159, Final Supplement, USACE, IN, Indianapolis North Flood Damage Reduction Project, Review Period Ends: 10/31/2013, Contact: Keith Keeney 502–315–6885 Revision to FR Notice Published 07/05/2013; Extending Comment Period from 09/06/2013 to 10/31/2013

EIS No. 20130260, Draft EIS, BIA, NV, Moapa Solar Energy Center, Comment Period Ends: 10/21/2013, Contact: Amy Heuslein 602–379–6750 Revision to FR Notice Published 09/06/2013; Correction to Comment Period—Change from 10/14/2013 to 10/21/2013 and Contact Phone Number should be 602–379–6750.

Dated: September 10, 2013.

Aimee S. Hessert,

Deputy Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013–22363 Filed 9–12–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9900–95—Region 5]

Proposed Listing of Additional Waters To Be Included on Indiana's 2010 List of Impaired Waters Under the Clean Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopening of comment period.

SUMMARY: EPA is reopening the comment period for its notice which announces the availability of EPA's proposed decision identifying water quality limited segments and associated pollutants in Indiana to be listed pursuant to the Clean Water Act Section 303(d)(2), and requests public comment. For additional information regarding this action, please refer to EPA's original public notice published at 78 **Federal Register** 35929 (June 14, 2013), which is available at *https://federalregister.gov/a/2013–14192.*

DATES: Comments on this document must be received in writing by October 15, 2013.

ADDRESSES: Written comments on this notice may be submitted to Tinka Hyde, Director, Water Division, Attn: Indiana's 303(d) list, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Alternatively, comments may be submitted electronically to the following email address: *rivera-carrero.vilma@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Vilma Rivera-Carrero, Watersheds and Wetlands Branch, at the EPA address noted above or by telephone at (312) 886–7795.

SUPPLEMENTARY INFORMATION: Additional information related to this notice can also be found at *http://www.epa.gov/region5/water/impairedwatersin/index.html.*

Dated: August 29, 2013.

Tim Henry,

Acting Director, Water Division, EPA Region 5.

[FR Doc. 2013–22348 Filed 9–12–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9900–99–OA]

National Environmental Education Advisory Council

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act, EPA gives notice of a meeting of the National Environmental Education Advisory Council (NEEAC). The NEEAC was created by Congress to advise, consult with, and make recommendations to the Administrator of the Environmental Protection Agency (EPA) on matters related to activities, functions and policies of EPA under the National Environmental Education Act (the Act).

The purpose of this meeting is to discuss specific topics of relevance for consideration by the council in order to provide advice and insights to the Agency on environmental education.

DATES: The National Environmental Education Advisory Council will hold a public meeting on Monday October 7, 2013 and Tuesday October 8, 2013, from 9:00 a.m. until 5:00 p.m. (Eastern Daylight Time). The meeting will be held at the Residence Inn by Marriott Baltimore Downtown/Inner Harbor on, 17 Light Street, Baltimore, Maryland. The meeting will be held in the Chesapeake Meeting Room 1.

FOR FURTHER INFORMATION CONTACT: Javier Araujo, Designated Federal Officer, *araujo.javier@epa.gov,* 202–564–2642, U.S. EPA, Office of Environmental Education, William Jefferson Clinton North Room 1426, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Members of the public wishing to gain access to the teleconference, make brief oral comments, or provide a written statement to the NEEAC must contact Javier Araujo, Designated Federal Officer, at *araujo.javier@epa.gov* or 202–564–2642 by 10 business days prior to each regularly scheduled meeting.

Meeting Access: For information on access or services for individuals with disabilities or to request accommodations please contact Javier Araujo at *araujo.javier@epa.gov* or 202–564–2642, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: August 28, 2013.

Javier Araujo,

Designated Federal Officer, National Environmental Education Advisory Council.

Stephanie Owens,

Deputy Associate Administrator.

[FR Doc. 2013–22336 Filed 9–12–13; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of information collection—Revised: Demographic Information on Applicants for Federal Employment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, the Equal Employment Opportunity Commission (Commission or EEOC) announces that it intends to revise a Commission form (Demographic Information on Applicants, OMB No. 3046–0046) to include disability status data.

DATES: Written comments on this notice must be submitted on or before October 15, 2013.

ADDRESSES: Comments should be sent to the Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507. As a convenience to commenters, the Executive Secretariat will accept comments totaling six or fewer pages by facsimile (''FAX'') machine. This limitation is necessary to assure access to the equipment. The telephone number of the fax receiver is (202) 663–4114. (This is not a toll-free number). Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4070 (voice) or (202) 663–4074 (TTD). (These are not toll-free telephone numbers.) Instead of sending written comments to the EEOC, you may submit comments and attachments electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments. All comments received through this portal will be posted without change, including any personal information you provide. Copies of comments submitted by the public to the EEOC directly or through the Federal eRulemaking Portal will be available for review, by advance appointment only, at the Commission's library between the hours of 9:00 a.m. and 5:00 p.m. or can be reviewed at *http://www.regulations.gov*. To schedule an appointment to inspect the comments at EEOC's library, contact the library staff at (202) 663–4630 (voice) or (202) 663–4641 (TTY). (These are not toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: Barbara Dougherty, Federal Sector Programs, Office of Federal Operations, 131 M Street NE., Washington, DC 20507, (202) 663–4770 (voice); (202) 663–4593 (TTY).

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and OMB regulation 5 CFR § 1320.8(d)(1), the Commission sought public comment on revising its form for use by federal agencies in gathering demographic information on applicants for federal employment through a 60-day notice published February 15, 2013. Comments were particularly invited on whether this collection of information will enable the Commission and federal agencies to:

(1) Evaluate whether the proposed data collection tool will have practical utility by enabling a federal agency to determine whether recruitment activities are effectively reaching all segments of the relevant labor pool in compliance with the laws enforced by the Commission and whether the agency's selection procedures allow all applicants to compete on a level playing field regardless of race, national origin, sex or disability status;

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

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

(4) Minimize the burden of the collection of information on applicants for federal employees who choose 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.

Four comments were received. The first commenter was pleased that the revised form used more expansive language and definitions for impairments than that used by OPM's Standard Form 256, thereby taking the focus off the medical condition and putting it on the functional limitation. That commenter believed it would be helpful if EEOC and OPM agreed to revise the SF–256 so that it used the terms and definitions in the revised applicant flow form. A second commenter, however, noted that the list of conditions collected in Section 5.A of the form are similar, but not identical, to the list of targeted/severe disabilities listed on SF–256, while the information in Section 5.C of the form appeared to be similar to the list of non-targeted disabilities on SF–256. That commenter believed it essential that the information collected of applicants mirror the information collected from employees on SF–256 to ensure an appropriate comparison of the two populations. The commenter recommended that the list of disabilities on the applicant flow form be identical to the SF–256.

We have revised the form so that the types of disabilities listed on the form more closely match those listed on the SF–256. We have updated some of the listed disabilities to include terms that are simpler to understand (for examples, removing much of the parenthetical language used in the SF–256 that describes missing extremities or paralysis). The Commission concurs that the applicant flow form and the SF–256 should mirror each other in order to provide for effective data collection. We address that issue below, in our responses to the fourth commenter.

A third commenter had specific suggestions for revising the language used in section 5.A of the form. It urged that the term ''severe'' be replaced with the term ''significant,'' as the term ''severe'' often is associated with negative or stigmatizing views about disability. The commenter was concerned that many individuals with disabilities might not identify themselves as having a ''severe'' condition. The commenter also requested that we drop the word ''severe'' from our description of ''severe intellectual disability,'' noting that while individuals with intellectual disabilities may experience a variety of limitations, all such disabilities contain impairments in functioning that are of such significance that they warrant being included on the list of targeted disabilities. The commenter also requested that we replace the term ''psychological'' with ''psychiatric'' when describing disorders such as bipolar, schizophrenia, PTSD, and major depression.

We find the recommendations suggested by this commenter reasonable and have adopted them in the revised form. We have replaced ''severe'' with ''significant'' and changed ''psychological'' to ''psychiatric.'' We have removed ''severe'' from the description of intellectual disability.

Finally, the commenter questioned the utility of including Section 5.B, the questions derived from the American Community Survey (ACS). The commenter believed that the questions fail to identify many individuals with disabilities with other types of functional limitations. It requested the addition of another question in that section that would state: ''difficulty with everyday activities such as interacting with others, thinking, preparing food, taking medications, or managing finances.''

A fourth commenter had a series of concerns with our proposed applicant flow form. Similar to the third commenter, this commenter took issue with including Section 5.B on the form. It believed the limited list of functional limitations presented in this section does not reflect likely workplace concerns and does not collect information that would be useful in tracking information on applicants with disabilities. The commenter was concerned that applicants might be dissuaded from responding truthfully to questions regarding their difficulty in concentrating, remembering, or making decisions. Including such questions would, in this commenter's opinion, undermine the EEOC's goal of providing more accurate information about applicants and employees with disabilities. Moreover, the commenter believed that the ACS questions, which include questions on one's bathing or dressing limitations, might be considered intrusive and potentially inappropriate in the context of applicant data collection.

In response to these comments, we have revised the form to remove the ACS questions. While the ACS questions provide meaningful data concerning functional limitations, the questions would in part duplicate the inquiry in section 5.A. Additionally, after discussions with OMB and OPM, we believe that the data collected through the ACS questions would be best compared to data collected from the onboard federal workforce rather than from applicants for employment. During these conversations, OPM stated that it would determine the feasibility of surveying the federal workforce to obtain ACS disability data.

The fourth commenter generally supported the efforts of the Commission to change the form in order to obtain a broader range of data regarding applicants for employment. However, the commenter had concerns regarding the format utilized in the proposed form. First, in order to avoid confusion, this commenter recommended using the term ''disabilities and/or health conditions.'' The commenter was also concerned with creating different classes of disabilities, by listing some specifically while not listing others. The commenter further noted that many applicants with disabilities not on the list in Section 5.A could still be considered for employment under the special hiring authority set out in Schedule A at 5 CFR § 213.3102(u). The commenter was concerned that by separating the disabilities in Section 5.C from those in Section 5.A, the form might undermine efforts to ensure that all members of the disability community are aware of their eligibility for hiring under Schedule A.

The fourth commenter was also concerned that the proposed form's lack of specificity regarding the types of other disabilities and health conditions traditionally collected by the Federal government through SF–256 would make it difficult to link current data with historical data. This commenter recommended asking applicants for employment to identify their specific disabilities or serious health conditions even if they did not fall within the list generally known as targeted disabilities in Section 5.A. The commenter believed this important for several reasons. According to the commenter, collecting information about all disabilities and serious health conditions allows linkages with other data (including data from the SF–256) in such a way that appropriate comparisons may be made. The current SF–256 asks employees to identify whether they have many different types of disabilities and health conditions. The commenter was concerned that by not collecting the same type of specific disability and health conditions data for applicants, future comparisons of the data related to hiring rates would not be possible and trend analysis would be undermined. Moreover, this commenter believed that the designation of which disabilities are considered significant or targeted disabilities may change over time, and that by collecting only summary information on the non-targeted disabilities, future comparisons of data might be precluded. Finally, the commenter stated that failing to collect

information on specific non-targeted disabilities would run counter to the broad definition of disability established by the ADA Amendments Act.

In response to the concerns raised by the fourth commenter, the Commission has made a number of changes in the form. First, the revised form no longer separates out the other serious health conditions in Section 5.C from the list of disabilities in Section 5.A. Instead, we have added the question about disabilities and other serious health conditions to the list set out in the original form in Section 5.A. This should alleviate any concerns that non-targeted disabilities or health conditions are being treated differently than the targeted disabilities. We have also included a paragraph on the form directly under the newly revised Section 5.A which explains that, if an applicant has checked any of the boxes listed in the new Section 5.A, he or she may be eligible for hiring under Schedule A, with a link for more information on Schedule A hiring. Thus, applicants who check the ''other disability or serious health condition'' box will know that they may be able to utilize Schedule A hiring authority.

Second, we have created a new optional Section 5.A.1, which would provide those applicants who wish to identify their other disabilities or serious health conditions the option of doing so. Section 5.A.1 consists of a list of disabilities and other serious health conditions that the applicant may indicate that he or she currently has. This list corresponds closely to the other disabilities and health conditions currently listed on the SF–256. By allowing for an option specifically to identify the types of disabilities or serious health conditions listed in 5.A.1, the form now provides an opportunity for disability data collection between applicants to the federal workforce and those hired by the federal government. However, by keeping this list optional and available only if the applicant checks the appropriate box in Section 5.A, and by providing the option for the applicant to indicate that he or she does not wish to identify a disability or serious health condition, the Commission believes it will receive more accurate data on the total number of applicants with disabilities. To the extent there are differences between the new applicant flow form and the current SF–256, our understanding is that OPM will review and consider modifications to the SF–256 in the near future so that the two forms will be effective in collecting data.

Finally, this commenter voiced its support for the way the form collects information on intellectual disabilities, in particular the distinction made between intellectual disabilities, developmental disabilities and traumatic brain injury. The commenter believes that the separation of these types of disabilities will result in increased self-identification rates and therefore more accurate data. The commenter also suggested adding a parenthetical pointing out that the Commission, by breaking out certain types of disabilities from the category of ''intellectual disabilities,'' does not mean that the term ''intellectual disabilities'' will have a narrower scope for other purposes.

We do not believe that adding developmental disability and traumatic brain injury to our list of disabilities in Section 5.A would lead applicants to believe that we are narrowing the scope of the term intellectual disability. The Commission therefore has not added the parenthetical.

Overview of This Information Collection

Collection Title: Demographic Information on Federal Job Applicants.

OMB Control No.: 3046–0046.

Description of Affected Public: Individuals submitting applications for federal employment.

# of Annual Responses: 5,800.

Estimated Time per Respondent: 3 minutes.

Total Annual Burden Hours (5,800 × 3)/60 = 290.

Annual Federal Cost: None.

Abstract: Under section 717 of Title VII and 501 of the Rehabilitation Act, the Commission is charged with reviewing and approving federal agencies plans to affirmatively address potential discrimination before it occurs. Pursuant to such oversight responsibilities, the Commission has established systems to monitor compliance with Title VII and the Rehabilitation Act by requiring federal agencies to evaluate their employment practices through the collection and analysis of data on the race, national origin, sex and disability status of applicants for both permanent and temporary employment.

Several federal agencies (or components of such agencies) have previously obtained separate OMB approval for the use of forms collecting data on the race, national origin, sex, and disability status of applicants. In order to avoid unnecessary duplication of effort and a proliferation of forms, the EEOC seeks approval for the use of a common form to be used by all federal agencies.

Response by applicants is optional. The information obtained will be used by federal agencies only for evaluating whether an agency's recruitment activities are effectively reaching all segments of the relevant labor pool, to gauge progress and trends over time with respect to equal opportunity goals, and to track progress toward meeting the recruitment and hiring strategies developed pursuant to EO 13548. The voluntary responses are treated in a highly confidential and anonymous manner, are not shared with those involved in the selection process or the supervisor (if the person is hired) and will not be placed in the employees' personnel file. The information is not provided to any panel rating the applications, to selecting officials, to anyone who can affect the application or to the public. Rather, the information is used in summary form to determine trends over many selections within a given occupational or organization area. No information from the form is entered into an official personnel file.

Burden Statement

Because of the predominant use of online application systems, which require only pointing and clicking on the selected responses, and because the form requests only eight questions regarding basic information, the EEOC estimates that an applicant can complete the form in approximately 3 minutes or less. Based on past experience, we expect that 5,800 applicants will choose to complete the form.

Once OMB approves the use of this common form, federal agencies may request OMB approval to use this common form without having to publish notices and request public comments for 60 and 30 days. Each agency must account for the burden associated with their use of the common form.

Dated: September 9, 2013.

For the Commission.

Jacqueline A. Berrien,

Chair.

DEMOGRAPHIC INFORMATION ON APPLICANTS **OMB No.:**
Expiration Date:

Vacancy Announcement No.:
Position Title:

YOUR PRIVACY IS PROTECTED

This information is used to determine if our equal employment opportunity efforts are reaching all segments of the population, consistent with Federal equal employment opportunity laws. Responses to these questions are voluntary. Your responses will be treated in a highly confidential manner and will not be shown to the panel rating the applications, to the selecting official, or to anyone else who can affect your application. This form will not be placed in your Personnel file nor will it be provided to your supervisors in your employing office should you be hired. This information will be kept private to the extent permitted by law. See the Privacy Act Statement below for more information

Completion of this form is voluntary and a refusal to provide the information will not subject you to any adverse treatment.

Thank you for helping us to provide better service.

1. How did you learn about this position? (Check One):

- ☐ Agency Internet Site recruitment
- ☐ Private Employment Web Site
- ☐ Other Internet Site
- ☐ Job Fair
- ☐ Newspaper or magazine
- ☐ Agency or other Federal government on campus
- ☐ School or college counselor or other official
- ☐ Friend or relative working for this agency .
- ☐ Private Employment Office
- ☐ Agency Human Resources Department (bulletin board or other announcement)
- ☐ Federal, State, or Local Job Information Center
- ☐ Other

2. Sex (Check One):

- ☐ **Male**
- ☐ **Female**

3. Ethnicity (Check One):

- ☐ **Hispanic or Latino** - a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- ☐ **Not Hispanic or Latino**

4. Race (Check all that apply):

- ☐ **American Indian or Alaska Native** - a person having origins in any of the original peoples of North or South America (including Central America), and who maintains tribal affiliation or community attachment.
- ☐ **Asian** - a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, or Vietnam.
- ☐ **Black or African American** - a person having origins in any of the black racial groups of Africa.
- ☐ **Native Hawaiian or Other Pacific Islander** - a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific islands.
- ☐ **White** - a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

5. Disability/Serious Health Condition

The next questions address disability and serious health conditions. Your responses will ensure that our outreach and recruitment policies are reaching a wide range of individuals with physical or mental conditions. Consider your answers without the use of medication and aids (except eyeglasses) or the help of another person.

A. Do you have any of the following? Check all boxes that apply to you:

- ☐ **Deaf or serious difficulty hearing**
- ☐ **Blind or serious difficulty seeing even when wearing glasses**
- ☐ **Missing an arm, leg, hand, or foot**
- ☐ **Paralysis: Partial or complete paralysis (any cause)**
- ☐ **Significant Disfigurement: for example, severe disfigurements caused by burns, wounds, accidents, or congenital disorders**
- ☐ **Significant Mobility Impairment: for example, uses a wheelchair, scooter, walker or uses a leg brace to walk**
- ☐ **Significant Psychiatric Disorder: for example, bipolar disorder, schizophrenia, PTSD, or major depression**
- ☐ **Intellectual Disability (formerly described as mental retardation)**
- ☐ **Developmental Disability: for example, cerebral palsy or autism spectrum disorder**
- ☐ **Traumatic Brain Injury**
- ☐ **Dwarfism**
- ☐ **Epilepsy or other seizure disorder**
- ☐ **Other disability or serious health condition: for example, diabetes, cancer, cardiovascular disease, anxiety disorder, or HIV infection; a learning disability, a speech impairment, or a hearing impairment**

If you did not select one of the options above, please indicate why.

- ☐ **None of the conditions listed above apply to me.**
- ☐ **I do not wish to answer questions regarding disability/serious health conditions.**

If you have indicated that you have one of the above conditions, you may be eligible to apply under Schedule A Hiring Authority. For more information, please see http://www.opm.gov/policy-data-oversight/disability-employment/hiring/#url=Schedule-A-Hiring-Authority .

If an applicant checks the box for "other disability or serious health condition," the applicant will be taken to Section A.1.

A.1. Other Disability or Serious Health Condition (Optional)

You indicated that you have a disability or a serious health condition. If you are willing, please select any of the conditions listed below that apply to you. As explained above, your responses are not shown to anyone involved in the selection for the position and will not affect your application, nor will they be placed in your personnel file. All responses will remain private to the extent permitted by law.

Please check all that apply:

- □ **I do not wish to specify my condition.**
- □ **Alcoholism**
- □ **Cancer**
- □ **Cardiovascular or heart disease**
- □ **Crohn's disease, irritable bowel syndrome, or other gastrointestinal impairment**
- □ **Depression, anxiety disorder, or other psychological disorder**
- □ **Diabetes or other metabolic disease**
- □ **Difficulty seeing even when wearing glasses**
- □ **Hearing impairment**
- □ **History of drug addiction (but not currently using illegal drugs)**
- □ **HIV Infection/AIDS or other immune disorder**
- □ **Kidney dysfunction: for example, requires dialysis**
- □ **Learning disabilities or ADHD**
- □ **Liver disease: for example, hepatitis or cirrhosis**
- □ **Lupus, fibromyalgia, rheumatoid arthritis, or other autoimmune disorder**
- □ **Morbid obesity**
- □ **Nervous system disorder: for example, migraine headaches, Parkinson's disease, or multiple sclerosis**
- □ **Non-paralytic orthopedic impairments: for example, chronic pain, stiffness, weakness in bones or joints, or some loss of ability to use parts of the body**
- □ **Orthopedic impairments or osteo-arthritis**
- □ **Pulmonary or respiratory impairment: for example, asthma, chronic bronchitis, or TB**
- □ **Sickle cell anemia, hemophilia, or other blood disease**
- □ **Speech impairment**
- □ **Spinal abnormalities: for example, spina bifida or scoliosis**
- □ **Thyroid dysfunction or other endocrine disorder**
- □ **Other. Please identify the disability/health condition, if willing: _____**

Note that under the Rehabilitation Act (Act), information on your disability status can only be used in connection with non-discrimination and affirmative action obligations. The information will be kept confidential in accordance with the Act's provisions and the information will be used only in accordance with the Act.

PRIVACY ACT AND PAPERWORK REDUCTION ACT STATEMENT

Privacy Act Information: This information is provided pursuant to Public Law 93-579 ("Privacy Act of 1974"), for individuals completing Federal records and forms that solicit personal information. The authority is 5 U.S.C. 7201 and the Uniform Guidelines on Employee Selection Procedures, 29 C.F.R. Part 1607. No individual data is ever provided to selecting officials. This form will only be seen by Human Resource personnel and Equal Employment Opportunity officials. **Purpose and Routine Uses:** Data summarizing all applicants for a position will be used to determine if we are effectively recruiting and selecting individuals from all segments of the population. Only summary data is reported, and only in a format which can not be broken out by individual applicants. **Effects of Nondisclosure:** Providing this information is voluntary. No individual personnel selections are made based on this information.

Paperwork Reduction Act Statement: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et. seq,) requires us to inform you that this information is being collected for planning and assessing affirmative employment program initiatives. Response to this request is voluntary. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The estimated burden of completing this form is five (5) minutes per response, including the time for reviewing instructions. Direct comments regarding the burden estimate or any other aspect of this form to [INSERT: Agency name and address] and to the Office of Management Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

[FR Doc. 2013–22300 Filed 9–12–13; 8:45 am]

BILLING CODE 6570–01–P

EXPORT-IMPORT BANK

Notice of Open Special Meeting of the Sub-Saharan Africa Advisory Committee (SAAC) of the Export-Import Bank of the United States (Export-Import Bank).

SUMMARY: The Sub-Saharan Africa Advisory Committee was established by Public Law 105–121, November 26, 1997, to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion of the Bank's financial commitments in Sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank. Further, the committee shall make recommendations on how the Bank can facilitate greater support by U.S. commercial banks for trade with Sub-Saharan Africa.

Time and Place: September 27, 2013 at 11:00 a.m. to 1:00 p.m. The meeting will be held at the Export-Import Bank in Room 326, 811 Vermont Avenue NW., Washington, DC 20571.

Agenda: Sub-Saharan Africa Advisory Committee presentation to the Export-Import Bank's Board of Directors on Strategy Recommendations for Increasing Export-Import Bank Transactions in Sub-Saharan Africa.

Public Participation: The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to September 27, 2013, Richard Thelen, 811 Vermont Avenue NW., Washington, DC 20571, Voice: (202) 565–3515 or TDD (202) 565–3377.

FOR FURTHER INFORMATION CONTACT: For further information contact Andrea Bernardo, 811 Vermont Avenue NW., Washington, DC 20571, (202) 565–3431.

Cristopolis Dieguez,

Program Specialist, Office of the General Counsel.

[FR Doc. 2013–22250 Filed 9–12–13; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: September 18, 2013; 10:00 a.m.

PLACE: 800 N. Capitol Street NW., First Floor Hearing Room, Washington, DC

STATUS: The meeting will be in Closed Session.

MATTERS TO BE CONSIDERED:

Closed Session

1. Briefing on the West Coast Marine Terminal Operators Agreement's PierPASS Traffic Mitigation Fee
2. China Value Added Tax Affecting Ocean Export Freight Shipments

CONTACT PERSON FOR MORE INFORMATION: Karen V. Gregory, Secretary, (202) 523–5725

Karen V. Gregory,

Secretary.

[FR Doc. 2013–22432 Filed 9–11–13; 11:15 am]

BILLING CODE 6730–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The FTC intends to ask the Office of Management and Budget (''OMB'') to extend through November 30, 2016, the current Paperwork Reduction Act (''PRA'') clearance for the FTC's enforcement of the information collection requirements in its Prescreen Opt-Out Notice Rule (''Prescreen Opt-Out Rule'' or ''FTC Rule''), which applies to certain motor vehicle dealers, and its shared enforcement with the Consumer Financial Protection Bureau (''CFPB'') of the provisions (subpart F) of the CFPB's Regulation V regarding other entities (''CFPB Rule''). That clearance expires on November 30, 2013.

DATES: Comments must be filed by October 15, 2013.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Prescreen Opt-Out Disclosure Rule, PRA Comment: FTC File No. P075417'' on your comment, and file your comment online at *https://ftcpublic.commentworks.ftc/prescreenoptoutrulepra2,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Karen Jagielski, Attorney, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., NJ–8100, Washington, DC 20580, (202) 326–2509.

SUPPLEMENTARY INFORMATION:

On June 25, 2013, the FTC sought public comment on the information collection requirements associated with the Prescreen Opt-Out Rule (June 25, 2013 Notice [1]), its shared enforcement with the Consumer Financial Protection Bureau (''CFPB'') of the provisions (subpart F) of the CFPB's Regulation V regarding other entities (''CFPB Rule''), and the FTC's associated PRA burden analysis. No comments were received. Pursuant to the OMB regulations, 5 CFR Part 1320, that implement the PRA, 44 U.S.C. 3501 et seq., the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rule. All comments should be filed as prescribed herein, and must be received on or before October 15, 2013.

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5167.

Burden Statement

The FTC is seeking clearance for its assumed share of the estimated PRA burden regarding the disclosure requirements under the FTC and CFPB Rules. The FTC's assumed share of estimated PRA burden, explained in the June 25, 2013 Notice, is 974 hours and $243,750 in labor costs, with the added assumption that capital and other non-labor costs should be minimal, at most, since the Rule has been in effect several years, with covered entities now equipped to provide the required notice.

Request for Comment

You can file a comment online or on paper. For the Commission to consider

[1] 78 FR 38039.

your comment, we must receive it on or before October 15, 2013. Write ''Prescreen Opt-Out Disclosure Rule, PRA Comment: FTC File No. P075417'' to facilitate the organization of comments. Please note that your comment—including your name and your state—will be placed on the public record of this proceeding, including on the publicly accessible FTC Web site, at *http://www.ftc.gov/os/publiccomments.shtm*. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, like medical records or other individually identifiable health information. In addition, don't include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, don't include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[2] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://public.commentworks.com/ftc/prescreenoptoutpra2*, by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home*, you also may file a comment through that Web site.

If you file your comment on paper, write ''Prescreen Opt-Out Disclosure Rule, PRA Comment: FTC File No. P075417'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before October 15, 2013. You can find more information, including routine uses permitted by the Privacy Act, in the Commission=s privacy policy, at *http://www.ftc.gov/ftc/privacy.htm*.

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2013–22255 Filed 9–12–13; 8:45 am]

BILLING CODE 6750–01–P

[2] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

FEDERAL TRADE COMMISSION

SES Performance Review Board

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members to the Federal Trade Commission Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Karen Leydon, Chief Human Capital Officer, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580, (202) 326–3633.

SUPPLEMENTARY INFORMATION: Publication of the Performance Review Board (PRB) membership is required by 5 U.S.C. 4314(c)(4). The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations regarding performance ratings, performance awards, and pay-for-performance pay adjustments to the Chairman.

The following individuals have been designated to serve on the Commission's Performance Review Board:

David Robbins, Executive Director, Chairman
Jonathan Nuechterlein, General Counsel
Deborah Feinstein, Director, Bureau of Competition
Jessica Rich, Director, Bureau of Consumer Protection
Pauline Ippolito, Deputy Director, Bureau of Economics

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2013–22237 Filed 9–12–13; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

[Notice-MG–2013–03; Docket No. 2013–0002; Sequence 29]

Office of Federal High-Performance Green Buildings; Green Building Advisory Committee; Notification of Upcoming Public Advisory Committee Meeting and Conference Calls

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Meeting Notice.

SUMMARY: Notice of this meeting and these conference calls is being provided according to the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 10(a)(2). This notice provides the agenda and schedule for the November 12, 2013, meeting of the Green Building Advisory Committee Meeting (the Committee) and the schedule for a series of conference calls, supplemented by Web meetings, for two task groups of the Committee. The meeting is open to the public and the site is accessible to individuals with disabilities. The conference calls are open for the public to listen in. Interested individuals must register to attend as instructed below under **SUPPLEMENTARY INFORMATION**.

DATES: *Meeting date:* The meeting will be held on Tuesday, November 12, 2013, starting at 9:00 a.m. Eastern time, and ending no later than 3:30 p.m.

Task group conference call dates: The conference calls will be held according to the following schedule:

The *Net Zero* task group will hold conference calls every Wednesday from October 2nd to November 6th from 1:00 p.m. to 2:00 p.m. Eastern time.

The *Building Labels* task group will hold conference calls every Friday from October 4th to November 8th from 11:00 a.m. to 12:00 p.m. Eastern time.

FOR FURTHER INFORMATION CONTACT: Ken Sandler, Designated Federal Officer,

Office of Federal High-Performance Green Buildings, Office of Government-wide Policy, General Services Administration, 1800 F Street NW., Washington, DC 20405, telephone 202–219–1121 (**Note:** this is not a toll-free number). Additional information about the Committee, including meeting materials and updates on the task groups and their schedules, will be available on-line at *http://www.gsa.gov/portal/content/121999.*

SUPPLEMENTARY INFORMATION:

Procedures for Attendance and Public Comment: Contact Ken Sandler at 202–219–1121 to register to attend the meeting and/or listen in to and obtain call-in numbers and Web meeting information for any or all of these conference calls. To attend the meeting and/or conference calls, submit your full name, organization, email address, and phone number. Requests to attend the November 12 meeting must be received by 5:00 p.m. eastern standard time on Wednesday, November 6, 2013. Requests to listen in to the calls must be received by 5:00 p.m. Eastern time, Monday, September 30. (GSA will be unable to provide technical assistance to any listener experiencing technical difficulties. Testing access to the Web meeting site in advance of calls is recommended.)

Contact Ken Sandler at 202–219–1121 to register to comment during the November 12th meeting's public comment period. Registered speakers/organizations will be allowed a maximum of 5 minutes each and will need to provide written copies of their presentations. Requests to comment at the meeting must be received by 5:00 p.m. eastern standard time on Wednesday, November 6, 2013. Written comments also may be provided to Mr. Sandler at *ken.sandler@gsa.gov* until 5:00 p.m. eastern standard time Wednesday, November 6, 2013.

Background: The Green Building Advisory Committee provides advice to GSA as specified in Public Law 110–140, as a mandatory Federal advisory committee. Under this authority, the Committee advises GSA on the rapid transformation of the Federal building portfolio to sustainable technologies and practices. The Committee focuses primarily on reviewing strategic plans, products and activities of the Office of Federal High-Performance Green Buildings and providing advice regarding how the Office can most effectively accomplish its mission.

The *Net Zero* task group will consider a motion of a committee member to ''Strengthen net zero energy commitments for new and existing federal buildings and federal leased buildings.'' *The Building Labels* task group will consider a motion of a committee member to ''Require building performance labels [for federal buildings], including current energy and environmental performance.''

The conference calls will focus on how the task groups can best refine these motions into consensus recommendations of each group to the full committee, which will in turn decide whether to proceed with formal advice to GSA based upon these recommendations.

November 12th Meeting Agenda

- Introductions & Plans for Today's Meeting
- Committee Membership Renewal Plans
- Net Zero Federal Buildings
- Federal Building Performance Labels
- Lunch
- Update: GSA Sustainability Plan Progress
- GSA Green Building Demonstration Projects
- Additional Project Updates
- Public Comment Period

Detailed agendas, background information and updates for the meeting and conference calls will be posted on GSA's Web site at *http://www.gsa.gov/portal/category/102591.*

Meeting Access: The Committee will convene its November 12, 2013, meeting at the U.S. Department of the Interior building, Rachel Carson Room, 1849 C Street, NW., Washington DC 20240, and the site is accessible to individuals with disabilities.

Dated: September 6, 2013.

Kevin Kampschroer,

Federal Director, Office of Federal High-Performance Green Buildings, General Services Administration.

[FR Doc. 2013–22364 Filed 9–12–13; 8:45 am]

BILLING CODE 6820–14–P

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Submission for OMB Review; Proposed Collection; Comment Request for a Modified OGE Form 201 Ethics in Government Act Access Form

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice.

SUMMARY: After publication of this second round notice, OGE plans to submit a proposed modified OGE Form 201 Ethics in Government Act access form to the Office of Management and Budget (OMB) for review and approval of a three-year extension under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The OGE Form 201 is used by persons requesting access to executive branch public financial disclosure reports and other covered records.

DATES: Written comments by the public and the agencies on this proposed extension are invited and must be received on or before October 15, 2013.

ADDRESSES: Comments on this paperwork notice may be submitted to the Office of Management and Budget, Attn: Desk Officer for OGE, via fax at 202–395–6974 or email at *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Paul D. Ledvina at the U.S. Office of Government Ethics; telephone: 202–482–9247; TTY: 800–877–8339; FAX: 202–482–9237; Email: *paul.ledvina@oge.gov.* An electronic copy of the OGE Form 201 version used to manually submit access requests to OGE or other executive branch agencies by mail or FAX is available in the Forms Library section of OGE's Web site at *http://www.oge.gov.* A copy of the proposed modified form may be obtained, without charge, by contacting Mr. Ledvina. An automated version of the OGE Form 201, also available on OGE's Web site, enables the requester to fill out, submit and receive immediate access to financial reports and certain related records for individuals who have been nominated by the President to executive branch positions requiring Senate confirmation, and individuals who have declared their candidacy for the Office of the President of the United States.

SUPPLEMENTARY INFORMATION:

Title: Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records.

Agency Form Number: OGE Form 201.

OMB Control Number: 3209–0002.

Type of Information Collection: Extension with modifications of a currently approved collection.

Type of Review Request: Regular.

Respondents: Individuals requesting access to executive branch public financial disclosure reports and other covered records.

Estimated Annual Number of Respondents: 870.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden: 145 hours.

Abstract: The OGE Form 201 (201 form) collects information from, and provides certain information to, persons who seek access to OGE Form 278/SF 278 Public Financial Disclosure Reports, including OGE Form 278–T Periodic Transaction Reports (collectively referred to as 278 reports or public financial disclosure reports), and other covered records. The form reflects the requirements of the Ethics in Government Act (EIGA), the Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act), and OGE's implementing regulations that must be met by a person before access can be granted. These requirements relate to information collected about the identity of the requester, as well as any other person on whose behalf a record is sought, and notification of prohibited uses of executive branch public disclosure financial reports. See EIGA at 5 U.S.C. app. §§ 105(b) and (c), and 402(b)(1); the STOCK Act, Public Law 112–105 (April 4, 2012), as amended by, Public Law 113–7 (April 15, 2013); and 5 CFR 2634.603(c) and (f) of OGE's executive branchwide regulations. Executive branch departments and agencies are encouraged to utilize the 201 form for individuals seeking access to public financial disclosure reports and other covered documents. OGE permits departments and agencies to use or develop their own forms as long as the forms collect and provide all of the required information.

OGE is proposing several modifications to both the non-automated and automated versions of the 201 form. Specifically, OGE proposes to modify the title of the form, add a warning to requestors that intentional falsification of the information required by the 201 form may result in prosecution under 18 U.S.C. 1001, and update the Privacy Act Statement to include an additional routine use. OGE is proposing that this renewal request to OMB cover the fully automated version of the 201 form, available only through the OGE Web site at *www.oge.gov.* Initially launched in March 2012, this automated version of the access form enables a requestor to obtain, immediately upon Web site submission of the completed 201 form, financial disclosure reports and other covered records of individuals who have been nominated by the President to executive branch positions requiring Senate confirmation (PAS officials) and individuals who have declared their candidacy for the Office of the President of the United States. The automated OGE Web site version of the form also can be used by requestors to download or view a list of all 201 form requests for access to financial disclosure reports for a specific filer provided through the OGE Web site.

OGE published a first round notice of its intent to request paperwork clearance for a proposed modified OGE Form 201 Ethics in Government Act Access Form. See 78 FR 24749–24750 (April 26, 2013). OGE received comments from two agencies in response to that paperwork notice. One agency noted that the proposed addition of the reference to 18 U.S.C. 1001 would serve as a useful additional deterrent to misuse of 278 reports and other covered records.

Another agency raised a question regarding how OGE will verify the identity of requestors and the validity of requests seeking access to 278 reports and other documents using the automated 201 form without some form of online signature verification. OGE notes that there is no requirement in EIGA that a requester's identity be verified in order to obtain access to or copies of 278 reports or other covered records, and OGE does not perform such verification. Section 105(b)(2) of EIGA requires that a requestor provide certain information, such as the requestor's name, occupation, address, and the name and address of any other person or organization on whose behalf the copy of or access to a report is requested, and to ''acknowledge'' in writing the prohibitions on obtaining and use of a 278 report prior to being granted a copy of or access to a report. On the paper version of the 201 form, the requestor's signature is intended to fulfill the acknowledgment requirement; the signature is not used as a basis to verify the identity of the requestor or the validity of a request. On the electronic version of the 201 form, the acknowledgment requirement is met by the requestor checking a box. The same information and acknowledgement is required on both the paper and the automated 201 forms. Therefore, while the automated 201 form will not have a separate verification mechanism, it fully complies with the requirements of EIGA as set forth in 5 U.S.C app. § 105(b)(2), and is comparable to the non-automated 201 form.

The same agency questioned whether the proposed reference to 18 U.S.C. 1001 on the 201 form would serve as an effective deterrent in the absence of a process for verifying each requestor's identifying information. Section 1001 prohibits the knowing and willful: (1) Falsification or omission by trick or scheme of any material fact; (2) making of material false statements; or (3) knowing use of a false document containing materially false statements, in all matters within the jurisdiction of the executive, legislative or judicial branches of the United States Government. The purpose of including the reference to 18 U.S.C. 1001 is to put requestors on notice of a legal prohibition on falsification of information they are required to provide on the 201 form. As such, the reference alone has deterrent value, even if it is not itself an investigative tool for OGE's purposes.

The same agency also requested clarification as to whether OGE may legally continue to make the financial disclosure reports of all PAS officials available to requestors on-line, in light of an amendment to the STOCK Act that limits the requirement of on-line posting of public financial disclosure reports to PAS officials occupying positions listed in 5 U.S.C. 5312 and 5313. See Public Law 113–7 (April 12, 2013). While section (a)(1) of Public Law 113–7 limits the STOCK Act's *requirement* that public financial disclosure reports filed pursuant to Title I of EIGA be available on-line to select high-level officials (president, vice president and officials occupying positions listed in Executive Schedules I and II), that section does not *prohibit* use of the Internet to release the reports of PAS officials to requestors upon written application. The agency's comment misses this important distinction. OGE allows requestors to submit on-line requests for and gain access to the public financial disclosure reports of most PAS officials through an automated, written application process that fully conforms to the statutory requirements of EIGA set forth at 5 U.S.C. app. § 105(b)(2).

Request for Comments: Agency and public comment is again invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB paperwork approval. The comments will also become a matter of public record.

Approved: September 6, 2013.

Walter M. Shaub, Jr.,

Director, U.S. Office of Government Ethics.

[FR Doc. 2013–22251 Filed 9–12–13; 8:45 am]

BILLING CODE 6345–03–P

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer (DLC) will meet on Monday, October 21, 2013 through Wednesday, October 23, 2013, in Washington, District of Columbia. The sessions will take place from 8 a.m. to 5:30 p.m., Monday and Tuesday and 8:00 a.m. to 12:30 p.m., on Wednesday. The meeting will be held at the United States Government Printing Office 732 North Capitol Street NW., Washington, District of Columbia. The purpose of this meeting is to discuss the Federal Depository Library Program. All sessions are open to the public. The United States Government Printing Office is in compliance with the requirements of Title III of the Americans with Disabilities Act and meets all Fire Safety Act regulations.

Davita Vance-Cooks,

Public Printer of the United States.

[FR Doc. 2013–22247 Filed 9–12–13; 8:45 am]

BILLING CODE 1520–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HHS Retrospective Review 2013 Request for Information

ACTION: Request for Information.

SUMMARY: The Department of Health and Human Services (HHS) seeks comment from interested parties on existing regulations HHS should consider reviewing in order to streamline or eliminate unnecessary, obsolete, or burdensome regulations or to modify others to increase their effectiveness, efficiency, and flexibility.

DATES: Please submit your suggestions for HHS's retrospective review by October 15, 2013. HHS notes that this request for information is issued solely for information and program-planning purposes and does not obligate the agency to take any further action.

ADDRESSES: You may submit comments using one of the following methods.

Electronic Submissions

To submit retrospective review ideas using the Department's web form, please visit *http://www.HHS.gov/RetrospectiveReview.*

To submit retrospective review ideas using the Federal eRulemaking Portal, please visit *http://www.regulations.gov* and follow the instructions for submitting comments.

Written Submissions

Submit written submissions in one of the following ways:

FAX: (202) 690–7203.

Mail/Hand delivery/Courier (for paper, disk, or CD–ROM submissions): 200 Independence Avenue SW., Room 639G, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: C'Reda Weeden at (202) 690–5627.

SUPPLEMENTARY INFORMATION: President Obama issued Executive Order 13563, ''Improving Regulation and Regulatory Review,'' in January 2011, directing all federal agencies to review current regulations to identify ways to streamline or eliminate unnecessary, obsolete, or burdensome regulations. Among other things, Executive Order 13563 instructed agencies to ''consider costs and reduce burdens for American businesses and consumers when developing rules; expand opportunities for public participation and public comment; simplify rules; promote freedom of choice; and ensure that regulations are driven by real science.''

On May 10, 2012, the President issued a second Executive Order on retrospective review (Executive Order 13610, ''Identifying and Reducing Regulatory Burdens''), which directs agencies ''to promote public participation in retrospective review, to modernize our regulatory system, and to institutionalize regular assessment of significant regulations.'' This Executive Order calls for agencies to invite public suggestions about regulations in need of retrospective review and appropriate modifications to those regulations; to prioritize those reforms that promise significant quantifiable savings to the American public; and to regularly report to the public on progress and timelines.

In response to Executive Order 13563, the Department of Health and Human Services (HHS) developed and sought comment on its Preliminary Plan for Retrospective Review of Existing Regulations, which identified a preliminary list of regulations that would be appropriate for review. *See* 76 FR 32330 (June 6, 2011). HHS has made significant progress on its retrospective review activities in the ensuing two years. To date, HHS has published 26 proposed rules and 29 final rules related to retrospective review, in addition to completing substantive review of initiatives where agencies ultimately decided not to make regulatory changes. More information on HHS's retrospective review activities is available at *http://www.HHS.gov/RetrospectiveReview.*

In addition, the Department has developed a Public Participation Task Force to make Department-wide recommendations for how to increase public participation in the regulatory process. Through the leadership of this task force, the Department has developed a centralized Web page to find information on regulations published by HHS agencies (*http://www.HHS.gov/Regulations*), established a retrospective review comment form for the public to submit suggestions, and encouraged each HHS agency to develop a public participation plan tailored to the needs of its programmatic mission and interested stakeholder groups.

HHS now seeks suggestions from the public regarding new ideas for our next phase of retrospective review. We welcome your suggestions regarding rules, or types of rules, that the Department should consider reviewing to:

- Promote economic growth, innovation, competitiveness, and job creation;
- Reduce regulatory and administration burdens;
- Achieve better results by modifying, streamlining, expanding, or eliminating rules when the costs or benefits are greater than originally anticipated;
- Eliminate rules that are outdated, overtaken by new technology or information, or unnecessary for other reasons; or
- Update rules to complement other federal agency rules or international standards where crosscutting collaboration can reduce administration or regulatory burdens.

To learn more about regulatory activity at HHS, please visit *http://www.HHS.gov/Regulations.*

Dated: September 9, 2013.

Jennifer M. Cannistra,

Executive Secretary.

[FR Doc. 2013–22376 Filed 9–12–13; 8:45 am]

BILLING CODE 4150–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Decision to Evaluate a Petition to Designate a Class of Employees from the Sandia National Laboratory-Livermore in Livermore, California To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: NIOSH gives notice as required by Department of Health and

Human Services regulations of a decision to evaluate a petition to designate a class of employees from the Sandia National Laboratory-Livermore in Livermore, California to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION: The initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Sandia National Laboratory-Livermore

Location: Livermore, California.

Job Titles and/or Job Duties: All employees of the Department of Energy, its predecessor agencies, and its contractors and subcontractors who worked in any area.

Period of Employment: January 1, 1956 through December 31, 1994.

Authority: 42 CFR 83.12(e).

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2013–21991 Filed 9–12–13; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-13–13AIG]

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

Taxi Driver Survey on Motor Vehicle Safety and Workplace Violence (or, Taxi Driver Survey)—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Under the Public Law 91–596 (Section 20[a][1]), the National Institute for Occupational Safety and Health (NIOSH) is tasked with conducting research relating to occupational safety and health. There are two types of work-related events that are the overwhelming cause of injury and death among taxicab drivers: Transportation-related events (almost exclusively highway-related) and workplace violence.

In the U.S., motor vehicle crashes remain the leading cause of occupational fatalities and continue to be a leading cause of occupational nonfatal injuries. In 1998–2002, workers in the ''Taxi Services'' industry had the highest rate of nonfatal motor vehicle-related injuries treated in emergency departments (86 per 10,000 FTEs). Moreover, 134 of the 423 (32%) fatalities 2003–2010 in the ''Taxi and limousine services'' industry resulted from a motor vehicle crash.

Workers, who operate light motor vehicles as their primary job, including taxi drivers, are an inadequately studied population. There are few reports describing the population of workers driving light motor vehicles, their driving patterns, or their driving behaviors. The road safety component of the proposed study would provide new scientific knowledge of a well-defined occupation whose primary job is to operate a taxi cab at any time of day under numerous road and traffic conditions. Motor vehicle safety findings from this survey will be disseminated globally to municipal transportation regulators through an established network.

Workplace violence continues to contribute substantially to the public health burden of both nonfatal and fatal injury outcomes. The proposed study would have a workplace violence section in the survey that would allow the evaluation of the major types of safety equipment on rates of workplace violence incidents and events at the individual level (taxicab drivers).

The proposed study goals are to: (1) Describe the occurrence of motor vehicle events among taxicab drivers, (2) describe the risk factors of motor vehicle events among taxicab drivers, and (3) evaluate events of workplace violence among taxicab drivers. In order to accomplish the study goals, the corresponding study objectives are: (a) To enumerate the occurrence of motor vehicle crashes among taxicab drivers, (b) identify and describe the risk factors and protective factors associated with road safety among taxicab drivers, and (c) compare workplace violence events over a twenty-four-month period among taxicab drivers by type of safety equipment installed in taxicab. Findings from the study will be used to develop future prevention initiatives for reducing work-related motor vehicle crashes. These prevention initiatives, such as reducing driver fatigue through shift work limitations, may take the form of municipal ordinances promulgated by the city regulators or company-wide (such as Yellow Cab) directives designed to impact road safety by a city taxi fleet. Another use of data collected for this study would be to serve as a baseline measure for a future evaluation of safety initiatives implemented at the municipal level. Finally, contextual data on motor vehicle crashes is not completely captured by current surveillance methods. Such a survey would provide insight into the occurrence of crashes involving taxicabs. Furthermore, data on driving behaviors in the context of safety climate and role overload can only be obtained directly from taxicab drivers and will provide the perspective needed for designing effective safety interventions.

CDC requests Office of Management and Budget (OMB) approval to collect survey data using the Taxi Driver Survey, from taxicab drivers in two cities once during a 30 minute time period, and is seeking a two-year clearance. Because each taxicab driver will be waiting for taxicab inspection to be completed or waiting for a fare, the taxicab driver will be available. Responding to the survey is not

expected to entail significant burden to respondents.

The study objectives will be addressed using a survey designed to capture prevalence and frequency of adverse motor vehicle events and injuries, road safety data elements and workplace violence data elements. Multivariable regression models will provide measures of association.

Data will be collected on 500 taxi drivers in each of two cities during the annual vehicle inspection for each city or when congregated at the airport waiting lot awaiting access to airport terminals. The estimated burden per response is 30 minutes. The survey questions are from validated questionnaires and were pilot tested. Since all taxicab drivers are required to have a working knowledge of English and literacy is of concern, the survey will be administered in English using a 6th grade comprehension level.

CDC anticipates that routine information collection will be conducted in City 1 during the month of April 2013 and during one month in FY 2014 for City 2. The information collected will describe road safety and workplace violence experiences in the past 24 months. Collecting one month of data in each city results in an estimated burden of 250 hours per month. The total estimated burden is 500 hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZE BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in minutes)	Total burden (in hrs)
Taxicab Drivers	Taxi Driver Survey	1,000	1	30/60	500
Total					500

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. 2013–22299 Filed 9–12–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Announcement of Requirements and Registration for Game On!: HIV/STD Prevention Mobile Application (App) Video Game Challenge

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

Award Approving Official: Thomas R. Frieden, MD, MPH, Director, Centers for Disease Control and Prevention, and Administrator, Agency for Toxic Substances and Disease Registry.

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) located within the Department of Health and Human Services (HHS) announces the launch of the Game On!: HIV/STD Prevention Mobile Application (App) Video Game Challenge. We invite video game developers to create an original, innovative, and highly entertaining game for smartphones that educates either adolescents (13 to 17 years of age) or young adults (18 to 24 years of age) about HIV infection and sexually transmitted diseases (STDs). Developers are encouraged to treat youth and young adults as distinct audience/player segments in the design of the game. The game should deliver health information that provides information on key HIV/STD prevention topics such as condom use, testing, and treatment. Specifically, the game should emphasize one or more of the following prevention messages—''Get the Facts'', ''Speak Up'', ''Use Condoms'', ''Get Tested'', and ''Get Treated''. More information on these prevention messages is found in **SUPPLEMENTARY INFORMATION**.

DATES: Contestants can submit game apps beginning September 13, 2013 through December 2, 2013. Judging will take place in December 2013 through January 2014. Winners will be announced in February 2014.

FOR FURTHER INFORMATION CONTACT: LCDR Jocelyn Patterson Mosley, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop E37, Atlanta, GA 30333, email *GameOn@cdc.gov*, or by phone (404) 639–6437.

SUPPLEMENTARY INFORMATION:

Subject of Challenge Competition

Entrants of the Game On!: HIV/STD Prevention Mobile Application (App) Video Game contest will be asked to submit an original and innovative game app for smartphones that emphasizes one or more of the following prevention messages—''Get the Facts'', ''Speak Up'', ''Use Condoms'', ''Get Tested'', and ''Get Treated''.

''Get the Facts''–Provide the facts on HIV and STDs, including how it is (and is not) spread. Share information on how to reduce the risk of HIV and STD transmission, including the choice not to have sex.

''Speak Up''–Encourage youth to talk about HIV and STDs in their relationships, with health care providers, friends, and family. Talking openly and honestly about HIV and STDs will help reduce stigma.

''Use Condoms''–When used consistently and correctly, latex condoms are highly effective in preventing HIV and STDs.

''Get Tested'' –Early diagnosis saves lives. Know where to get tested. Make HIV and STD testing a part of routine health care.

''Get Treated'' –Many STDs are curable and all are treatable. There are effective medications available to help people with HIV live long and healthy lives.

Given the high rates of HIV infection and STDs, it is critical to develop appealing and relevant ways to reach youth with important information and resources. HHS/CDC's mission is to protect the health of the nation through health promotion, prevention of disease, injury and disability, and preparedness for new health threats. It is important for HHS/CDC to develop programs and messages that are accurate and appropriate for the target population.

Therefore, to address HIV and STDs among adolescents (13 to 17 years) and young adults (18 to 24 years), HHS/CDC must develop innovative, appealing and relevant ways to reach youth with important health information and resources. The goal of this challenge is to develop an HIV/STD prevention game acceptable to a wide range of adolescents and young adults that also maintains the standards of a HHS/CDC product. The game should deliver accurate health messages that support positive relationships and the ability of

youth to make healthy and responsible decisions about their sexuality.

Eligibility Rules for Participating in the Competition

The Game On! Challenge is only open to individuals, private or public entities, or groups that meet the following requirements: In the case of a private entity, the entity must be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, must be a citizen or permanent resident of the United States who is at least 15 years old at the time of entry. If the contestant/submitter is younger than 18 at the time of entry, the contestant/submitter must submit written permission from a parent or guardian. Employees and contractors of HHS/CDC are not eligible. The contest is subject to all applicable federal laws and regulations. Participation constitutes the contestant's full and unconditional agreement to these official rules, which are final and binding in all matters related to the contest. Eligibility for winning and acknowledgement is contingent upon fulfilling all requirements set forth herein.

Participants who enter as part of a team understand and agree that submission of an entry constitutes their representation and warranty that all the members of the team have read and accepted the rules. The eligibility of the contestant is tied to the team's eligibility; if one member of the team does not comply with these rules or is disqualified, the team as a whole will be disqualified.

To be eligible to win a prize under this challenge, an individual or entity—

(1) Shall have registered to participate in the competition under the rules promulgated by the Centers for Disease Control and Prevention;

(2) Shall have complied with all the requirements under this section;

(3) In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

(4) May not be a Federal entity or Federal employee acting within the scope of their employment. Federal employees seeking to participate in this contest outside the scope of their employment should consult their ethics office prior to developing their submission.

(5) Shall not be an HHS employee working on their applications or submissions during assigned duty hours.

(6) Shall not be an employee of Centers for Disease Control and Prevention.

(7) Federal grantees may not use Federal funds to develop COMPETES Act challenge applications unless consistent with the purpose of their grant award.

(8) Federal contractors may not use Federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge submission.

An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis.

Registration Process for Participants

Register for the Game On!: HIV/STD Prevention Mobile Application (App) Video Game Challenge at *http://www.challenge.gov.* Interested persons should read the official rules and guidelines posted on the Challenge.gov site to create an eligible game. If a person wishes to register to enter a submission, they must click on the link to ''follow'' the Challenge at the top of the Challenge site. All submissions will be reviewed to confirm eligibility.

Amount of the Prize

Two winners will be selected. The first place winner will receive $20,000.00. The second place winner will receive $10,000.00. Up to 5 honorable mentions will be nominated.

Basis Upon Which Winner Will Be Selected

The games will be judged by a panel of internal HHS/CDC staff and external partners in compliance with the requirements of the America COMPETES Act.

Submissions will be screened by HHS/CDC or its agents who will be trained on the eligibility criteria and required elements outlined above. Following determination of eligibility, judges will review the submissions for content quality, game play, appeal, and additional considerations. Included in the judging criteria for each submission are the following:

Content

1. Creativity in incorporating one or more of the following key messages into the game: Get the Facts, Speak Up, Use Condoms, Get Tested, or Get Treated.

2. Accuracy of HIV and STD prevention information.

3. Appropriate content and features for intended target audience and supports positive relationships and healthy decision making.

Game play

4. Playability, ease of play, and usability.

5. Clarity of rules and objectives.

Appeal

6. Entertainment (engaging, fun) and interest in repeat play among members of the target population; broad appeal to target population.

7. Creative integration of smartphone functions.

Additional Information

Regarding Copyright/Intellectual Property: All games submitted to the Game On! HIV/STD Prevention Mobile Application (App) Video Game Challenge remain the intellectual property of the entities that developed them. However, HHS/CDC will have a nonexclusive, royalty-free license to use, reproduce, publish, distribute, and exhibit the submission/winning game in any and all formats or manner for educational, training, and other public health purposes consistent with HHS and/or HHS/CDC's mission. Following the contest, all games will undergo further evaluation. The prize winning games may be used ''as is'' in its entirety or revised for a final game using segments or concepts from the first and second place winners into one game.

Submission Rights: The winners will need to transfer a nonexclusive, royalty-free license to use, reproduce, and distribute the app source code to HHS/CDC and/or release the source code under an open source license that allows HHS/CDC to make future modifications and releases of the app. The winners will be acknowledged in any actions conducted under this license.

Compliance With Rules and Contacting Contest Winners

Finalists and the contest winners must comply with all terms and conditions of the official rules, and winning is contingent upon fulfilling all requirements herein. The initial finalists will be notified by email, telephone, or mail after the date of the judging. Awards may be subject to Federal income taxes, and the Department of Health and Human Services will comply with the Internal Revenue Service withholding and reporting requirements, where applicable.

Privacy

If contestants choose to provide HHS/CDC with personal information by registering or filling out the submission form through the Challenge.gov Web site, that information is used to respond to contestants in matters regarding their submission, announcements of entrants, finalists, and winners of the contest. Information is not collected for commercial marketing. Winners are permitted to cite that they won this contest.

General Conditions

HHS/CDC reserves the right to cancel, suspend, and/or modify the contest, or any part of it, for any reason, at HHS/CDC's sole discretion.

Participation in this contest constitutes a contestant's full and unconditional agreement to abide by the contest's official rules found at *www.Challenge.gov.*

Authority: 15 U.S.C. 3719

Dated: September 9, 2013.

Tanja Popovic,

Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2013–22285 Filed 9–12–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10199 and CMS–10266]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *October 15, 2013:*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs Attention: CMS Desk Officer Fax Number: (202) 395–6974 *OR* Email: *OIRA_submission@omb.eop.gov* To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Data Collection for Medicare Facilities Performing Carotid Artery Stenting with Embolic Protection in Patients at High Risk for Carotid Endarterectomy; *Use:* We provide coverage for carotid artery stenting (CAS) with embolic protection for patients at high risk for carotid endarterectomy and who also have symptomatic carotid artery stenosis between 50 percent and 70 percent or have asymptomatic carotid artery stenosis ≥ 80 percent in accordance with the Category B IDE clinical trials regulation (42 CFR 405.201), a trial under the CMS Clinical Trial Policy (NCD Manual § 310.1, or in accordance with the National Coverage Determination on CAS post approval studies (Medicare NCD Manual 20.7). Accordingly, we consider coverage for CAS reasonable and necessary (section 1862 (A)(1)(a) of the Social Security Act). However, evidence for use of CAS with embolic protection for patients with high risk for carotid endarterectomy and who also have symptomatic carotid artery stenosis ≥ 70 percent who are not enrolled in a study or trial is less compelling. To encourage responsible and appropriate use of CAS with embolic protection, we issued a Decision Memo for Carotid Artery Stenting on March 17, 2005, indicating that CAS with embolic protection for symptomatic carotid artery stenosis ≥ 70 percent will be covered only if performed in facilities that have been determined to be competent in performing the evaluation, procedure and follow-up necessary to ensure optimal patient outcomes. In accordance with this criteria, we consider coverage for CAS reasonable and necessary (section 1862 (A)(1)(a) of the Social Security Act). *Form Number:* CMS–10199 (OCN: 0938–1011); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 1,000; *Total Annual Responses:* 1,000; *Total Annual Hours:* 500. (For policy questions regarding this collection contact Lori Ashby at 410–786–6322.)

2. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Conditions of Participation: Requirements for Approval and Reapproval of Transplant Centers to Perform Organ Transplants; *Use:* The Conditions of Participation and accompanying requirements specified in the regulations are used by our surveyors as a basis for determining whether a transplant center qualifies for approval or re-approval under Medicare.

We, along with the healthcare industry, believe that the availability to the facility of the type of records and general content of records is standard medical practice and is necessary in order to ensure the well-being and safety of patients and professional treatment accountability. *Form Number:* CMS–10266 (OCN: 0938–1069); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 226; *Total Annual Responses:* 528; *Total Annual Hours:* 2,523. (For policy questions regarding this collection contact Diane Corning at 410–786–8486.)

Dated: September 10, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–22329 Filed 9–12–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–9953–PN]

Health Insurance Exchanges; Application by the Accreditation Association for Ambulatory Health Care To Be a Recognized Accrediting Entity for the Accreditation of Qualified Health Plans

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the receipt of an application from the Accreditation Association for Ambulatory Health Care (AAAHC) to be a recognized accrediting entity for the purposes of fulfilling the accreditation requirement as part of qualified health plan (QHP) certification. Regulations require HHS to publish a notice identifying the accrediting entity, summarizing its analysis of whether the accrediting entity meets certain criteria, and providing no less than a 30-day public comment period.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on October 15, 2013.

ADDRESSES: In commenting, please refer to file code CMS–9953–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9953–PN, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9953–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to either of the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

FOR FURTHER INFORMATION CONTACT: Rebecca Zimmermann, at (301) 492–4396.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

Regulations at 45 CFR 156.275 require qualified health plan (QHP) issuers to be accredited on the basis of local performance of its QHPs by an accrediting entity recognized by the Department of Health and Human Services (HHS). In a final rule published on July 20, 2012,[1] we established the first phase of an intended two-phase approach to recognize accrediting entities and proposed both the National Committee for Quality Assurance (NCQA) and URAC as recognized accrediting entities. On November 23, 2012, we notified the public that NCQA and URAC had both met the requirements in the final rule to be recognized as an accrediting entity (77 FR 42662 through 42668) and were recognized by the Secretary [2] as accrediting entities for the purposes of QHP certification.

On February 25, 2013, we published a subsequent final rule title, ''Standards Related to Essential Health Benefits, Actuarial Value, and Accreditation (78 FR 1283),'' [3] which amended § 156.275(c) to establish an application and review process to allow additional

[1] Patient Protection and Affordable Care Act; Data Collection To Support Standards Related to Essential Health Benefits; Recognition of Entities for the Accreditation of Qualified Health Plans Final Rule 77 FR 42658, 42662–42668 (July 20, 2012) (45 CFR 156.275(c)).

[2] Certain authority under the Affordable Care Act has been delegated from the Secretary to the Administrator of CMS., 76 FR 53903 through 53906, (Aug. 30, 2011).

[3] Patient Protection and Affordable Care Act; Standards Related to Essential Health Benefits, Actuarial Value, and Accreditation; Final Rule, 78 FR 12834, 12854–12855 (February 25, 2013)(45 CFR 156.275(c)).

accrediting entities to seek recognition. The application submitted by an accrediting entity must include documentation described in § 156.275(c)(4) and demonstrate, in a concise and organized fashion how the accrediting entity meets the requirements of § 156.275 (c)(2) and (3). Specifically, to be recognized, an accrediting entity must provide current accreditation standards and requirements, processes and measure specifications for performance measures to demonstrate via a crosswalk that it meets the conditions described in § 156.275 (c)(2) and (c)(3). Further, once recognized, § 156.275(c)(4)(ii) requires accrediting entities to provide the Secretary with any proposed changes or updates to the accreditation standards and requirements, processes, and measure specifications for performance measures with 60 days' notice prior to public notification. Lastly, § 156.275(c)(5) requires recognized accrediting entities, when authorized by an accredited QHP issuer, to provide specific QHP issuer accreditation survey data elements to the Exchange.

II. Provisions of the Notice

The purpose of this notice is to notify the public of the Accreditation Association for Ambulatory Health Care's (AAAHC) request for recognition by the Secretary as an accrediting entity for the purposes of QHP certification. As part of the application, AAAHC submitted all the required documentation materials described in § 156.275(c)(4). Below we present, our analysis of whether AAAHC meets the criteria described in paragraphs § 156.275 (c)(2) and (3).

1. Summary of CMS's Analysis

We are providing the public with an analysis of AAAHC's completed application, including a review of the current accreditation standards and requirements, processes and measure specifications for performance measures, submitted by AAAHC. Currently, AAAHC is an accrediting body that has a CMS-approved accreditation program to conduct surveys for ambulatory surgery centers that wish to participate in the Medicare program with deemed status. The AAAHC has also obtained approval from CMS as a deeming entity allowing it to survey Medicare Advantage plans.[4] The current scope of accreditation as described in AAAHC's 2013 Accreditation Handbook for Health Plans demonstrates that AAAHC will be providing accreditation of QHPs within the statutorily required categories,[5] established in § 156.275(c), including reporting on a set of clinical quality measures and patient experience ratings on a standardized Consumer Assessment of Healthcare Providers and Systems (CAHPS®) survey; consumer access; utilization management; quality assurance; provider credentialing; complaints and appeals; network adequacy and access; and patient information programs.

In addition, CMS evaluated AAAHC's standards relating to network adequacy and consider them to be consistent with the general requirements for network adequacy for QHP issuers (45 CFR 156.230(a)(2) and (3)). To determine health plans' compliance with network adequacy standards, the AAAHC accreditation survey includes review of areas such as member choice of providers, member satisfaction with relation to provider access, availability of services, provider network credentialing and customer complaints, appeals, and satisfaction information.

Upon review of the clinical quality measures included in AAAHC's accreditation standards, we have assessed that the measures cover a range of conditions and domains, include adult and child-specific measures, align with the priorities in the National Strategy for Quality Improvement in Health Care, are developed or adopted by the National Quality Forum (NQF) or are in common use for health plan quality measurement, and meet health plan industry standards and are evidence-based, as required in § 156.275(c)(2)(ii). The following list displays the clinical quality measures that will be used for QHP accreditation by AAAHC, spanning preventive care, behavioral health and substance abuse disorders, chronic care, and acute care:

Measure	NQF reference No.	Measure develop/steward
Mandatory Measures		
Proportion of Days Covered (Drug Therapy Adherence)	0541	Pharmacy Quality Alliance (PQA).
Provider Network Adequacy—Number of Specialists Accepting New Patients At End of Reporting Period by Specialist Type.	n/a	Centers for Medicare and Medicaid Services (CMS).
Dyslipidemia New Medication 12-Week Testing	n/a	Resolution Health, Inc.
Drug-Drug Interactions	n/a	PQA.
Diabetes Short Term Complications Event Rate	0272	Adapted by URAC from Agency for Healthcare Quality and Research (AHRQ) measure.
Diabetes Long Term Complications Admission Rate	0274	Adapted by URAC from AHRQ measure.
Adult Asthma Event Rate	0283	Adapted by URAC from AHRQ measure.
Pediatric Asthma Event Rate	n/a	Adapted by URAC from AHRQ measure.
Mandatory/Equivalent Measures		
Atherosclerotic Disease—Lipid Panel Monitoring	0616	Active Health Management.
Diabetes All-Or-None Process Measure (HbA1c, LDL–C, Nephropathy).	n/a	Wisconsin Collaborative for Healthcare Quality.
Provider Network Adequacy—Primary Care	n/a	CMS.
Medication Therapy For Patients With Asthma: Suboptimal Asthma Control (SAC), and Absence of Controller Therapy (ACT).	0548	PQA.
Call Center Performance	n/a	URAC.
Percentage of Live Births Weighing Less than 2,500 Grams	0278	AHRQ.

[4] 42 CFR 422.157.

[5] Interested persons may contact AAAHC to request a copy of the handbook.

Measure	NQF reference No.	Measure develop/steward
Annual Percentage of Asthma Patients 2 through 20 Years Old with One or More Asthma-related Emergency Room Visits.	1381	Alabama Medicaid.
Percentage of Female Patients Who Had a Mammogram Performed During the Two-Year Measurement Period.	n/a	American Medical Association/Physician Consortium Performance Improvement (AMA/PCPI).
High Risk for Pneumococcal Disease—Pneumococcal Vaccination.	0617	ActiveHealth Management.
Preventive Services: Percentage of Enrolled Members Ages Less than or Equal to 18 years Who have had Preventive Services, Recommended Risk Factor Reductions and Behavioral Health Change Interventions, Appropriate Screenings and Immunizations.	n/a	American Academy of Pediatrics/URAC.
Colorectal Cancer Screening	n/a	Veterans Health Administration (VHA).
Tobacco Use: Screening and Cessation	0028	AMA/PCPI/URAC.
Prevention and Management of Obesity in Mature Adolescents and Adults.	n/a	Institute for Clinical Systems Improvement(ICSI)/URAC.
30 Day Post-Hospital AMI Discharge Care Transition Composite Measure.	0698	Centers for Medicare and Medicaid Services (CMS)/URAC.
Congestive Heart Failure (CHF) Rate	0358	AHRQ/URAC.
Atrial Fibrillation—Warfarin Therapy	0264	ActiveHealth Management.
MRI Lumbar Spine for Low Back Pain	0514	CMS.
All Cause Readmission Index	0505	United Health Group/URAC.
Central Venous Catheter-related Bloodstream Infections (area-level): Rate per 100,000 Population.	n/a	AHRQ.
Depression Readmission	n/a	Minnesota Community Measurement/URAC.
Follow-up After Hospitalization for a Mental Illness	n/a	Florida Agency for Health Care Administration.
CAHPS®		
CAHPS® Adult Health Plan Survey 5.0	0006	AHRQ.
CAHPS® Child Survey v4.0 Medicaid and Commercial Core Survey.	n/a	AHRQ.
CAHPS® Survey for Children With Chronic Conditions	0009	AHRQ.
Exploratory Measures		
Case Management: Consumer Contact	n/a	URAC.
Complaint Response Timeliness	n/a	URAC.
Outpatient Newborn Visit Within One Month of Birth	n/a	Centene.
Diabetes: All or None Process Measure: Optimal Results for HbA1c, LDL–C, and Blood Pressure.	n/a	Wisconsin Collaborative for Healthcare Quality.
Percentage of Eligible Members that Receive Preventive Dental Services.	n/a	CMS/URAC.
Health Risk Assessment Completion Rate	n/a	URAC.
Use of High Risk Medications in the Elderly	n/a	PQA.

The AAAHC documented in its application how its measures and standards comply with the requirements contained in § 156.275. The application also clarifies how AAAHC accreditation complies with § 156.275(c)(2) and (c)(3). Specifically, AAAHC will provide accreditation at the required Exchange product type level, assuming that adequate member numbers and data are available, as required by 45 CFR 156.275(c)(2)(iii).

CMS evaluated AAAHC's application information regarding accreditation survey methodology and processes for scoring and consider the standards to be methodologically rigorous and transparent as required in § 156.275(c)(3). The AAAHC described its health plan scoring methodology for 2013 and documented that the collection and reporting of a required set of clinical quality measures and CAHPS® data will be factored into the overall accreditation score. The majority of AAAHC accreditation standards are rated on a five-point scale of Fully Compliant to Non-Compliant and a critical set of standards must be fully met for successful health plan accreditation, including the reporting of clinical quality measures.

2. Public Comment

This notice solicits public comments on the analysis above and the conclusion that it is appropriate to recognize AAAHC as an accrediting entity for the purpose of QHP certification. We seek specific comments on AAAHC's accreditation standards for QHP issuers including: whether the public believes AAAHC's standards meet the requirements in § 156.275; whether there are any deficiencies in its standards that should be reviewed; the content of the proposed clinical quality measures and their appropriateness for use in QHP accreditation; the rigor of the scoring methodology; and if the network adequacy standards will ensure sufficient network of providers for QHP enrollees.

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not

able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble before making a determination of recognition of an accrediting entity. Upon completion of our analysis, including evaluation of comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our determination. (Health Insurance Exchanges; Application by the Accreditation Association for Ambulatory Health Care to be a Recognized Accrediting Entity for the Accreditation of Qualified Health Plans)

Dated: August 29, 2013.

Marilyn Tavenner,

CMS Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2013–22369 Filed 9–12–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Permanency Innovations Initiative Evaluation: Phase 3.

OMB No.: 0970–0408.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) intends to collect data for an evaluation of the Permanency Innovations Initiative (PII). This 5-year initiative, funded by the Children's Bureau (CB) within ACF, is intended to build the evidence base for innovative interventions that enhance well-being and improve permanency outcomes for particular groups of children and youth who are at risk for long-term foster care and who experience the most serious barriers to timely permanency.

Data collection for the PII evaluation includes a number of components being launched at different points in time. Phase 1 (approved August 2012, OMB# 0970–0408) included data collection for a cross-site implementation evaluation and site-specific evaluations of two PII grantees (Washoe County, Nevada, and the State of Kansas). Phase 2 (approved August 2013) included data collection for two more PII grantees (Illinois DCFS and one of two interventions offered by the Los Angeles Gay and Lesbian Center's Recognize Intervene Support Empower [RISE] project).

Phase 3 will include data collection for evaluations of two PII grantee interventions and two additional cross-site PII studies. The two grantee interventions are the California Department of Social Services' California Partnership for Permanency (CAPP) project and a second RISE intervention, the Care Coordination Team (CCT). The two PII cross-site studies are a cost study and an administrative data study. The administrative data study does not impose any new data collection requirements and will use data currently reported by states through the Adoption and Foster Care Analysis and Reporting System (AFCARS) (OMB Control # 0980–0267) and the National Child Abuse and Neglect Data System (NCANDS) (OMB Control # 0980–0229), as well as data maintained in State Automated Child Welfare Information Systems (SACWIS).

Respondents: Youth, foster parents, permanency resources, biological parents, legal guardians, team facilitators, caseworkers, supervisors, and state agency workers.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
CAPP:					
Parent/Guardian Interview	1791	597	1	0.5	299
Caseworker Data Extraction	894	298	1	0.5	149
CAPP annual burden hours					448
RISE CCT:					
Youth Interview	120	40	2	1.3	104
Qualitative Youth Interview	60	20	1	1.2	24
Interview with Permanency Resource	120	40	2	1.0	80
Interview with Current Caregiver	120	40	2	0.6	48
Current Caregiver Qualitative Interview	60	20	1	1.0	20
CCT Facilitators Emotional Permanency Pretest	12	4	5	0.2	4
CCT Facilitators Emotional Permanency Posttest	12	4	5	0.2	4
CAFAS pretest	12	4	5	1.0	20
Caseworker discussion for CAFAS pretest completion	60	20	1	0.5	10
CAFAS posttest	12	4	5	1.0	20
Caseworker discussion for CAFAS posttest completion	60	20	1	0.5	10
CCT Facilitators Permanent Connections Inventory Pretest	12	4	1	0.2	1
CCT Facilitators Permanent Connections Inventory Posttest	12	4	1	0.2	1
RISE CCT annual burden hours					346
Cost Study:					
Cost Focus Group	27	9	1	7	63
Weekly Casework Activity Log	369	123	52	0.4	2,558
Weekly Supervision Activity Log	117	39	52	0.4	811
Monthly Management/Administration Log	90	30	12	0.5	180
Cost Study annual burden hours					3,612
Administrative Data Study:					

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
Data file submission	15	5	4	0.6	12
Administrative Data Study annual burden hours	.....	.....	.....	.....	12
OVERALL ANNUAL BURDEN HOURS	.....	.....	.....	.....	4,418

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Steven M. Hanmer,

Reports Clearance Officer.

[FR Doc. 2013–22310 Filed 9–12–13; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Guidance for Tribal TANF.

OMB No.: 0970–0157.

Description: 42 U.S.C. 612 (Section 412 of the Social Security Act) requires each Indian Tribe that elects to administer and operate a Temporary Assistance for Needy Families (TANF) program to submit a TANF Tribal Plan. The TANF Tribal Plan is a mandatory statement submitted to the Secretary by the Indian Tribe, which consists of an outline of how the Indian Tribes TANF program will be administered and operated. It is used by the Secretary to determine whether the plan is approvable and to determine that the Indian Tribe is eligible to receive a TANF assistance grant. It is also made available to the public.

Respondents: Indian Tribes applying to operate a TANF program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Request for State Data Needed to Determine the Amount of a Tribal Family Assistance Grant	23	1	68	1564

Estimated Total Annual Burden Hours: 1,564.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2013–22252 Filed 9–12–13; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0577]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Requirements for Submission of Labeling for Human Prescription Drugs and Biologics in Electronic Format

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 15, 2013.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0530. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Requirements for Submission of Labeling for Human Prescription Drugs and Biologics in Electronic Format—(OMB Control Number 0910–0530)—Extension

FDA is requesting that OMB extend approval under the Paperwork Reduction Act (44 U.S.C. 3501–3520) for the information collection resulting from the requirement that the content of labeling for prescription drug products be submitted to FDA electronically in a form that FDA can process, review, and archive. This requirement was set forth in the final rule entitled ''Requirements for Submission of Labeling for Human Prescription Drugs and Biologics in Electronic Format'' (December 11, 2003; 68 FR 69009), which amended FDA regulations governing the format in which certain labeling is required to be submitted for FDA review with new drug applications (NDAs) (21 CFR 314.50(l)(1)(i)), including supplemental NDAs, abbreviated new drug applications (ANDAs) (21 CFR 314.94(d)(1)(ii)), including supplemental ANDAs, and annual reports (21 CFR 314.81(b)(2)(iii)(*b*)) (the final rule also applied to certain BLAs, but the information collection for these requirements is not part of this OMB approval request).

This OMB approval request is only for the burden associated with the electronic submission of the content of labeling. The burden for submitting labeling as part of NDAs, ANDAs, supplemental NDAs and ANDAs, and annual reports, has been approved by OMB under control number 0910–0001.

We estimate that it should take applicants approximately 1.25 hours to convert the content of labeling from Word or PDF to structured labeling format (SPL) format. The main task involved in this conversion is copying the content from one document (Word or PDF) to another (SPL). Over the past few years, several enhancements have been made to SPL authoring software which significantly reduces the burden and time needed to generate well-formed SPL documents. SPL authors may now copy a paragraph from a Word or PDF document and paste the text into the appropriate section of an SPL document. In those cases where an SPL author needs to create a table, the table text may be copied from the Word or PDF document and pasted into each table cell in the SPL document, eliminating the need to retype any information. Enhancements have also been made to the software for conversion vendors. Conversion software vendors have designed tools which will import the Word version of the content of labeling and, within minutes, automatically generate the SPL document (a few formatting edits may have to be made).

Based on the number of content of labeling submissions received during the past few years, we estimate that approximately 5,750 content of labeling submissions are made annually with original NDAs, ANDAs, supplemental NDAs and ANDAs, and annual reports by approximately 500 applicants. Therefore, the total annual hours to convert the content of labeling from Word or PDF to SPL format would be approximately 7,187.50 hours.

Concerning costs, we conclude that there are no capital costs or operating and maintenance costs associated with this collection of information. In May 2009, FDA issued a guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Drug Establishment Registration and Listing.'' The guidance describes how to electronically create and submit SPL files using defined code sets and codes for establishment registration and drug listing information, including labeling. The information collection resulting from this guidance, discussed in the **Federal Register** of January 8, 2009 (74 FR 816), has been approved by OMB under control number 0910–0045. As discussed in the January 8, 2009, **Federal Register** notice, to create an SPL file and submit it to FDA, a registrant would need the following tools: A computer, appropriate software, access to the Internet, knowledge of terminology and standards, and access to FDA's electronic submission gateway (ESG). Registrants (and most individuals) have computers and Internet access available for their use. If a business does not have an available computer or access to the Internet, free use of computers and the Internet are usually available at public facilities, e.g., a community library. In addition, there should be no additional costs associated with obtaining the appropriate software. In 2008, FDA collaborated with GlobalSubmit to make available free SPL authoring software that SPL authors may utilize to create new SPL documents or edit previous versions. (Information on obtaining this software is explained in section IV.A of the guidance ''Providing Regulatory Submissions in Electronic Format—Drug Establishment Registration and Listing.'') In addition to the software, FDA also provides technical assistance and other resources, code sets and codes, and data standards regarding SPL files.

After the SPL file is created, the registrant would upload the file through the ESG, as explained in the January 8, 2009, **Federal Register** notice. A digital certificate is needed to use the ESG. The digital certificate binds together the owner's name and a pair of electronic keys (a public key and a private key) that can be used to encrypt and sign documents. A fee of up to $20 is charged for the digital certificate and the registrant may need to renew the certificate not less than annually. We are not calculating this fee as a cost for this extension because all applicants who submit content of labeling are also subject to the drug establishment registration and listing requirements and would have already acquired the digital certificate as a result of the May 2009 guidance on drug establishment registration and listing.

In the **Federal Register** of May 30, 2013 (78 FR 32392), FDA published a 60-day notice requesting public comment on the proposed collection of information. There were two comments received. Both comments disagreed with FDA's estimate of 1.25 hours for converting the content of labeling to SPL format. One comment said it would take 4 to 12 hours for experienced users to develop the initial well-formed SPL and 4–5 hours for an SPL update, and that these estimates vary depending on the complexity of the labeling metadata

and whether changes are necessary. The comment said that FDA also needs to account for the time required for validating the SPL extensible markup language (XML) file, including the need for using at least one XML validation tool to ensure that the SPL file set is well-formed and error-free. The comment said that copying table cells to create an SPL file is time consuming and prone to errors, and that software tools do not allow users to copy and paste the text and render it as intended in SPL. The comment said that most users need to apply applicable formatting to tables, which leads to longer conversion timelines, and that manually creating the SPL file and proofing the document is time-consuming.

One comment said that updating the SPL file for submission to FDA when a non-annotated or partially annotated MS Word document is received from FDA requires a significant amount of time to identify the changes to the labeling. The comment said that although SPL is a useful and necessary format it involves extra time and costs for staying current with changes in terminology and software versions, and for conversion from another format when FDA requests documents in both MS Word and SPL. The comment said that maintaining multiple formats of labeling, negotiating FDA comments, and documenting agreements to final labeling is time-consuming.

A comment requested that FDA use a single, electronic file format for receipt, review, and revision of labeling. The comment said that companies currently receive information from FDA during its review of labeling in many formats, including MS Word (both editable and hard-formatted), faxes, texts, in emails, or other scanned documents with handwritten comments. The comment noted that each iteration of the MS Word document may need to be converted to SPL for submission, and that managing the same activities for two different formats doubles the work-load and causes incremental costs to be incurred by companies. The comment also said that there should be better document management (e.g., version control, tracking changes, and validation) of the MS Word documents. A comment said that the staffing, expertise, and technical support necessary to independently determine the need for a labeling change is costly.

One comment preferred the use of MS Word for labeling revisions and negotiations with FDA, and said that until FDA is able to revise labeling using only SPL it should not require an SPL submission until 14 days post-approval.

Concerning the need for a digital certificate to use the ESG, one comment said that companies may need to renew the certificate ''not less than annually.'' The comment said that FDA should maintain an accurate list of acceptable digital certificate vendors and communicate the list to stakeholders via a formal process, as well as issue appropriate notice of changes. The comment noted that some companies received messages from FDA that one of the vendors listed as an approved certificate vendor was not acceptable for use for submissions to FDA, and, as a result, the companies purchased multiple certificates from different vendors in order to use the ESG.

A comment requested clarification concerning the type of filing needed or anticipated by FDA to make an appropriate labeling decision. The comment said that the **Federal Register** notice is not clear about what type of filing is needed ''other than a CBE [change being effected], which will not allow the Agency adequate time to review if the label change is solely linked to one manufacturer or if it is indeed a product related safety concern applicable to an entire class of pharmaceuticals.''

FDA appreciates the comments. We will respond to the issues raised in the comments and amend this collection if necessary as soon as we have gathered sufficient information to address the cost issues specified in the comments. The public will have an opportunity to comment on our response at that time.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Content of labeling submissions in NDAs, ANDAs, supplemental NDAs and ANDAs, and annual reports	Number of respondents	Number of responses per response	Total annual responses	Average burden per response	Total hours
	500	11.50	5750	1.25	7,187.50

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 6, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–22312 Filed 9–12–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1020]

Draft Guidance for Industry on Bioanalytical Method Validation; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Bioanalytical Method Validation.'' The draft guidance is intended to provide recommendations regarding analytical method development and validation for the measurement of drugs and/or metabolites, therapeutic biologics, and biomarkers for sponsors of investigational new drug applications (INDs), new drug applications (NDAs), abbreviated new drug applications (ANDAs), and biologics license applications (BLAs) for therapeutic biologics regulated by the Center for Drug Evaluation and Research. This draft guidance may apply to some studies related to the veterinary drug approval process (Investigational New Animal Drugs (INADs), New Animal Drug Applications (NADAs), and Abbreviated New Animal Drug Applications (ANADAs)) regulated by the Center for Veterinary Medicine. This guidance was originally issued in 2001. FDA is revising the guidance to reflect advancements in the science and technology of bioanalytical method validation.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by December 12, 2013.

ADDRESSES: Submit written requests for single copies of the revised draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002, or Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the draft guidance 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.

FOR FURTHER INFORMATION CONTACT: Brian Booth, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2186, Silver Spring, MD 20993–0002, 301–796–1508; or John Kadavil, Center for Veterinary Medicine (HFV–151), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–9589.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Bioanalytical Method Validation.'' The measurement of drug and/or metabolite, therapeutic biological product, or biomarker concentrations in in vivo studies provides critical support for many types of drug and therapeutic biologic development studies. The accuracy and the reliability of these data are of critical importance to the interpretation of the study outcomes. The draft guidance reflects the Agency's view that the reliability of these data is, in part, assured by adequate method development and validation prior to study conduct. The method validation should provide assurance that the samples are unaffected by handling conditions, and that the measurements are accurate and can be repeated without significant change.

The draft guidance provides recommendations for sponsors of INDs, NDAs, ANDAs, and BLAs regarding measurement of drug, therapeutic biological product, and biomarker concentrations in nonclinical and clinical study samples. The guidance provides recommendations for sponsors of INADs, NADAs, and ANADAs regarding measurement of drug concentrations in some bioavailability, bioequivalence, and pharmacokinetic studies. The guidance lists the recommendations for sample handling and stability; method acceptance criteria for accuracy and precision; and reproducibility. The guidance also addresses the fit-for-purpose concept, biomarkers, and novel technologies.

On May 23, 2001 (66 FR 28526), FDA issued the first version of this guidance. Since then, substantial scientific and technical advancements have taken place related to the validation of bioanalytical methods. FDA revised the guidance to reflect these advancements and is issuing the revised guidance in draft to solicit public input. The revised draft guidance contains a number of new sections, including sections on endogenous compounds, incurred sample reanalysis, biomarker assays, use of diagnostic kits and new technologies, system suitability, and examples of report formats for tabular data listings. In addition, FDA has updated sections where needed, such as the sections on chromatography and ligand-binding assays. The changes and additions are intended to reflect the many advances in the field during the last decade.

This revised draft guidance is issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on Bioanalytical Method Validation. 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 requirement of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This revised draft guidance refers to previously approved collections of information 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 collections of information in 21 CFR part 58 have been approved under OMB control number 0910–0119; the collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001; the collections of information in 21 CFR part 514 have been approved under OMB control number 0910–0032; the collections of information in 21 CFR part 511 have been approved under OMB control number 0910–0117; and the collections of information in section 360b(n)(1) (21 U.S.C 512(n)(1)) of the Federal Food, Drug and Cosmetic Act have been approved in OMB control number 0910–0669.

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.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceCompliance RegulatoryInformation/Guidances* or *http://www.regulations.gov.*

Dated: September 7, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–22309 Filed 9–12–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–D–0322]

Draft Guidance for Industry on Arsenic in Apple Juice: Action Level; Supporting Document for Action Level for Arsenic in Apple Juice; A Quantitative Assessment of Inorganic Arsenic in Apple Juice; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or we) is extending the comment period for the draft guidance for industry entitled ''Arsenic in Apple Juice: Action Level'' that appeared in the **Federal Register** of July 15, 2013 (78 FR 42086). The draft guidance identifies for the industry an action level for inorganic arsenic in apple juice that FDA considers protective of human health and achievable with the use of good manufacturing practices. It also describes FDA's intended sampling and enforcement approach. In the notice, we requested comments on the draft guidance. We are taking this action in response to a request for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the draft guidance. Submit either electronic or written comments by November 12, 2013.

ADDRESSES: Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit written requests for single copies of the draft guidance to the Office of Food Safety, Center for Food Safety and Applied Nutrition (HFS–317), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Lauren Posnick Robin, Center for Food Safety and Applied Nutrition (HFS–317), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1639.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of July 15, 2013 (78 FR 42086), we published a notice announcing the availability of three documents, a draft guidance for industry entitled ''Arsenic in Apple Juice: Action Level,'' a draft supporting document entitled ''Supporting Document for Action Level for Arsenic in Apple Juice,'' and a risk assessment document entitled ''A Quantitative Assessment of Inorganic Arsenic in Apple Juice.'' The draft guidance identifies an action level for inorganic arsenic in apple juice of 10 micrograms/kilogram (µg/kg) or 10 parts per billion (ppb), and identifies FDA's intended sampling and enforcement approach. The draft supporting document reviews data on arsenic levels, health effects, and achievability, and explains FDA's rationale for identifying an action level for inorganic arsenic in apple juice of 10 µg/kg. The risk assessment document provides estimates of arsenic exposure and risk to humans at different hypothetical limits for inorganic arsenic in apple juice. The notice invited comments on the draft guidance by September 13, 2013.

As of August 28, 2013, we have received two requests for an extension of the comment period. The requests, from the Arsenic Science Task Force and the Juice Products Association, explained that they needed more time to complete their analyses of the supporting documents.

We have considered the request and are extending the comment period for the notice for 60 days, until November 12, 2013. We believe that a 60-day extension allows adequate time for interested persons to submit comments without significantly delaying further FDA action on this guidance.

II. Request for 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: September 10, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–22313 Filed 9–12–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Challenging Regulatory and Reimbursement Paradigms for Medical Devices in the Treatment of Metabolic Diseases: How to Estimate and Reward True Patient-Centric Value in Innovation; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA) is announcing a public workshop entitled ''Changing Regulatory and Reimbursement Paradigms for Medical Devices in the Treatment of Metabolic Diseases: How to Estimate and Reward True Patient-Centric Value in Innovation.'' FDA is cosponsoring the workshop with the American Gastroenterological Association (AGA). The purpose of the workshop is to facilitate discussion between FDA, AGA, and other interested parties of the development of medical devices for the treatment of morbid obesity and other metabolic diseases and evolving approaches for the regulation and reimbursement of minimally invasive procedures.

Dates and Times: The public workshop will be held on October 17, 2013, from 8:30 a.m. to 5 p.m. and October 18, 2013, from 8:30 a.m. to 12:15 p.m.

Location: The public workshop will be held at the Grand Hyatt Washington,

1000 H St. NW., Washington, DC 20001, 202–582–1234.

Contact Person: Herbert Lerner, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G114, Silver Spring, MD 20993–0002, 301–796–6511, email: *herbert.lerner@fda.hhs.gov.*

Registration: Registration is limited and is available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by 4 p.m. (EDT), October 10, 2013. Onsite registration will be available after this date. To register for the public workshop, please visit AGA's Web site at *http://www.gastro.org/education-meetings/live-meetings/aga-fda-regulation-and-reimbursement-workshop.* For more information on the workshop, please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.)

The AGA will collect a registration fee to cover its share of the expenses associated with the public workshop, which is included in the registration information on the AGA Web site.

If you need special accommodations due to a disability, please contact Herbert Lerner (see ''*Contact Person''*) at least 7 days before the public workshop.

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of the public workshop is to facilitate discussion between FDA, the AGA and other interested parties on the issues of device development, public and private payer reimbursement, venture capital, and regulatory pathways for device innovation and marketing. The workshop will provide a forum for discussing new approaches for the treatment of morbid obesity and other metabolic diseases as well as evolving approaches for the regulation and reimbursement of minimally invasive procedures.

II. Topics for Discussion at the Public Workshop

Topics to be discussed at the public workshop include, but are not limited to:

- Challenges to MedTech Innovation in the United States;
- Evolving Approaches for the Regulation of Minimally Invasive Procedures: The FDA Benefit/Risk Paradigm;
- Evolving Approaches for the Reimbursement of Minimally Invasive Procedures: How to Put a Price on Value;
- Obesity as a Disease: Redefining the Regulatory and Reimbursement Context; and
- The ''Process''—Investigational Device Exemption Review.

Dated: September 10, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–22311 Filed 9–12–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Aortic Access From Vena Cava for Large Caliber Transcatheter Cardiovascular Interventions

Description of Technology: The invention pertains to a device and method for transcatheter correction of cardiovascular abnormalities, such as the delivery of prosthetic valves to the heart. Featured is a device implant for closing a caval-aortic iatrogenic fistula created by the introduction of a transcatheter device from the inferior vena cava into the abdominal aorta. The occlusion device includes an expandable transvascular implant with an elastomeric surface capable of extending between a vein and artery which conforms to the boundaries of an arteriovenous fistula tract between the artery and vein. A guidewire channel is disposed within the occlusion device where the channel also has elastomeric wall surfaces that conform or can be expanded to the area so that it occludes the channel when the guidewire is not present. The implant is resiliently deformable into a radially compressed configuration for delivery through the catheter. When not deformed into the radially compressed configuration, the distal end of the device is radially enlarged, relative to the intermediate neck, whereby the distal end forms an enlarged distal skirt, such as a disk or button shaped member. A polymer coating on the radially enlarged distal end conforms to the endoluminal aortic wall for deployment against an internal wall of the artery.

Potential Commercial Applications:

- cardiovascular surgery.
- heart valve implantation.
- valve-repair.

Competitive Advantages:

- closure of the caval-aortic iatrogenic fistula.
- vascular access.

Development Stage:

- Prototype.
- In vivo data available (animal).
- In vivo data available (human).

Inventors: Robert Lederman and Ozgur Kocaturk (NHLBI).

Publications:

1. Kodali SK, et al. Two-year outcomes after transcatheter or surgical aortic-valve replacement. N Engl J Med. 2012 May 3;366(18):1686–95. [PMID 22443479]
2. Makkar RR, et al. Transcatheter aortic-valve replacement for inoperable severe aortic stenosis. N Engl J Med. 2012 May 3;366(18):1696–704. [PMID 22443478]
3. Smith CR, et al. Transcatheter versus surgical aortic-valve replacement in high-risk patients. N Engl J Med. 2011 Jun 9;364(23):2187–98. [PMID 21639811]

Intellectual Property: HHS Reference No. E–553–2013/0—U.S. Provisional Patent Application 61/863,071 filed August 7, 2013.

Related Technologies:

- HHS Reference No. E–115–2013/0—U.S. Provisional Patent Application No. 61/834,357 filed June 12, 2013.
- HHS Reference No. E–027–2013/0—U.S. Provisional Patent Application No. 61/785,652 filed March 14, 2013.

Licensing Contact: Michael Shmilovich; 301–435–5019; *shmilovm@mail.nih.gov.*

Collaborative Research Opportunity: The National Heart Lung & Blood

Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Transcatheter Cardiovascular Interventions. For collaboration opportunities, please contact Ms. Peg Koelble at *koelblep@mail.nih.gov* or 301–402–5579.

Photoactivatable Nanoparticles for Targeted Drug Delivery

Description of Technology: The invention relates to novel lipid-based nanoparticles (liposomes) for use in targeted drug delivery. The particles include a wall surrounding a cavity, wherein the wall includes (i) a lipid bilayer comprising 1,2-bis(tricosa-10,12-diynoyl)-sn-glycero-3-phosphocholine (DC8,9PC), and dipalmitoylphosphatidylcholine (DPPC), and (ii) a tetrapyrollic photosensitizer, such as 2-[1-hexyloxyethyl]-2-devinyl pyropheophorbide-a (HPPH) within the lipid bilayer. The lipid bilayer may include one or more segregated regions, or pockets, of DC8,9PC with the HPPH being preferentially located within the DC8,9PC pockets. The nanoparticles include at least one therapeutic agent within the cavity. Upon a targeted application of light in the near-infrared range, the particles are disrupted and can release the therapeutic agent at a targeted site. The concurrent release of the photosensitizing agent HPPH may be advantageous in the treatment of certain cancers, since this agent has shown to possess therapeutic ability on its own right.

Potential Commercial Applications: The nanoparticles can be used for targeted drug delivery.

Competitive Advantages:

- The particles are stable and can be activated upon demand to release the therapeutic agent at the desired site.
- The concurrent release of the photosensitizing agent HPPH may be advantageous in the treatment of certain types of cancer, since this agent has shown to possess therapeutic ability on its own right.

Development Stage: In vivo data available (animal).

Inventors: Anu Puri (NCI) et al.

Publications:

1. Yavlovich A, et al. Design of liposomes containing photopolymerizable phospholipids for triggered release of contents. J Therm Anal Calorim. 2009 Oct1;98(1):97–104. [PMID 20160877]
2. Yavlovich A, et al. A novel class of photo-triggerable liposomes containing DPPC:DC(8,9)PC as vehicles for delivery of doxorubicin to cells. Biochim Biophys Acta. 2011 Jan;1808(1):117–26. [PMID 20691151]
3. Puri A, Blumenthal R. Polymeric lipid assemblies as novel theranostic tools. Acc Chem Res. 2011 Oct 18;44(10):1071–9. [PMID 21919465]
4. Puri A, et al. Material properties of matrix lipids determine the conformation and intermolecular reactivity of diacetylenic phosphatidylcholine in the lipid bilayer. Langmuir. 2011 Dec 20;27(24):15120–8. [PMID 22053903]

Intellectual Property: HHS Reference No. E–482–2013/0—U.S. Application No. 61/845,861 filed July 12, 2013.

Related Technologies:

1. Fabrication of phototriggerable liposomes.
2. Loading of a drug into the cavity and HPPH in the lipid bilayer of liposomes.
3. Laser-triggered release in vitro and in tumors.

Licensing Contact: Uri Reichman, Ph.D., MBA; 301–435–4616; *ur7a@nih.gov*.

Collaborative Research Opportunity: The National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize photoactivable nanoparticles for drug delivery. For collaboration opportunities, please contact John D. Hewes, Ph.D. at *hewesj@mail.nih.gov*.

Signatures of Genetic Control in Digestive and Liver Disorders

Description of Technology: Our technology describes unique genetic signatures in patients with digestive diseases and liver disorders. Using comprehensive analysis of 735 microRNAs and 19,000 mRNAs, we have identified a unique set of microRNAs and/or mRNAs which predict disease phenotypes in patients with digestive and liver disorders. The identification of such point-of-care genetic signatures is significant for both personalized biomarkers and novel targeted biotherapeutics. These microRNAs and mRNAs function either together or separately thus modulating protein expressions in one or more signaling pathways. A particular noteworthy signature of genetic control includes miR–150, which is known to modulate target proteins within the Akt signaling pathways implicated in inflammatory processes as well as processes affecting cancer cell proliferation and/or survival.

Potential Commercial Applications:

- Personalized biomarkers.
- Novel targeted biotherapeutic.

Competitive Advantages:

- Point-of-care signatures from minimally invasive samples.
- Protocol streamlined for high-throughput analysis.
- Quantitative molecular diagnostics.
- Unique microRNAs and/or mRNAs reveal biological targets within synergistic cellular pathways.

Development Stage:

- Pilot.
- Early-stage.
- Pre-clinical.
- In vitro data available.

Inventors: Wendy A. Henderson, Ralph M. Peace, Nicolaas H. Fourie, Sarah K. Abey (NINR).

Intellectual Property:

- HHS Reference No. E–349–2013/0—U.S. Provisional Patent Application No. 61/825,154 filed May 20, 2013.
- HHS Reference No. E–349–2013/1—U.S. Provisional Patent Application No. 61/825,489 filed May 20, 2013.

Licensing Contact: Suryanarayana (Sury) Vepa, Ph.D., J.D.; 301–435–5020; *vepas@mail.nih.gov*.

Histone Deacteylase (HDAC) Inhibitors That Enhance Chemotherapy

Description of Technology: In cancers with KRAS-mutations, such as leukemias, colon cancer, pancreatic cancer, and lung cancer, researchers at the NCI have observed that administration of the HDAC inhibitor romidepsin in combination with certain MAPK pathway and PI3K pathway inhibitors resulted in significant cytotoxicity, regardless of the type of cancer. Further, the researchers have achieved this effect at clinically relevant dosages and time periods.

Available for licensing are methods that employ these findings to treat cancers or induce cell death in tumor cells.

Potential Commercial Applications: Development of therapeutics for cancers with a high instance of KRAS mutations such as leukemias, colon cancer, pancreatic cancer, and lung cancer.

Competitive Advantages: The synergistic combination of agents induces cytotoxicity better than any of the agents alone.

Development Stage: Early-stage.

Inventors: Susan E. Bates, et al. (NCI).

Intellectual Property: HHS Reference No. E–097–2013/0—U.S. Application No. 61/807,574 filed April 2, 2013.

Licensing Contact: Patrick McCue, Ph.D.; 301–435–5560; *mccuepat@mail.nih.gov*.

Dipicolylamine-based Nanoparticles for Delivery of Ligands

Description of Technology: Many potential nucleic acid therapeutics have not transitioned from the research laboratory to clinical application in large part because delivery technologies for these therapies are not effective. Most nucleic acid delivery technologies are lipid-based or positively charged and require chemical or physical conjugation with the nucleic acid. These delivery systems are often therapeutically unacceptable due to toxicity or immune system reactivity. The present technology is a nanoparticle complex, containing a polymer substrate, such as a hyaluronic acid, and Zn^{2+}-dipicolylamine (Zn-DPA), that associates selectively with the nucleic acid phosphodiester groups. This complex functions as a simple, easy to scale-up, cost effective, low toxicity delivery system for potential nucleic acid therapeutics, such as siRNA molecules. It may also be capable of co-delivering other small molecule drugs.

Potential Commercial Applications:

- Drug delivery.
- Gene therapy.

Competitive Advantages:

- Efficient.
- Easy to scale-up.
- Cost effective
- Low toxicity

Development Stage:

- Early-stage
- In vivo data available (animal)

Inventors: Xiaoyuan Chen (NIBIB), Seulki Lee (NIBIB), KiYoung Choi (NIBIB), Gang Liu (North Sichuan Medical College, China).

Publication: Liu G, et al. Sticky nanoparticles: a platform for siRNA delivery by bis(zinc(ll) dipolyamine)-functionalized, self-assembled nanoconjugate. Angew Chem lnt Ed Engl. 2012 Jan 9;51(2):445–9. [PMID 22110006].

Intellectual Property: HHS Reference No. E–066–2012/0—U.S. Provisional Application No. 61/729,159 filed November 21, 2012

Licensing Contact: Edward (Tedd) Fenn; 424–500–2005; *tedd.fenn@nih.gov*.

Collaborative Research Opportunity: The National Institute of Biomedical Imaging and Bioengineering is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize this technology. For collaboration opportunities, please contact Henry S. Eden, M.D., Ph.D. at *edenh@mail.nih.gov*.

Norovirus-Neutralizing Monoclonal Antibodies

Description of Technology: Vaccines and therapies to prevent and treat Norovirus infections do not exist, despite the worldwide prevalence of Norovirus infections. Outbreaks of human gastroenteritis attributable to Norovirus commonly occur in group setting, such as hospitals, nursing homes, schools, dormitories, cruise ships and military barracks.

This technology relates to monoclonal antibodies, which specifically bind to Norovirus and have therapeutic potential. In a primate model, these antibodies stimulated a strong adaptive immune response which may produce a protective effect. These Norovirus antibodies may have application as immunoprophylaxis to protect individuals from infections or as a possible treatment for infected individuals.

Potential Commercial Applications:

- Therapeutic
- Vaccine

Competitive Advantages: Currently, no vaccines or therapies exist to prevent and treat Norovirus infections.

Development Stage:

- Early-stage
- In vivo data available (animal)

Inventors: Zhaochun Chen, Robert H. Purcell, Lisbeth Kim Green, Stanislav Sosnovtsev, Karin Bok (all of NIAID).

Publication: Chen Z, et al. Development of Norwalk virus-specific monoclonal antibodies with therapeutic potential for the treatment of Norwalk virus gastroenteritis. J Virol. 2013 Sep;87(17):9547–57. [PMID 23785216].

Intellectual Property: HHS Reference No. E–226–2011/0—U.S. Provisional Application No. 61/763,879 filed February 2, 2013.

Licensing Contact: Edward (Tedd) Fenn; 424–500–2005; *tedd.fenn@nih.gov*.

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize this technology. For collaboration opportunities, please contact Maryann Puglielli, Ph.D., J.D. at *pugliellim@mail.nih.gov*.

Dated: September 9, 2013.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2013–22264 Filed 9–12–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5681–N–37]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where

property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Office of Enterprise Support Programs, Program Support Center, HHS, room 12–07, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: AGRICULTURE: Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202) 720–8873; ARMY: Ms. Veronica Rines, Office of the Assistant Chief of Staff for Installation Management, Department of Army, Room 5A128, 600 Army Pentagon, Washington, DC 20310, (571) 256–8145; COAST GUARD: Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2100 Second St. SW., Stop 7901, Washington, DC 20593–0001; (202) 475–5609; GSA: Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040, Washington, DC 20405, (202) 501–0084; INTERIOR: Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, MS–4262, 1849 C Street, Washington, DC 20240, (202) 513–0795; NAVY: Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426; (These are not toll-free numbers).

Dated: September 5, 2013.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 09/13/2013

Suitable/Available Properties

Building

Alaska

Commercial Lot w/2 Story Structure
412 Washington Ave.
Seward AK 99664
Landholding Agency: GSA
Property Number: 54201320010
Status: Surplus
GSA Number: 9–I–AK–0803AB
Directions: GSA is the disposal agency; NPD/DOII is the landholding agency
Comments: 3,538 sf.; restaurant

Multi-Family Lot
212 Fifth Ave.
Seward AK 99664
Landholding Agency: GSA
Property Number: 54201320014
Status: Surplus
GSA Number: 9–I–AK–0805AB
Directions: Disposal agency: GSA; Landholding agency: NPS/DOII
Comments: 1,070 sf.; residential; fair conditions; mold, asbestos, & lead

Arizona

Caretaker's Residence
County 11th and Levee Rd.
Yuma AZ
Landholding Agency: Interior
Property Number: 61201330047
Status: Unutilized
Comments: off-site removal only; 1,683 sf. no future agency need; residential; deteriorated; presence of pest infestation; fixtures/electrical stripped out; major renovations needed; contact Interior for more info.

California

4 Buildings
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201330067
Status: Unutilized
Directions: 00478, 00548, 00681, 00685
Comments: Sf. varies 36–204 + months vacant; fair to deteriorate; secured area; extensive background check required; contact Army for info. on a specific property & accessibility reqs.

Georgia

Equipment Stg. Chicken House
15604, Site 00 (934 College Station Rd.
Athens GA 30605
Landholding Agency: Agriculture
Property Number: 15201330029
Status: Excess
Comments: Off-site removal; 1,200 sf.; storage; 15+ months vacant; termite damage; contact Agric. for accessibility removal reqs.

Hawaii

Bldg. 133 & Antenna Tower 133A
Kamehaine Dr., Waimanalo Ridge
Hawaii Kai HI 96825
Landholding Agency: GSA
Property Number: 54201320012
Status: Surplus
GSA Number: 9–N–HI–811
Directions: Disposal agency: GSA; Landholding agency: Navy
Comments: off-site removal only; 735 sf. for bldg. 133; poor conditions; contamination present; located w/in secured area; contact GSA for more info.

Illinois

Building 89A–H
Recreation Pavilion
Great Lakes IL 60088
Landholding Agency: Navy
Property Number: 77201330026
Status: Unutilized
Comments: off-site removal; relocation may be difficult; no future agency need; 924 sf.; vacant since Sept. 2011; minor repairs needed; secured area; contact Navy for more info.

Building 89H
Public Toilet
Near intersection Fourth St. & G St.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77201330028
Status: Unutilized
Comments: 210 sf.; public restroom/shower; major repairs needed; vacant since Sept. 2011; secured area; prior approval to access property; contact Navy for more info.

Indiana

Tract 53–133, Hoffman House Pr
275 W. Carol Lane
Beverly Shores IN 46301
Landholding Agency: Interior
Property Number: 61201330039
Status: Excess
Comments: Off-site removal; removal may be difficult due to structure type & condition; 1,503 sf., residential; 50 yrs.-old; repairs needed contact Interior for more info.

Tract 32–138, Dune Forest Dorm

108 Dune Forest Dorm
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330045
Status: Excess
Comments: Off-site removal; may be diff. due to unsound structure, 1,400 sf.; resid.; 28+ months vacant; significant structural damage; termite infest.; asbestos; mold & lead; contact Interior for more info.

Tract 103–162, Eggbeer Property
3031 Dabbert Avenue
Porter IN 46304
Landholding Agency: Interior
Property Number: 61201330046
Status: Excess
Comments: Off-site removal; may be diff. due to unsound stru.; 1,600 sf.; 24+ mos. vacant. resi.; extensive damage; asbestos; contact Interior for more info.

Iowa

Y11Q0
Camp Dodge
Johnston IA 50131
Landholding Agency: Army
Property Number: 21201330060
Status: Unutilized
Comments: 3,076 sf.; family housing; 816+months vacant; deteriorated; secured area; escort required; contact Army for accessibility requirements.

Y10Q0
Camp Dodge
Johnston IA 50131
Landholding Agency: Army
Property Number: 21201330061
Status: Unutilized
Comments: 3,076 sf.; family housing; 816+months vacant; deteriorated; secured area; escort required; contact Army for info.; accessibility requirements.

2 Buildings
Camp Dodge
Johnston IA 50131
Landholding Agency: Army
Property Number: 21201330064
Status: Unutilized
Directions: Y1200 & TC030
Comments: 1,686 & 1,026 sf. respectively; garage; deteriorated; secured area; escort required; contact Army for accessibility requirements.

Maryland

Building 930
4323 Dry House Road
Indian Head MD 20640
Landholding Agency: Navy
Property Number: 77201330019
Status: Excess
Directions: 930
Comments: Off-site removal only; 480 sf., 20+yrs vacant; chemical plant; contaminated; major renovations required for other use; secured area; contact Navy for accessibility removal reqs.

Building 930
4323 Dry House Rd.
Indian Head MD 20640
Landholding Agency: Navy
Property Number: 77201330020
Status: Excess
Directions: 930
Comments: Off-site removal only; 480 sf., 20+yrs vacant; chemical plant; contaminated; major renovations required for other use; secured area; contact Navy for accessibility removal reqs.

Building 931
4325 Dry House Road
Indian Head MD 20640
Landholding Agency: Navy
Property Number: 77201330021
Status: Excess
Directions: 931
Comments: Off-site removal only; 480 sf., chemical plant; 20+yrs. vacant; contaminated; major renovations needed for other use; secured aria contact Navy for accessibility/removal reqs.

Building 932
4327 Dry House Road
Indian Head MD 20640
Landholding Agency: Navy
Property Number: 77201330022
Status: Excess
Directions: 932
Comments: Off-site removal only; 480 sf.; chemical plant contaminated; major renovations required for other use; secured area; contact Navy for more info. on accessibility/removal reqs.

Building 933
4329 Dry House Road
Indian Head MD 20640
Landholding Agency: Navy
Property Number: 77201330023
Status: Excess
Directions: 933
Comments: Off-site removal only; 480 sf.; chemical plant 20+yrs. vacant; contaminated; major renovations required for other use; contact Navy for accessibility removal reqs.

Nevada

25 Buildings
Hawthorne Army Depot
Hawthorne NV 89415
Landholding Agency: Army
Property Number: 21201330062
Status: Unutilized
Directions: 400,401,402,403,404,405,406,407, 408,409,410,411,412,413,414,415,416,417, 418,419,420,421,422,423,424
Comments: Off-site removal only; no future agency use; prior authorization; secured area; contact Army on a specific property & accessibility removal reqs.

00A99
Hawthorne Army Depot
Hawthorne NV 89415
Landholding Agency: Army
Property Number: 21201330063
Status: Excess
Comments: 700 sf.; storage; 42 yrs. old; structural damage; asbestos & lead; prior authorization required; contact Army for info. on accessibility & removal reqs.

00A99
Hawthorne Army Depot
Hawthorne Army Depot NV 89415
Landholding Agency: Army
Property Number: 21201330065
Status: Excess
Comments: 700 sf.; storage; 42 yrs. old; structural damage; asbestos & lead; prior authorization required; contact Army for info. on accessibility & removal reqs.

7 Building
Hawthorne Army Depot
Hawthorne NV 89415
Landholding Agency: Army
Property Number: 21201330068
Status: Unutilized
Directions: 00A18,00A25,00A42,0A368, 0A671,86BT4,00375
Comments: Sf. varies; asbestos & lead; secured area; prior authorization required; contact Army for more info. on a specific property listed and accessibility requirements.

New Jersey

Portion of Former Sievers-Sandberg US Army Reserves Center—Tract 1
NW Side of Artillery Ave. at Rte. 130
Oldmans NJ 08067
Landholding Agency: GSA
Property Number: 54201320015
Status: Surplus
GSA Number: 1-D-NJ-0662-AA
Directions: Previously reported under 54200740005 as suitable/available ; 16 bldgs. usage varies: barracks/med./ warehouses/garages; property is being parceled.
Comments: 87,011 sf.; 10+ yrs. vacant fair/ poor conditions; property may be landlocked; transferee may need to request access from Oldmans Township planning & zoning comm.; contact GSA for more info.

New York

Building 240
Hill Rd, AFRL Rome Research Site
Rom NY 13441
Landholding Agency: GSA
Property Number: 54201320007
Status: Excess
GSA Number: ny0938
Comments: 134,855sf; military office & lab bldg.; 10 plus years vacant; significant deterioration; asbestos; access must be coordinated w/local airforce personnel.

North Carolina

Building D1209
4285 Gruber Road
Ft. Bragg NC 28308
Landholding Agency: Army
Property Number: 21201330069
Status: Unutilized
Comments: 15,327 sf; 21 yrs. old; extensive repairs needed; secured area; extensive background check required; contact Army for accessibility requirements.

North Carolina

D3909
3912 Donovan Street
Ft. Bragg NC 28308
Landholding Agency: Army
Property Number: 21201330070
Status: Unutilized
Comments: 13,247 sf.; 42 yrs. old; dining facility; extensive repairs; extensive background check; secured area; contact Army for accessibility requirements.

North Dakota

Pactola Work Center, Dwelling
13950 HWY 44
Rapid City ND 57709
Landholding Agency: Agriculture
Property Number: 15201330028
Status: Excess

Comments: Off-site removal only; 680 sf., 120+ months vacant; seasonal residence; deteriorated; rodent infestation contact Agric. for more info.

South Dakota

Pactola Work, Dwelling 2 (3537
13950 Hwy 44
Rapid City SD 57709
Landholding Agency: Agriculture
Property Number: 15201330030
Status: Excess
Comments: Off-site removal only; 670 sf.; 120+months vacant; seasonal residence; deteriorated; rodent infestation; holes in walls; contact Agric. for more info.

Pactola Work Center Dwelling 3
13950 Hwy 44
Rapid City SD 57709
Landholding Agency: Agriculture
Property Number: 15201330031
Status: Excess
Comments: Off-site removal only; 480 sf.; seasonal residence; rodent infestation; holes in walls; contact Agric. for more info.

Horse Shed
23923 Hwy, 385
Hill City SD 57745
Landholding Agency: Agriculture
Property Number: 15201330032
Status: Excess
Comments: Off-site removal only; 300 sf.; 126+months vacant; poor conditions; contact Agric. for more info.

Texas

Building 40072
Metorpool Rd.
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201330057
Status: Excess
Comments: Off-site removal; 1,943 sf., health clinic; asbestos; 12+ months vacant; fair/moderate conditions; restricted area; contact Army for accessibility/removal reqs.

Dallas Social Security
Admin. Bldg.
Dallas TX 75201
Landholding Agency: GSA
Property Number: 54201330008
Status: Excess
GSA Number: 7–G–TX–1149
Comments: 11,282 sf.; office; 1+ month vacant; roof need repairs; property on 1.1 acres

Virginia

6 Building
2100 Rowell Rd.
Marine Corps Base VA 22134
Landholding Agency: Navy
Property Number: 77201330017
Status: Excess
Directions: 2102,2102A,2103,5112,5113,5114
Comments: Off-site removal only; 81,185 total sf., deteriorated conditions; asbestos; secured area; contact Navy for info. On accessibility/removal reqs.

6 Building
2100 Rowell Rd
Marine Corps Base VA 22134
Landholding Agency: Navy
Property Number: 77201330018
Status: Excess
Directions: 2102,2102A,2103,5112,5113,5114
Comments: Off-site removal only; 81,185 total sf., deteriorated conditions; asbestos; secured area; contact Navy for info. On accessibility/removal reqs.

2 Buildings
Marine Corps Base
Quantico VA 22134
Landholding Agency: Navy
Property Number: 77201330024
Status: Excess
Directions: 2201, 2205
Comments: off-site removal only; sf. varies; deteriorated; contact Navy for more information on a specific property and removal requirements

Wisconsin

Tract 07–149, Hanus House
14788 W. Phipps Road
Hayward WI 54843
Landholding Agency: Interior
Property Number: 61201330040
Status: Excess
Comments: Off-site removal; 18,576 total sf.; log cabin (w/detached garage); fair conditions; contact Interior for more into.

Tract 13–177, Ogren House
10035 Ogren Road
Hayward WI 54843
Landholding Agency: Interior
Property Number: 61201330041
Status: Excess
Comments: Off-site removal; 1,500 sf.; residential (w/garage); 12+ months vacant; fair condition; contact Interior for more info.

Tract 04–117
42485 Randysek Road
Cable WI 54821
Landholding Agency: Interior
Property Number: 61201330044
Status: Excess
Comments: Off-site removal only; 1,408 sf.; log cabin; 36+ months vacant; fair conditions; contact Interior for more info.

Land

Florida

RCLT Transmitter Site
7439 SW 39th St.
Davie FL
Landholding Agency: GSA
Property Number: 54201320009
Status: Surplus
GSA Number: 4–U–FL–1258AA
Directions: Note: landholding agency is FAA; disposal agency is GSA
Comments: 1.75 acres; equipment storage; contact GSA for more information

Suitable/Unavailable Properties

Land

California

Drill Site #26
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040011
Status: Surplus
GSA Number: 9–B–CA–1673–AA
Comments: 2.07 acres, mineral rights, utility easements

Georgia

5 Acres
Former CB7 Radio Communication
Townsend GA 31331
Landholding Agency: GSA
Property Number: 54201210008
Status: Excess
GSA Number: 4–U–GA–885AA
Comments: 5.0 acres; current use: unknown; property located in 100 yr. floodplain-not in floodway and no impacting using property; contact GSA for more details

Iowa

NRCS–USDA Unit
1820 E. Euclid Ave.
Des Moines IA 50313
Landholding Agency: GSA
Property Number: 54201240004
Status: Excess
GSA Number: 7–A–IA–0511–AA
Directions: includes 2 Bldgs.; masonry 2,048 sf. +/-, frame 5,513 sf. +/-
Comments: bldgs. sits on .83 acres; fair conditions; equipment & material storage; driveway access easement w/adjacent property owner

Maine

Columbia Falls Radar Site
Tibbetstown Road
Columbia Falls ME 04623
Landholding Agency: GSA
Property Number: 54201140001
Status: Excess
GSA Number: 1–D–ME–0687
Directions: Buildings 1,2,3, and 4
Comments: Four bldgs. totaling 20,375 sq.ft.; each one-story; current use: varies among properties

Maryland

Appraisers Store
null
Baltimore MD 21202
Landholding Agency: GSA
Property Number: 54201030016
Status: Excess
GSA Number: 4–G–MD-0623
Comments: Redetermination: 169,801 sq. ft., most recent use—federal offices, listed in the Nat'l Register of Historic Places, use restrictions

Consumer Products Safety Commi
10901 Darenestown Rd.
Gaithersburg MD 20878
Landholding Agency: GSA
Property Number: 54201220004
Status: Surplus
GSA Number: NCR–G–MR–1107–01
Directions: property includes building and land
Comments: 37,543 sf.; office/warehouse space; secured area; however, will not interfere w/conveyance; contact GSA for further details

3 Buildings
US Naval Academy Gulf Club
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77201330027
Status: Underutilized
Directions: NA642, NA656, NA687
Comments: sf. varies; 5–29 yrs.-old; fair conditions; existing agency need; not available

Nat'l Weather Svc Ofc
214 West 14th Ave.
Sault Ste. Marie MI

Landholding Agency: GSA
Property Number: 54200120010
Status: Excess
GSA Number: 1–C–MI–802
Comments: previously unavailable; however, the property is 'available' as a facility to assist the homeless; 2230 sq. ft., presence of asbestos, most recent use—office

Minnesota

Noyes Land Port of Entry
SW Side of US Rte. 75
Noyes MN 56740
Landholding Agency: GSA
Property Number: 54201230007
Status: Excess
GSA Number: 1–G–MN–0593
Directions: one main bldg.; one storage; approx. 16,000 and 900 sf. respectively
Comments: sits on 2.29 acres; approx. 17,000 sf. total of bldg. space; office/governmental

Missouri

Nat'l Personnel Records Center
111 Winnebago
St. Louis MO 63118
Landholding Agency: GSA
Property Number: 54201220009
Status: Excess
GSA Number: 7–G–MO–0684
Comments: 440,000 +/- sf.; two floors; storage; asbestos, lead, & high level of radon; needs remediation

Montana

James F. Battin & Courthouse
316 North 26th Street
Billings MT 59101
Landholding Agency: GSA
Property Number: 54201210005
Status: Excess
GSA Number: 7–G–MT–0621–AB
Comments: 116,865 sf.; current use: office; extensive asbestos contamination; needs remediation

Nebraska

Former Omaha Qtrs. Depot
2101 Woolworth Ave.
Omaha NE 68108
Landholding Agency: GSA
Property Number: 54201310005
Status: Surplus
GSA Number: 7–D–NE–0530
Directions: office #1: 14,520 sf.; office #2: 38,870 sf.; office #3: 11,000 sf.; office #4: 986 sf.; storage: 7,488 sf.; office #5: 12,250 sf.; office #6: 3,720 sf.; Two Gatehouses: 507 sf. each
Comments: 9 Bldgs. sits on 7.25 acres; Admin/Office; 12 mons. vacant; to access coordinate w/88th Army Reserve Command out of Ft. McCoy, WI

Nevada

Alan Bible Federal Bldg.
600 S. Las Vegas Blvd.
Las Vegas NV 89101
Landholding Agency: GSA
Property Number: 54201210009
Status: Excess
GSA Number: 9–G–NV–565
Comments: 81,247 sf.; current use: federal bldg.; extensive structural issues; needs major repairs; contact GSA for further details

2 Buildings
Military Circle
Tonopah NV
Landholding Agency: GSA
Property Number: 54201240012
Status: Surplus
GSA Number: 9–I–NV–514–AK
Directions: bldg. 102: 2,508 sf.; bldg. 103: 2,880 sf.
Comments: total sf. for both bldgs. 5,388; Admin.;vacant since 1998; sits on 0.747 acres; fair conditions; lead/asbestos present

New Jersey

Former SSA Trust Fund Bldg.
396 Bloomfield Ave.
Montclair NJ 07042
Landholding Agency: GSA
Property Number: 54201310004
Status: Surplus
GSA Number: 1–G–NJ–0676
Comments: 7,183 sf.; office; vacant since March 2012

New York

Building 606
1 Amsterdam Rd.
Scotia NY 12301
Landholding Agency: GSA
Property Number: 54201310009
Status: Surplus
GSA Number: NY–0975
Directions: previously reported by Navy w/ assigned property number 7720120019
Comments: 137,409 sf.; Navy Exchange, supermarket, & storage; 24 mons. vacant; mold, asbestos, & lead-based paint, significant renovations needed

Portion of GSA Binghamton
''Hillcrest'' Depot—Tract 2
1151 Hoyt Avenue
Fenton NY 13901
Landholding Agency: GSA
Property Number: 54201320008
Status: Surplus
GSA Number: 1–G–NY0670–AD
Directions: Previously report on march 24, 2006 under 5420010016; include 40 acres of land w/5 buildings.
Comments: warehouses: ranges 129,000–200,249 total sf; old admin. bldg.: 42,890 sf; pump house: 166.5 sf; fair to very poor conditions; contact GSA for more info.

Portion of GSA Binghamton
''Hillcrest'' Depot—Tract 1
1151 Hoyt Ave.
Fenton NY 13901
Landholding Agency: GSA
Property Number: 54201320017
Status: Surplus
GSA Number: 1–G–NY0670–AC
Directions: Previously reported on March 24, 2006 under 54200610016; this property includes 40 acres of land w/6 structures; property is being parceled
Comments: warehouses range from approx. 16,347 sf.-172,830 sf.; admin. bldg. approx. 5,700 sf; guard house & butler bldg. sf. is unknown; 10 vacant; fair conditions; bldgs. locked; entry by appt. w/GSA

North Carolina

Greenville Site
10000 Cherry Run Rd.
Greenville NC 27834
Landholding Agency: GSA
Property Number: 54201210002
Status: Surplus
GSA Number: 4–2–NC–0753
Comments: 49,300 sq. ft.; current use: transmitter bldg.; possible PCB contamination; not available—existing Federal need

Ohio

Oxford USAR Facility
6557 Todd Road
Oxford OH 45056
Landholding Agency: GSA
Property Number: 54201010007
Status: Excess
GSA Number: 1–D–OH–833
Comments: office bldg./mess hall/barracks/ simulator bldg./small support bldgs., structures range from good to needing major rehab

Ohio

LTC Dwite Schaffner
U. S. Army Reserve Center
1011 Gorge Blvd.
Akron OH 44310
Landholding Agency: GSA
Property Number: 54201120006
Status: Excess
GSA Number: 1–D–OH–836
Comments:
25,039 sq. ft., most recent use: Office; in good condition

Oregon

3 Bldgs./Land
OTHR–B Radar
Cty Rd 514
Christmas Valley OR 97641
Landholding Agency: GSA
Property Number: 54200840003
Status: Excess
GSA Number: 9–D–OR–0768
Comments: 14000 sq. ft. each/2626 acres, most recent use—radar site, right-of-way

Pennsylvania

Old Marienville Compound
110 South Forest St.
Marienville PA 16239
Landholding Agency: GSA
Property Number: 54201230001
Status: Excess
GSA Number: 4–A–PA–808AD
Directions: 10 bldgs.; wood farm duplex; office/garage; pole bard; shop; (2) wood sheds; block shed; trailer; carport; toilet bldg.
Comments: sq. ft. for ea. bldg. on property varies; contact GSA for specific sq. ft.; Forest Service Admin. complex; mold and lead identified; historic property

South Carolina

Former US Vegetable Lab
2875 Savannah Hwy
Charleston SC 29414
Landholding Agency: GSA
Property Number: 54201310001
Status: Excess
GSA Number: 4–A–SC–0609AA
Directions: headhouse w/3 greenhouses, storage bins
Comments: 6,400 sf.; lab; 11 yrs. vacant; w/ in 100 yr. floodplain/floodway; however is contained; asbestos & lead based paint

Texas

Former Navy & Marine Corps Res
5301 Ave. South

Galveston TX 77551
Landholding Agency: GSA
Property Number: 54201240013
Status: Surplus
GSA Number: 7–D–TX–0549–9
Comments: 17,319 sf.; sits on 2.63 acres; Admin. office; fair conditions; eligible for Nat'l Register Historic Places; asbestos; access by appt. w/USACE

Washington

Log House
281 Fish Hatchery Rd.
Quilcene WA 98376
Landholding Agency: GSA
Property Number: 54201220006
Status: Excess
GSA Number: 9–I–WA–1260
Comments: off-site removal only; 3,385 sf.; residential/office

Wisconsin

Wausau Army Reserve Ctr.
1300 Sherman St.
Wausau WI 54401
Landholding Agency: GSA
Property Number: 54201210004
Status: Excess
GSA Number: 1–D–WI–610
Comments: bldg. 12,680 sq. ft.; garage 2,676 sq. ft.; current use: vacant; possible asbestos; remediation may be required; subjected to existing easements; Contact GSA for more detail

Land

California

Drill Site #3A
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040004
Status: Surplus
GSA Number: 9–B–CA–1673–AG
Comments: 2.07 acres, mineral rights, utility easements

California

Drill Site #4
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040005
Status: Surplus
GSA Number: 9–B–CA–1673–AB
Comments: 2.21 acres, mineral rights, utility easements
Drill Site #6
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040006
Status: Surplus
GSA Number: 9–B–CA–1673–AC
Comments: 2.13 acres, mineral rights, utility easements
Drill Site #9
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040007
Status: Surplus
GSA Number: 9–B–CA–1673–AH
Comments: 2.07 acres, mineral rights, utility easements
Drill Site #20
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040008
Status: Surplus
GSA Number: 9–B–CA–1673–AD
Comments: 2.07 acres, mineral rights, utility easements
Seal Beach RR Right of Way
West 19th Street
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201140015
Status: Surplus
GSA Number: 9–N–CA–1508–AF
Comments: 8,036.82 sq. ft.; current use: vacant lot
Seal Beach RR Right of Way
East 17th Street
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201140016
Status: Surplus
GSA Number: 9–N–CA–1508–AB
Comments: 9,713.88 sq. ft.; current use: private home
Seal Beach RR Right of Way
East of 16th Street
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201140017
Status: Surplus
GSA Number: 9–N–CA–1508–AG
Comments: 6,834.56 sq. ft.; current use: vacant
Seal Beach RR Right of Way
West of Seal Beach Blvd.
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201140018
Status: Surplus
GSA Number: 9–N–CA–1508–AA
Comments: 10,493.60 sq. ft.; current use: vacant lot
Seal Beach RR Right of Way
Seal Beach
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201210006
Status: Surplus
GSA Number: 9–N–CA–1508–AH
Comments: 4,721.90 sf.; current use: vacant lot between residential bldg.
Seal Beach RR Right of Way
Seal Beach
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201210007
Status: Surplus
GSA Number: 9–N–CA–1508–AJ
Comments: 6,028.70 sf.;current use: vacant lot between residential bldgs.
Hydro Electric Power Plant
1402 San Rogue Rd.
Santa Barbara CA 93105
Landholding Agency: GSA
Property Number: 54201240009
Status: Excess
GSA Number: 9–I–CA–1693
Comments: .0997 acres; behind secured gate for Lauro Dame & Reservoir; will impact conveyance; contact GSA for more details

Georgia

Former GNK Outer Marker
Hunt Rd.
LaGrange GA 31909
Landholding Agency: GSA
Property Number: 54201310008
Status: Excess
GSA Number: 4–U–GU–88AA
Comments: 0.918 acres

Kansas

1.64 Acres
Wichita Automated Flight Service
Anthony KS 67003
Landholding Agency: GSA
Property Number: 54201230002
Status: Excess
GSA Number: 7–U–KS–0526
Comments: Agricultural surroundings; remedial action has been taken for asbestos removal

Massachusetts

FAA Site
Massasoit Bridge Rd.
Nantucket MA 02554
Landholding Agency: GSA
Property Number: 54200830026
Status: Surplus
GSA Number: MA–0895
Comments: approx. 92 acres, entire parcel within MA Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program

Nevada

RBG Water Project Site
Bureau of Reclamation
Henderson NV 89011
Landholding Agency: GSA
Property Number: 54201140004
Status: Surplus
GSA Number: 9–I–AZ–0562
Comments: water easement (will not impact conveyance); 22+/-acres; current use: water sludge disposal site; lead from shotgun shells on <1 acre.

Oregon

BOR Land
Hyatt Lake Safe Property
Hyatt Reservoir Area
Ashland OR
Landholding Agency: GSA
Property Number: 61201240011
Status: Surplus
GSA Number: 9–I–OR–0799
Comments: 3.5 acres +/-;timerland;practical access along eastern side; remote mountain property; winter seasons access can be very difficult

Pennsylvania

approx. 16.88
271 Sterrettania Rd.
Erie PA 16506
Landholding Agency: GSA
Property Number: 54200820011
Status: Surplus
GSA Number: 4–D–PA–0810
Comments: vacant land

South Dakota

Gettysburg Radio Tower Site
Potter County
Gettysburg SD 57442
Landholding Agency: GSA
Property Number: 54201310007
Status: Surplus

GSA Number: 7–D–SD–0537
Directions: one antenna tower & 144 sf. bldg. located on property
Comments: 2.21 acres; 144 sf. bldg. is used for storage

Tennessee

Fort Campbell Army Garrison
U.S. Hwy 79
Woodlawn TN 37191
Landholding Agency: GSA
Property Number: 54201240010
Status: Excess
GSA Number: 4–D–TN–586–2
Comments: 8 parcels;3.41 to 13.90 acres;agricultural;adjacent to Ft. Campbell-U.S. Army Garrison; parcel 7 identified as wetlands; contact GSA for more details on specific property

Washington

1.8 Ac. of the Richland FB N.
Parking Lot
825 Jadwin Ave.
Richland WA 99723
Landholding Agency: GSA
Property Number: 54201310002
Status: Excess
GSA Number: 9–G–WA–1263
Comments: 1.8; parking lot

California

Subase, Naval Base Point Loma
200 Catalina Blvd.
San Diego CA 92106
Landholding Agency: Navy
Property Number: 77201330014
Status: Excess
Comments: CORRECTION FROM 08/23/2013 FR: Facility w/in controlled perimeter of a DoD installation; public access denied & no alter method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Kentucky

30 Buildings
Fort Campbell
Fort Campbell KY 42223
Landholding Agency: Army
Property Number: 21201330059
Status: Unutilized
Directions: 84, 123, 125, 127, 602, 603, 605, 606, 710, 723, 734, 832, 840, 842, 844, 847, 907, 908, 909, 2110, 2206, 2251, 2253, 2255, 2257, 2259, 2261, 2267, 2269, 2312
Comments: Public access denied & no alternative to gain access w/out compromising Nat'l security.
Reasons: Secured Area
4 Building
Fort Campbell
Fort Campbell KY 42223
Landholding Agency: Army
Property Number: 21201330066
Status: Underutilized
Directions: 3215, 3213, 3212, 3211
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l.
Reasons: Secured Area

Tennessee

54 Buildings
Fort Campbell
Fort Campbell TN 42223
Landholding Agency: Army
Property Number: 21201330058
Status: Unutilized
Directions: 2314, 2316, 2318, 2320, 2321, 2322, 2324, 2326, 2515, 2530, 2950, 3101, 3214, 3708, 3709, 5513, 5611, 660, 6096, 6097, 6098, 6140, 6454, 6456, 6460, 6464, 6468, 6470, 6474, 6810, 6821, 6847, 6902, 6903, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6917, 6918, 6919, 6920, 7007, 7009, 7010, 7050, 7055, 7103, 7104, 7105, A7170
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Texas

U.S.C.G. Harbor Facility
1201 East Navigation Blvd.
Corpus Christi TX 78402
Landholding Agency: Coast Guard
Property Number: 88201330002
Status: Excess
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

[FR Doc. 2013–22113 Filed 9–12–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 5736–FA–01]

Announcement of Funding Awards; Capital Fund Safety and Security Grants; Fiscal Year 2013

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department. The public was notified of the availability of the Safety and Security funds with PIH Notice 2013–10 (Notice), which was issued May 3, 2013. Public Housing Authorities (PHAs) were funded in accordance with the terms of the Notice. This announcement contains the consolidated names and addresses of this year's award recipients under the Capital Fund Safety and Security grant program.

FOR FURTHER INFORMATION CONTACT: For questions concerning the Safety and Security awards, contact Jeffrey Riddel, Director, Office of Capital Improvements, Office of Public Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4130, Washington, DC 20410, telephone (202) 708–1640. Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The Capital Fund Safety and Security program provides grants to PHAs for physical safety and security measures necessary to address crime and drug-related emergencies. More specifically, in accordance with Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (1937 Act), and Public Law 113–6 (Department of Housing and Urban Development Appropriations Act, 2013) (FY 2013 appropriations), Congress appropriated funding to provide assistance to ''public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared disasters occurring in fiscal year [2013].''

The FY 2013 awards in this Announcement were evaluated for funding based on the criteria in the Notice. These awards are funded from the set-aside in the FY 2013 appropriations.

In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat.1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of the 15 awards made under the set aside in Appendix A to this document.

Dated: August 30, 2013.

Deborah Hernandez,

General Deputy Assistant Secretary for Public and Indian Housing.

APPENDIX A—CAPITAL FUND SAFETY AND SECURITY PROGRAM FY2013 AWARDS

Name/Address of applicant	Amount funded	Project description
Decatur Housing Authority; 750 Commerce Drive, Ste 110; Decatur, GA 30030–3001.	$250,000	Security Cameras, Lighting, Doors, Alarm System.

APPENDIX A—CAPITAL FUND SAFETY AND SECURITY PROGRAM FY2013 AWARDS—Continued

Name/Address of applicant	Amount funded	Project description
McDonough Housing Authority; 345 Simpson Street; McDonough, GA 30253–3417.	250,000	Security Cameras.
Housing Authority of the City of Winder 11; Horton Street PO Box 505; Winder, GA 30680–2078.	50,080	Security Cameras, Lighting.
Quincy Housing Authority; 540 Harrison Street; Quincy, IL 62301–7236	242,500	Security Cameras, Lighting.
Housing Authority of Pope County; 802 S. Franklin St.; Golconda, IL 62938	175,000	Security Cameras, Lighting.
Westbrook Housing Authority; 30 Liza Harmon Dr; Westbrook, ME 04092–4766.	38,000	Security Cameras, Lighting.
Housing Commission of Anne Arundel County; PO Box 817; Glen Burnie, MD 21060–2817.	217,000	Security Cameras, Access Control System, Lighting.
Mt. Pleasant Housing Commission; 1 W Mosher Street; Mount Pleasant, MI 48858–2392.	177,644	Security Camera System, Fencing, Lighting, Locks.
Housing Authority of City of Louisville; 605A West Main Street, PO Box 175; Louisville, MS 39339–2535.	250,000	Security Cameras, Fencing, Bullet Proof Glass for entry.
City of Concord Housing Department; 283 Harold Goodman Circle SW.; Concord, NC 28025–5442.	250,000	Security Alarm System, Fencing, Lighting, Locks.
Jersey City Housing Authority; 400 U.S. Highway #1, (Marion Gardens), Building #7; Jersey City, NJ 07306.	152,000	Security Cameras, Repair/Replace entrances.
Peekskill Housing Authority; 807 Main Street; Peekskill, NY 10566–2040 ...	250,000	Security Cameras, Lighting, Fencing, Doors.
Poughkeepsie Housing Authority; 4 Howard Street; Poughkeepsie, NY 12601.	248,836	Security Cameras, Security Display Monitors.
McKeesport Housing Authority; 2901 Brownlee Avenue; McKeesport, PA 15132.	250,000	Security Cameras, Lighting.
Monahans Housing Authority; 209 S Dwight Street; Monahans, TX 79756–4311.	80,000	Security Camera System.

[FR Doc. 2013–22283 Filed 9–12–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R5–ES–2012–0059; 50120–1112–0000–F2]

Final Environmental Impact Statement, Habitat Conservation Plan, and Implementing Agreement; Beech Ridge Wind Power Project, Greenbrier and Nicholas Counties, West Virginia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability: final environmental impact statement, habitat conservation plan, and implementing agreement.

SUMMARY: Under the National Environmental Policy Act (NEPA), the U.S. Fish and Wildlife Service (Service) is advising the public of the availability of a final Environmental Impact Statement (EIS) associated with an application received from Beech Ridge Energy, LLC and Beech Ridge Energy II, LLC (collectively referred to as Beech Ridge Energy, applicant), for an Incidental Take Permit (ITP) under the Endangered Species Act of 1973, as amended (ESA). We also announce the availability of the Beech Ridge Energy Habitat Conservation Plan (HCP), prepared in accordance with the ESA, and an Implementing Agreement (IA), part of its incidental take permit application. If issued, the permit would authorize incidental take of the federally listed endangered Indiana bat (*Myotis sodalis*) and Virginia big-eared bat (*Corynorhinus townsendii virginianus*) from construction, operation, maintenance, and decommissioning of the Beech Ridge Wind Power Project. Beech Ridge Energy is requesting a 25-year permit term.

DATES: The Service's decision on issuance of the permit will occur no sooner than 30 days after the publication of the Environmental Protection Agency notice of the final EIS in the **Federal Register** and will be documented in a Record of Decision.

ADDRESSES: *Document availability:* You may obtain copies of the documents on the Web site at: *http://www.regulations.gov* at Docket Number FWS–R5–ES–2012–0059, or by any of the methods described in Availability of Documents (under **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Ms. Laura Hill, Assistant Field Supervisor, West Virginia Field Office, 694 Beverly Pike, Elkins, WV 26241, telephone 304–636–6586, extension 18.

SUPPLEMENTARY INFORMATION: We received an application from Beech Ridge Energy for an ITP for the operation and maintenance of 67 existing turbines in the project area; the construction, operation, and maintenance of up to 33 additional turbines and associated infrastructure in the project area; the implementation of the HCP during the life of the permit; and the decommissioning of the entire 100-turbine project and associated infrastructure at the end of its operational life. If approved, the permit would be for a 25-year period and would authorize incidental take of the endangered Indiana bat (*Myotis sodalis*) and Virginia big-eared bat (*Corynorhinus townsendii virginianus*) (covered species). A conservation program to minimize and mitigate for the impacts of the incidental take would be implemented by Beech Ridge Energy as described in the final Beech Ridge Wind Energy Project HCP. To comply with the NEPA (42 U.S.C. 4321 *et seq.*), we prepared an EIS that describes the proposed action and possible alternatives and analyzes the effects of alternatives on the human environment.

Availability of Documents

The final HCP and final EIS are available on the West Virginia Field Office's Web site at: *http://www.fws.gov/westvirginiafieldoffice/beech_ridge_wind_power.html,* or at: *http://www.regulations.gov* under Docket Number FWS–R5–ES–2012–0059. Copies of the final HCP and final EIS will also be available for public review during regular business hours at the West Virginia Field Office, 694 Beverly Pike, Elkins, WV 26241. In addition, paper copies of the final HCP and final

EIS may be viewed at the following public libraries: (1) Greenbrier County Public Library, 152 Robert W. McCormick Drive, Lewisburg, West Virginia; (2) Kanawha County Public Library, 123 Capitol Street, Charleston, West Virginia; and (3) Rupert Public Library, 602 Nicholas Street, Rupert, West Virginia. Those who do not have access to the Web site or cannot visit our office or local libraries can request CD–ROM copies of the documents by telephone at 304–636–6586, or by letter to the West Virginia Field Office (see the address under **FOR FURTHER INFORMATION CONTACT**).

National Environmental Policy Act

We formally initiated an environmental review of the project through publication of a notice of intent to prepare an EIS in the **Federal Register** on July 22, 2010 (75 FR 42767). That notice also announced a public scoping period, during which we invited interested parties to provide written comments expressing their issues or concerns related to the proposal and to attend a public scoping meeting held in Rupert, West Virginia. Based on public scoping comments, we prepared a draft EIS for the proposed action and made it available for public review on August 24, 2012 (77 FR 51554). Public comments were accepted until October 23, 2012. Based on public comments on the draft EIS, we prepared responses to public comments and a final EIS.

Next Steps

We will evaluate the permit application, associated documents, and public comments in reaching a final decision on whether the application meets the requirements of section 10(a) of the ESA (16 U.S.C. 1531 *et seq.*). We also will evaluate whether issuance of a section 10(a)(1)(B) permit would comply with section 7 of the ESA by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether to issue a permit. If the requirements are met, we will issue the permit to the applicant. We will issue a Record of Decision and issue or deny the permit no sooner than 30 days after publication of the notice of availability of the final EIS.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531, 1539(c)) and its implementing regulations (50 CFR 17.22), NEPA, (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR Part 46), and section 106 of the NHPA (16 U.S.C. 470, 470f) and its implementing regulations (36 CFR Part 800).

Dated: August 16, 2013.

Paul R. Phifer,

Assistant Regional Director, Ecological Services, Northeast Region.

[FR Doc. 2013–22204 Filed 9–12–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOS06000 L12200000.DP0000]

Notice of Intent To Amend the Resource Management Plan for the Gunnison Field Office and Prepare an Associated Environmental Assessment for Hartman Rocks Special Recreation Area Management Plan, Gunnison County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) Gunnison Field Office, Gunnison, Colorado, intends to prepare a Resource Management Plan (RMP) amendment with an associated Environmental Assessment (EA) to analyze potential updates to the Hartman Rocks Recreation Area Management Plan (2006). This action will determine the appropriate course of management for the area and may include an amendment to the Gunnison Resource Area Approved Resource Management Plan of February 1993. The BLM, by this notice, is announcing the beginning of the scoping process to solicit public comments and identify issues. The BLM will amend the existing Gunnison Resource Area RMP if necessary.

DATES: This notice initiates the public scoping process for the RMP amendment and associated EA. Comments on issues may be submitted in writing until October 15, 2013. The date(s) and location(s) of any scoping meetings will be announced at least 15 calendar days in advance, through local media, newspapers and the BLM Web site at: *http://www.blm.gov/co/st/en/fo/gfo.html.* To be considered, all comments must be received prior to the close of the 30-day scoping period or 30 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation as appropriate.

ADDRESSES: You may submit comments on issues and planning criteria related to Hartman Rocks Special Recreation Area Management Plan, Gunnison County by any of the following methods:

- *Web site: http://www.blm.gov/co/st/en/fo/gfo.html*
- *Email: kmurphy@blm.gov*
- *Fax:* 970–642–4425
- *Mail:* BLM, Gunnison Field Office, 650 S. 11th St., Gunnison, CO 81230

Documents pertinent to this proposal may be examined at the Gunnison Field Office.

FOR FURTHER INFORMATION CONTACT: Kristi Murphy, Outdoor Recreation Planner, telephone 970–642–4955; Gunnison Field Office (see address above); email *kmurphy@blm.gov.* You may also contact Kristi to have your name added to the mailing list.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM Gunnison Field Office, Gunnison, Colorado, intends to prepare an RMP amendment with an associated EA for the Gunnison Resource Area; announces the beginning of the scoping process; and seeks public input on issues and preliminary planning criteria. The planning area is located in Gunnison County, Colorado, and encompasses approximately 14,423 acres of public land in the Hartman Rocks Recreation Area. The BLM is proposing to amend the RMP for the Gunnison Resource Area dated February 1993 to designate Hartman Rocks Recreation Area as a Special Recreation Management Area. The proposed plan amendment will provide guidance and direction toward managing recreation in a manner that maintains or improves the condition and health of the unique landscape and natural resources while creating a sustainable recreation environment to promote a diversity of high quality recreation opportunities and provide for the health and safety of visitors.

The proposed plan amendment is needed due to issues with sensitive species, site-specific decisions that are no longer valid, increased visitor use, and other conditions. The proposed plan amendment would provide more

direction to reduce human use impacts and conflicts in this area.

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. BLM personnel; Federal, State, and local agencies; and other stakeholders have identified the following preliminary issues for the plan amendment area:

- Special Recreation Management Area boundary determination;
- Travel management system to accommodate many uses while maintaining recreation settings;
- Cross country ski trails for winter recreation and motorized winter travel opportunities;
- Dispersed target shooting that maintains public safety;
- Managing a terrain park for motor-cross users;
- Human impacts from rock climbing;
- Camping impacts;
- Facility development;
- Public outreach and education;
- Law enforcement;
- Deer and elk winter range;
- Threatened and endangered species;
- Cultural resources and Native American concerns;
- Soils and erosion;
- Fire and fuels management; and
- Invasive non-native weed species.

You may submit comments on preliminary issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 30-day scoping period or within 15 days after the last public meeting, whichever is later.

The BLM has also identified preliminary planning criteria, which include:

1. The BLM will continue to manage the Gunnison Resource Area to protect resources in accordance with FLPMA (43 U.S.C. 1701 *et seq.*), and other applicable laws and regulations.

2. The BLM will use a collaborative and multi-jurisdictional approach, where possible, to jointly determine the desired future condition of public lands, such as continued consultation with the Shooting Sports Roundtable.

3. The BLM will address the socioeconomic impacts of the alternatives.

4. The BLM will comply with NEPA, including the preparation of appropriate environmental analysis for the proposed action.

5. Planning decisions will strive to be compatible with existing plans and policies of adjacent Federal, State, local and tribal agencies as long as the decisions are consistent with Federal law governing the administration of public land.

The BLM will use the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

The BLM will use an interdisciplinary approach to develop the plan amendment to consider the variety of resource issues and concerns identified during public scoping. Disciplines involved in the planning process will include specialists with expertise in rangeland management, minerals and geology, forestry, outdoor recreation, law enforcement, archaeology, wildlife and fisheries, lands and realty, hydrology, soils, vegetation and fire. The BLM will notify the Governor of Colorado, County Commissioners, local tribes and potentially affected members of the public of the planning process. The public is encouraged to help identify questions and concerns during the scoping phase.

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 1501.7, 43 CFR 1610.2.

Helen M. Hankins,

BLM Colorado State Director.

[FR Doc. 2013–22326 Filed 9–12–13; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAN01000.L18200000.XZ0000]

Notice of Public Meeting: Northwest California Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Northwest California Resource Advisory Council will meet as indicated below.

DATES: The meeting will be held Thursday and Friday, Oct. 24 and 25, 2013, at the Bureau of Land Management Ukiah Field Office, 2550 North State St., Ukiah, California. On Oct. 24, the council will convene at 10 a.m. and depart immediately for a field tour of public lands. Members of the public are welcome. They must provide their own transportation, food and beverages. On Oct. 25, the council will convene at 8 a.m. in the Ukiah Field Office Conference Room. The meeting is open to the public. Public comments will be taken at 11 a.m.

FOR FURTHER INFORMATION CONTACT: Nancy Haug, BLM Northern California District manager, (530) 224–2160; or Joseph J. Fontana, public affairs officer, (530) 252–5332.

SUPPLEMENTARY INFORMATION: The 12-member council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Northwest California. At this meeting the RAC will discuss land use planning work underway in the BLM Arcata, Redding and Ukiah Field Offices, and receive reports on major public land initiatives. All meetings are open to the public. Members of the public may present written comments to the council. Each formal council meeting will have time allocated for public comments. Depending on the number of persons wishing to speak, and the time available, the time for individual comments may be limited. Members of the public are welcome on

field tours, but they must provide their own transportation and meals. Individuals who plan to attend and need special assistance, such as sign language interpretation and other reasonable accommodations, should contact the BLM as provided above.

Dated: September 5, 2013.

Joseph J. Fontana,

Public Affairs Officer.

[FR Doc. 2013–22288 Filed 9–12–13; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

Submission of Information Collection Extensions Under the Paperwork Reduction Act

AGENCY: National Indian Gaming Commission, Interior.

ACTION: Second notice of request for comments.

SUMMARY: Concurrently with the publication of this second notice of request for comments, the National Indian Gaming Commission (NIGC or Commission) intends to submit the following information collections to the Office of Management and Budget (OMB) for review and approval of 3-year extensions under the Paperwork Reduction Act of 1995.

The Commission is seeking comments on the renewal of information collections for the following activities: (i) Compliance and enforcement actions under the Indian Gaming Regulatory Act as authorized by OMB Control Number 3141–0001; (ii) tribal gaming ordinance approvals, background investigations, and issuance of licenses as authorized by OMB Control Number 3141–0003; (iii) National Environmental Policy Act submissions as authorized by OMB Control Number 3141–0006; and (iv) issuance to tribes of certificates of self-regulation for Class II gaming as authorized by OMB Control Number 3141–0008. These information collections all expire on October 31, 2013.

DATES: Submit comments on or before October 15, 2013.

ADDRESSES: Comments can be mailed directly to OMB's Office of Information and Regulatory Affairs, Attn: Stuart Levenbach, Ph.D., Policy Analyst/Desk Officer for the National Indian Gaming Commission, 725 17th Street NW., Washington, DC 20503. Comments can also be emailed to *OIRA_Submission@omb.eop.gov*, include reference to ''NIGC PRA Renewals'' in the subject line.

FOR FURTHER INFORMATION, CONTACT: For further information, including copies of the proposed collections of information and supporting documentation, contact Armando J. Acosta at (202) 632–7003; fax (202) 632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Request for Comments

The Commission previously published its first notice of request for comments and of its intent to submit the following information collection renewals to OMB for approval. *See* 78 FR 40766 (July 8, 2013). The Commission did not receive any comments in response to that notice.

You are again invited to comment on these collections concerning: (i) Whether the collections of information are 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 estimates of the burdens (including the hours and cost) of the proposed collections of information, including the validity of the methodologies and assumptions used; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; (iv) ways to minimize the burdens of the information collections on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or forms of information technology. Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

Comments submitted in response to this second notice will be summarized and become a matter of public record. The NIGC will not request nor sponsor a collection of information, and you need not respond to such a request, if there is no valid OMB Control Number.

II. Data

Title: Indian Gaming Compliance and Enforcement.

OMB Control Number: 3141–0001.

Brief Description of Collection: The Indian Gaming Regulatory Act (IGRA or the Act), 25 U.S.C. 2701 et seq., governs the regulation of gaming on Indian lands. Although IGRA places primary responsibility with the tribes for regulating their Class II gaming activities, § 2706(b) directs the Commission to monitor Class II gaming conducted on Indian lands on a continuing basis. Amongst other actions necessary to carry out the Commission's statutory duties, the Act authorizes the Commission to access and inspect all papers, books, and records relating to gross revenues of a Class II gaming operation. The Act also requires tribes to provide the Commission with annual independent audits of their gaming operations, including audits of all contracts in excess of $25,000. 25 U.S.C. 2710(b)(2)(C), (D); 2710(d)(1)(A)(ii). In accordance with these statutory mandates, Commission regulations require Indian gaming operations to keep and maintain permanent financial records, and to submit to the Commission independent audits of their gaming operations on an annual basis. This information collection is mandatory and allows the Commission to fulfill its statutory responsibilities under IGRA to regulate Class II gaming on Indian lands.

Respondents: Indian tribal gaming operations.

Estimated Number of Respondents: 1268.

Estimated Annual Responses: 1268.

Estimated Time per Response: Depending on the type of information collection, the range of time can vary from 20.5 burden hours to 1,506.75 burden hours for one item.

Frequency of Responses: 1 per year.

Estimated Total Annual Burden Hours on Respondents: 1,065,955.5.

Estimated Total Non-hour Cost Burden: $50,665,016.

Title: Approval of Class II and Class III Ordinances, Background Investigations, and Gaming Licenses.

OMB Control Number: 3141–0003.

Brief Description of Collection: The Act sets standards for the regulation of gaming on Indian lands, including requirements for the approval or disapproval of tribal gaming ordinances. Section 2705(a)(3) requires the NIGC Chair to review all Class II and Class III tribal gaming ordinances. In accordance with this statutory provision, Commission regulations require tribes to submit: (i) A copy of the gaming ordinance, or amendment thereof, to be approved, including a copy of the authorizing resolution by which it was enacted by the tribal government, and a request for approval of the ordinance or resolution; (ii) designation of an agent for service of process; (iii) a description of procedures the tribe will employ in conducting background investigations on primary management officials (PMOs) and key employees; (iv) a description of procedures the tribe will use to issue licenses to PMOs and key employees; (v) copies of all gaming regulations; (vi) a copy of any applicable

tribal-state compact; (vii) a description of dispute resolution procedures for disputes arising between the gaming public and the tribe or management contractor; and (viii) identification of the law enforcement agency that will take fingerprints and a description of the procedures for conducting criminal history checks. The Commission also requires a tribal ordinance to provide that the tribe will perform background investigations and issue licenses for PMOs and key employees according to requirements that are as stringent as those contained in Commission regulations. The NIGC Chair will use the information collected to approve or disapprove the ordinance or amendment thereof.

Commission regulations also require tribes to perform background investigations and issue licenses for PMOs and key employees using certain information provided by applicants, such as names, addresses, previous employment records, previous relationships with either Indian tribes or the gaming industry, licensing related to those relationships, any convictions, and any other information that a tribe feels is relevant to the employment of the individuals being investigated. Tribes are then required to keep complete application files. Tribes are also required to create and keep investigative reports, and to submit to the Commission notices of results (licensing eligibility determinations) on PMOs and key employees. Tribes must notify the Commission if they issue or do not issue licenses to PMOs and key employees, and if they revoke said licenses. The Commission uses this information to review the eligibility and suitability determinations that tribes make and advises them if it disagrees with any particular determination. These information collections are mandatory and allow the Commission to carry out its statutory duties.

Respondents: Indian tribal gaming operations.

Estimated Number of Respondents: 1,580.

Estimated Annual Responses: 193,751.

Estimated Time per Response: Depending on the type of information collection, the range of time can vary from 1.0 burden hour to 1,419 burden hours for one item.

Frequency of Response: Varies.

Estimated Total Annual Burden Hours on Respondents: 1,392,450.

Estimated Total Non-hour Cost Burden: $3,334,176.

Title: NEPA Compliance.

OMB Control Number: 3141–0006.

Brief Description of Collection: The National Environmental Policy Act (NEPA) requires federal agencies to analyze proposed major federal actions that significantly affect the quality of the human environment. The Commission has taken the position that approving third-party management contracts for the operation of gaming activity under IGRA requires review under NEPA. Depending on the nature of the subject contract and other circumstances, approval of such management contracts may require the preparation of an Environmental Assessment (EA), or the preparation of an Environmental Impact Statement (EIS). In any case, the proponents of a management contract will be expected to submit information to the Commission and assist in the development of the required NEPA documentation.

Respondents: Tribal governing bodies, management companies.

Estimated Number of Respondents: 3.

Estimated Annual Responses: 3.

Estimated Time per Response: Depending on whether the response is an EA or an EIS, the range of time can vary from 2.5 burden hours to 12.0 burden hours for one item.

Frequency of Response: Varies.

Estimated Total Annual Burden Hours on Respondents: 26.5.

Estimated Total Non-hour Cost Burden: $14,846,686.

Title: Issuance of Certificates of Self-Regulation to Tribes for Class II Gaming.

OMB Control Number: 3141–0008.

Brief Description of Collection: The Act allows any Indian tribe that has conducted Class II gaming for at least three years to petition the Commission for a certificate of self-regulation for its Class II gaming operation(s). The Commission will issue the certificate if it determines that the tribe has conducted its gaming activities in a manner that has: Resulted in an effective and honest accounting of all revenues; a reputation for safe, fair, and honest operation of the gaming activities; and an enterprise free of evidence of criminal or dishonest activity. The tribe must also have adopted and implemented proper accounting, licensing, and enforcement systems, and conducted the gaming operation on a fiscally or economically sound basis. Commission regulations require a tribe interested in receiving a certificate to file with the Commission a petition generally describing the tribe's gaming operations, its regulatory process, its uses of net gaming revenue, and its accounting and recordkeeping systems. The tribe must also provide copies of various documents in support of the petition. Tribes who have been issued a certificate of self-regulation are required to submit to the Commission certain information on an annual basis, including information that establishes that the tribe continuously meets the regulatory eligibility and approval requirements and supporting documentation that explains how tribal gaming revenues were used in accordance with the requirements in 25 U.S.C. 2710(b)(2)(B). Submission of the petition and supporting documentation is voluntary. The Commission will use the information submitted by the tribe in determining whether to issue the certificate of self-regulation. Once a certificate of self-regulation has been issued, the submission of certain other information is mandatory.

Respondents: Tribal governments.

Estimated Number of Respondents: 8.

Estimated Annual Responses: 64.

Estimated Time per Response: Depending on the information collection, the range of time can vary from 0.75 burden hour to 1,940 burden hours for one item.

Frequency of Responses: Varies.

Estimated Total Annual Burden Hours on Respondents: 4,130.

Estimated Total Non-hour Cost Burden: $172,450.

Dated: September 9, 2013.

Christinia J. Thomas,

Deputy Chief of Staff.

[FR Doc. 2013–22260 Filed 9–12–13; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–13891; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Logan Museum of Anthropology, Beloit College, Beloit, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Logan Museum of Anthropology, Beloit College, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written

request to the Logan Museum of Anthropology, Beloit College. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Logan Museum of Anthropology, Beloit College, at the address in this notice by October 15, 2013.

ADDRESSES: William Green, Director, Logan Museum of Anthropology, Beloit College, Beloit, WI 53511, telephone (608) 363–2119, email *greenb@beloit.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Logan Museum of Anthropology, Beloit College, Beloit, WI. The human remains and associated funerary objects were removed from Saline County, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the Logan Museum of Anthropology, Beloit College, professional staff in consultation with representatives of the Caddo Nation of Oklahoma.

History and Description of the Remains

In 1931, human remains representing, at minimum, one individual were removed from a mound near Benton, AR, by Paul H. Nesbitt, curator of anthropology at the Logan Museum of Anthropology, Beloit College, and Frank Ellis, owner of the Ellis Museum of Archaeology and Anthropology, Maquoketa, IA. The mound was situated near the Saline River, but the precise site location is unknown. Museum records state that Nesbitt and Ellis were ''studying the mound groups'' of the Benton vicinity, and the two men excavated one burial, made surface collections at several locations, and obtained material from another collector. According to museum records, ''[m]ost of the material was found on Mr. Ellis's land along the Saline River'' near Benton, AR. After removal, the human remains and associated funerary objects were accessioned into the Logan Museum's collection. The human remains are those of an adult male. No known individuals were identified. The 83 associated funerary objects are 1 ceramic bowl, 1 ceramic tripod bottle, 1 broken ceramic jar, 2 chipped-stone picks or chisels, 1 ground and scored rectangular stone object, 2 ground stone knives, 33 bivalve shells, 30 ceramic sherds, 10 mammal elements, 1 turtle shell fragment, and fragments of charcoal.

The human remains are Native American based on the method of interment, associated funerary objects, and physical characteristics. The ceramic bowl is a shell-tempered, carinated vessel that is a two-panel example of Friendship Engraved var. Freeman. Its form, more common in the Ouachita River drainage than along the Saline River, is diagnostic of the Mid-Ouachita phase, dating to A.D. 1400–1500. Because the bowl is shell-tempered, it was probably made late in that period. The tripod bottle has a composite design, and Arkansas Archeological Survey archaeologist Mary Beth Trubitt observed that ''the ovals and crosshatched design on the body are typically found on Friendship Engraved carinated bowls,'' while ''the horizontal line with pendant crosshatched triangles around the bottle neck is often seen around rims of bowls (Hempstead Engraved bowls that are usually grog-tempered, or Hardman Engraved bowls that are usually shell-tempered).'' This evidence points to an estimated date for the bottle in the late 1400s.

The bowl and the tripod bottle, both of which feature nearly identical designs, exhibit well-documented Late Caddo styles. The Benton, AR, area is in the northeastern portion of the traditional homeland of the Caddo Nation of Oklahoma. Significant Caddo archaeological sites such as Hughes Mound are located near Benton, AR. Archaeological and ethno-historical evidence indicates a relationship of shared group identity between the present-day Caddo Nation of Oklahoma and late prehistoric Caddo groups.

Determinations Made by the Logan Museum of Anthropology, Beloit College

Officials of the Logan Museum of Anthropology, Beloit College have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 83 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Caddo Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to William Green, Director, Logan Museum of Anthropology, Beloit College, Beloit, WI 53511, telephone (608) 363–2119, email *greenb@beloit.edu,* by October 15, 2013. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Caddo Nation of Oklahoma may proceed.

The Logan Museum of Anthropology, Beloit College, is responsible for notifying the Caddo Nation of Oklahoma that this notice has been published.

Dated: August 21, 2013.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2013–22249 Filed 9–12–13; 8:45 am]

BILLING CODE 4312–50–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–849]

Certain Rubber Resins and Processes for Manufacturing Same; Commission Determination To Review the Final Initial Determination of the Administrative Law Judge; Schedule for Filing Written Submissions on Review

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review the final initial determination (''final ID'' or ''ID'') in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*).

The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 26, 2012, based on a complaint on behalf of SI Group, Inc. of Schenectady, New York (''SI Group'' or ''SI'') on May 21, 2012, as supplemented on June 12, 2012. 77 FR 38083 (June 26, 2012). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''Section 337''), in the sale for importation, importation, or sale after importation into the United States of certain rubber resins by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States. The Commission's notice of investigation named as respondents Red Avenue Chemical Corp. of America of Rochester, New York; Thomas R. Crumlish, Jr. of Rochester, New York; Precision Measurement International LLC of Westland, Michigan; Sino Legend (Zhangjiagang) Chemical Co., Ltd. of Zhangjiagang City, China; Sino Legend Holding Group, Inc. c/o Mr. Richard A. Peters of Kowloon, Hong Kong; Sino Legend Holding Group Ltd. of Hong Kong; Hong Kong Sino Legend Group, Ltd. of North Point, Hong Kong; Red Avenue Chemical Co. Ltd. of Shanghai, China; Ning Zhang of North Vancouver, Canada; Quanhai Yang of Beijing, China; and Shanghai Lunsai International Trading Company of Shanghai City, China. A Commission investigative attorney is participating in this investigation.

On January 14, 2013, the Commission issued notice of its determination not to review an ID to amend the complaint and notice of investigation to add Red Avenue Group Limited of Kowloon, Hong Kong; Sino Legend Holding Group Inc. of Majuro, Marshall Islands; Gold Dynasty Limited c/o ATC Trustees (Cayman) Limited of Grand Cayman, Cayman Islands; and Elite Holding Group Inc. c/o Morgan & Morgan Trust Corporation (Belize) Limited of Belize City, Belize as respondents. 78 FR 3817 (January 17, 2013).

On June 17, 2013, the presiding administrative law judge issued his final ID, finding a violation of Section 337. On July 1, 2013, SI and the Respondents filed petitions for review. On July 9, 2013, SI, the Respondents, and the Commission investigative attorney filed responses thereto.

On July 16, 2013, Respondents filed a notice of new authority. On July 24, 2013, the Complainant submitted an objection to the notice of new authority.

The following parties and members of the public have submitted statements on the public interest: The Complainant (July 17, 2013); the New York State Chemical Alliance (August 13, 2013); and the American Chemistry Council (August 14, 2013).

After considering the ID and the relevant portions of the record, the Commission has determined to review the ID in its entirety.

The parties should brief their positions on the issues under review with reference to the applicable law and the evidentiary record. In connection with its review, the Commission is particularly interested in responses to the following questions:

[CONFIDENTIAL BUSINESS INFORMATION DELETED]

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in a respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 9 (December 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the United States Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is also requested to state the date that the patents expire and the HTSUS subheadings under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on September 23, 2013. Reply submissions must be filed no later than the close of business on September 30, 2012. The written submissions must be no longer than 50

pages and the reply submissions must be no longer than 25 pages. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must do so in accordance with Commission rule 210.4(f), 19 CFR 210.4(f), which requires electronic filing. The original document and 8 true copies thereof must also be filed on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 9, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–22263 Filed 9–12–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–882]

Certain Digital Media Devices, Including Televisions, Blu-Ray Disc Players, Home Theater Systems, Tablets and Mobile Phones, Components Thereof and Associated Software; Commission Determination not to Review an Initial Determination Granting Intervenor Status to Google, Inc.

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 17) issued by the presiding administrative law judge (''ALJ'') on August 19, 2013, granting intervenor status to Google, Inc.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 7, 2013, based on a complaint filed by Black Hills Media, LLC (''BHM''). 78 FR 29156–57. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital media devices, including televisions, blu-ray disc players, home theater systems, tablets and mobile phones, components thereof and associated software, by reason of infringement of certain claims of U.S. Patent Nos. 6,618,593; 8,028,323; 8,045,952; 8,050,652; 8,214,873; and 8,230,099. The Commission's notice of investigation named as respondents several Samsung, LG, Panasonic, Toshiba, and Sharp entities.

On July 26, 2013, Google, Inc. (''Google'') moved to intervene in the investigation, stating that it had a compelling interest in this investigation because the complaint's claim charts relied upon the functionality of Google's software as incorporated on respondents' products, and Google has an interest in the continued importation and sale of products utilizing Google's software. Google further argued that the respondents would not adequately protect Google's interest because respondents would likely focus on defending their own accused products, rather than defend Google's software. The respondents all supported Google's proposed intervention.

On August 5, 2013, Staff opposed Google's motion, assuming that BHM, by opposing intervention, had chosen not to rely upon Google's products in this investigation. Staff stated that it would likely support intervention if BHM's opposition did not disclaim reliance on Google products. Later that day, BHM opposed Google's motion, arguing that the motion was untimely, that Google failed to identify an adequate interest, and that Google's interests were adequately represented by the respondents. BHM did not disclaim reliance upon Google products. Staff then supported Google's motion. *See* Prehearing Tr. at 38–40.

On August 19, 2013, the ALJ issued the subject ID granting intervenor status to Google. The ALJ found that Google's motion was timely. The ALJ further found that Google has an interest in protecting its products from the allegations presented in BHM's claim charts, and that the disposition of this investigation may as a practical matter impair Google's ability to protect that interest. The ALJ also determined that respondents may not adequately represent Google's interest. The ALJ also found that the investigation was in the early stages of discovery, so Google's intervention would not cause undue delay or prejudice the original parties' rights. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Dated: September 10, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–22339 Filed 9–12–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–885]

Certain Portable Electronic Communications Devices, Including Mobile Phones and Components Thereof; Commission Determination Not To Review an Initial Determination Granting Complainant's Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 8) of the presiding administrative law judge (''ALJ'') granting complainant's motion to amend the complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, on June 26, 2013, based on a complaint filed by Nokia Corporation of Espoo, Finland and Nokia Inc., of Sunnyvale, California (collectively, ''Nokia''). The complaint, as supplemented, alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 6,035,189 (''the '189 patent''); 6,373,345; 6,711,211 (''the '211 patent''); 7,187,945; 8,140,650 (''the '650 patent''); and 8,363,824. 78 FR 38362 (Jun. 26, 2013). The respondents are HTC Corporation of Taoyuan City, Taiwan, and HTC America, Inc. of Bellevue, Washington (collectively, ''HTC''). Subsequently, third party Google Inc. intervened as a party in this investigation with respect to three of the six patents, namely the '189, '211 and '650 patents. 78 FR 49764 (Aug. 15, 2013).

On July 11, 2013, complainants Nokia filed a motion to amend the complaint and notice of investigation to add U.S. Patent No. 7,366,529 (''the '529 patent'') and to add recently launched domestic industry products. On July 22, 2013, respondents HTC filed a response opposing the motion.

On August 15, 2013, the ALJ issued an ID granting Nokia's motion (Order No. 8). The ALJ found good cause in permitting Nokia to amend the Complaint and Notice of Investigation to add the '529 patent and to add the recently launched domestic industry products to this investigation. No party petitioned for review of the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in sections 210.42–.46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–.46).

By order of the Commission.

Dated: September 9, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–22254 Filed 9–12–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 003–2013]

Privacy Act of 1974; System of Records

AGENCY: Executive Office for Organized Crime Drug Enforcement Task Forces (OCDETF), Department of Justice.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, and Office of Management and Budget (OMB) Circular No. A–130, notice is hereby given that the Department of Justice (Department or DOJ), Executive Office for OCDETF proposes to amend an existing system of records notice (SORN) entitled ''Drug Enforcement Task Force Evaluation and Reporting System,'' JUSTICE/DAG–003, last published in its entirety at 57 FR 8473, Mar. 10, 1992. This amendment reflects a reorganization of the Department of Justice establishing the Executive Office for OCDETF as a new component and the resulting transfer of responsibility for this system of records from the Office of the Deputy Attorney General to the Executive Office for OCDETF. Accordingly, the Executive Office for OCDETF is renaming this system as the ''Organized Crime Drug Enforcement Task Forces Management Information System'' (OCDETF MIS), changing the system number from JUSTICE/DAG–003 to JUSTICE/OCDETF–001, and making revisions to reflect the Executive Office of OCDETF's own record-keeping practices and the overall modernization and technological changes of the system. Accordingly, this modified SORN will replace the SORN for JUSTICE/DAG–003.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment. Therefore, please submit any comments by October 15, 2013.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments to the Department of Justice, ATTN: Privacy Analyst, Office of Privacy and Civil Liberties, U.S. Department of Justice, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530–0001, or by facsimile to 202–307–0693.

FOR FURTHER INFORMATION CONTACT: Jill Aronica, Chief Information Systems Section, Executive Office for OCDETF, 1331 Pennsylvania Avenue NW., Suite 1060, Washington, DC 20530–0001, phone 202–514–1860.

SUPPLEMENTARY INFORMATION: The OCDETF MIS is a case tracking and reporting system designed to provide a platform for OCDETF investigative and prosecutorial personnel to track and coordinate investigative efforts. In addition, the system provides the data necessary to evaluate OCDETF Program performance.

When this system was under the purview of the Office of the Deputy Attorney General, this system of records was exempted from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k). These exemptions are codified in the Code of Federal Regulations (CFR) section for exemptions of the Office of the Deputy Attorney General systems (28 CFR 16.71). The Department is establishing a new CFR section for exemptions of OCDETF systems (28 CFR 16.135) and redesignating the existing exemptions to be part of this new OCDETF section. In the meantime, the Department intends that the exemptions established in 28 CFR 16.71 will continue to apply to this system and all its records until 28 CFR 16.135 is effective.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress on this modified system of records.

Dated: August 21, 2013.

Joo Y. Chung,

Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.

JUSTICE/OCDETF–001

SYSTEM NAME:

Organized Crime Drug Enforcement Task Forces Management Information System (OCDETF MIS).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

OCDETF Fusion Center, Executive Office for OCDETF, U.S. Department of Justice, 1331 Pennsylvania Avenue NW., Suite 1060, Washington, DC 20530. Some or all system information may be duplicated at other locations for purposes of system backup, emergency preparedness, and continuity of operations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system encompasses individuals who are subjects or potential subjects of investigations under the OCDETF Program, including individuals who are charged with, convicted of, or known, suspected, or alleged to be involved with illicit drug trafficking, money laundering of drug proceeds, or other potentially related criminal activity. This system also covers individuals who are associated with or related to investigations under the OCDETF Program, including associates of subjects, witnesses, informants, and law enforcement and prosecutorial personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of case-initiation forms, interim and final reports, indictment records, and disposition/sentencing forms, regarding potential or actual targets of OCDETF investigations, as well as related administrative records for state and local case participation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authorities for the maintenance of these records include 5 U.S.C. 301 and the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513, 84 Stat. 1236 (21 U.S.C. 801 et seq.).

PURPOSE:

The purpose of this system of records is to facilitate the mission of the OCDETF Program, which is to reduce the illegal drug supply by identifying, disrupting, and dismantling the most significant international and domestic criminal enterprises engaged in illegal drug trafficking, laundering of drug proceeds, and related criminal activities. The OCDETF MIS is a case tracking and reporting system designed to provide a platform for OCDETF investigative and prosecutorial personnel to track and coordinate investigative efforts from the initiation of an OCDETF investigation through the closing of the case. In addition, the system provides the data necessary to evaluate OCDETF Program performance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), relevant information contained in this system of records may be disclosed as follows:

(a) To any criminal, civil, or regulatory law enforcement authority (whether federal, state, local, territorial, tribal, or foreign) where the information is relevant to the recipient entity's law enforcement responsibilities.

(b) To a governmental entity lawfully engaged in collecting law enforcement, law enforcement intelligence, or national security intelligence information for such purposes.

(c) To any person, organization, or governmental entity in order to notify them of a serious terrorist threat for the purpose of guarding against or responding to such a threat.

(d) To any person or entity if deemed by OCDETF to be necessary in order to elicit information or cooperation from the recipient for use by OCDETF in the performance of an authorized law enforcement activity.

(e) To the Department of State and components thereof to further the efforts of those agencies with respect to the national security and foreign affairs aspects of international drug trafficking, money laundering, firearms trafficking, alien smuggling, terrorism, and related crimes.

(f) To the Department of Defense and components thereof to support its role in the detection and monitoring of the transportation of illegal drugs and money laundering in the United States or such other roles in support of counter-drug and money laundering law enforcement, counter-firearms trafficking, counter-alien smuggling, and related crimes as may be permitted by law.

(g) To the United Nations and its employees to the extent that the information is relevant to the recipient's law enforcement or international security functions.

(h) To the White House (the President, Vice President, their staffs, and other entities of the Executive Office of the President), and, during Presidential transitions, to the President-elect and Vice-President-elect and to their designated transition team staff, for coordination of activities that relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President, President-elect, Vice President, or Vice-President-elect.

(i) To complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

(j) In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(k) To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in informal discovery proceedings.

(l) To the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(m) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

(n) To designated officers and employees of state, local, territorial, or tribal law enforcement or detention agencies in connection with the hiring or continued employment of an employee or contractor, where the employee or contractor would occupy or occupies a position of public trust as a law enforcement officer or detention officer having direct contact with the public or with prisoners or detainees, to the extent that the information is relevant and necessary to the recipient agency's decision.

(o) To appropriate officials and employees of a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail, or deployment of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance of a grant or benefit.

(p) To a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(q) To federal, state, local, territorial, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(r) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

(s) To the National Archives and Records Administration (NARA) for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(t) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Department 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 Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(u) To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

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

STORAGE:

Computerized records are stored in an internal database format. Hard copy records may be stored in individual file folders and file cabinets with controlled access, and/or other appropriate GSA-approved security containers.

RETRIEVABILITY:

Individual records are accessed by use of data-retrieval capabilities of computer software acquired and developed for processing information in the OCDETF MIS. (Hard copy formats are accessed via manual retrieval.) Records are generally retrieved by case number, but can also be retrieved through a number of criteria, including personally identifiable information such as name and social security number.

SAFEGUARDS:

These records are housed in a secure space restricted to DOJ employees and other authorized personnel, and to those persons transacting business with the DOJ who are escorted by DOJ or other authorized personnel. Paper files are stored in file cabinets in locked offices. Physical and electronic access to the system is safeguarded in accordance with DOJ rules and policies governing automated systems security and access, including the maintenance of technical equipment in restricted areas. The system space is secured by intruder alarms and other appropriate physical and electronic security controls. Direct access to the system is password-restricted to DOJ employees, detailees/designees from other federal agencies, and contractors who have a demonstrated and lawful need to know the information in order to perform assigned functions on behalf of the OCDETF Program, who have appropriate security clearances, and who have been specifically authorized access.

RETENTION AND DISPOSAL:

OCDETF MIS data files have been deemed ''Permanent'' by NARA. A copy of the data maintained for each investigation is required to be transferred to NARA 25 years after the close of the case in accordance with 36 CFR 1228.270, or existing NARA transfer requirements at the time of transfer. Paper copies are to be destroyed five years after the close of each case upon verification of successful conversion and input into the NARA system.

SYSTEM MANAGER AND ADDRESS:

Director, Executive Office for OCDETF, Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Same as Record Access Procedures.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system must be submitted in writing and comply with 28 CFR part 16, and should be sent to the Executive Office for OCDETF, U.S. Department of Justice, 1331 Pennsylvania Avenue NW., Suite 1060, Washington, DC 20530–0001. The envelope and the letter should be clearly marked ''Privacy Act Access Request.'' The request should include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and dated and either notarized or submitted under penalty of perjury. While no specific form is required, requesters may obtain a form (Form DOJ–361) for use in certification of identity from the FOIA/Privacy Act Mail Referral Unit, Justice Management Division, United States Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530–0001, or from the Department's Web site at *http://www.justice.gov/oip/forms/cert_ind.pdf.* As described below in the section entitled ''Exemptions Claimed for the System,'' the Attorney General has exempted this system of records from the notification, access, and amendment provisions of the Privacy Act. These exemptions apply only to the extent that the information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) and/or (k). An individual who is the subject of a record in this system may seek access to those records that are not exempt from the access provisions. A determination whether a record may be accessed will be made at the time a request is received.

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend information maintained in the system should direct their requests to the address indicated in the ''Record Access Procedures'' section, above. The request must comply with 28 CFR 16.46, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment of the information. Some information may be exempt from the amendment provisions.

An individual who is the subject of a record in this system may seek amendment of those records that are not exempt. A determination whether a record may be amended will be made at the time a request is received.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include federal, state, local, tribal, territorial, and foreign law enforcement agencies, informants, members of the public, the public media, and the private sector, including commercial data brokers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), and (3), (4)(G), (H), and (I), (5), and (8); (f); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in today's **Federal Register.**

[FR Doc. 2013–22374 Filed 9–12–13; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Prohibited Transaction Exemption 2013–09; Application No. D–11772]

Grant of Individual Exemption Involving UBS AG (UBS or the Applicant); Located in Zurich, Switzerland

AGENCY: Employee Benefits Security Administration, U.S. Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This document contains an individual exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974, as amended (ERISA or the Act) and the Internal Revenue Code of 1986, as amended (the Code). The transactions involve UBS, and certain entities within UBS's Global Asset Management and Wealth Management Americas divisions that function as ''qualified professional asset managers'' (QPAMs) under Prohibited Transaction Class Exemption 84–14 (PTE 84–14).[1] The individual exemption affects UBS QPAMS, and participants and beneficiaries of ERISA plans the assets of which plan are managed by a UBS QPAM.

DATES: *Effective Date:* This exemption is effective as of the date a judgment of conviction against UBS Securities Japan for wire fraud is entered in the District Court of Connecticut in Case Number 3:12-cr-00268–RNC.

FOR FURTHER INFORMATION CONTACT: Mr. Erin S. Hesse of the Department, telephone (202) 693–8546. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 9, 2013, the Department of Labor (the Department) published a notice of proposed individual exemption in the **Federal Register** at 78 FR 41105, such that entities within UBS's Global Asset Management and Wealth Management Americas divisions that function as QPAMs, would not be precluded from relying on the relief provided by PTE 84–14, solely due to the failure to satisfy the condition in section I(g) of PTE 84–14 as a result of their affiliation with UBS Securities Japan Co. Ltd., against whom a judgment of conviction for one count of wire fraud is scheduled to be entered in the District Court of Connecticut in Case Number 3:12–cr–00268–RNC. The proposed exemption was requested by UBS pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (76 FR 66637, October 27, 2011).[2] Effective December 31, 1978, section 102 of the Reorganization Plan No. 4 of 1978, (5 USC App. 1 (1996)) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Accordingly, this final individual exemption is being issued solely by the Department.

Written Comments

The Department invited all interested persons to submit written comments and/or requests for a public hearing with respect to the notice of proposed exemption. All comments and requests for hearing were due by August 11, 2013. During the comment period, the Department received no comments and no requests for a hearing from interested persons. Accordingly, after giving full consideration to the entire record, the Department has decided to grant the exemption. The complete application file (Application No. D–11772), including all supplemental submissions received by the Department, is available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on July 9, 2013, at 78 FR 41105.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) In accordance with section 408(a) of ERISA and/or section 4975(c)(2) of the Code, the Department makes the following determinations: the exemption is administratively feasible, the exemption is in the interests of the plan and of its participants and beneficiaries, and the exemption is protective of the rights of participants and beneficiaries of the plan;

(3) The exemption is supplemental to, and not in derogation of, any other provisions of ERISA, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describe all material terms of the transaction which is the subject of the exemption.

Accordingly, the following exemption is granted under the authority of section 408(a) of ERISA and section 4975(c)(2)

[1] 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430 (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010).

[2] For purposes of this exemption, references to the provisions of Title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (76 FR 66637, 66644, October 27, 2011):

Exemption

Entities within UBS's Global Asset Management and Wealth Management Americas divisions that function as ''qualified professional asset managers'' (QPAMs), shall not be precluded from relying on the relief provided by Prohibited Transaction Exemption 84–14 (PTE 84–14),[3] solely due to the failure to satisfy the condition in section I(g) of PTE 84–14 as a result of their affiliation with UBS Securities Japan Co. Ltd. (UBS Securities Japan), against whom a judgment of conviction for one count of wire fraud (the Conviction) is scheduled to be entered in the District Court of Connecticut in Case Number 3:12-cr-00268–RNC, provided the following conditions are satisfied:

(a) No ERISA-covered assets were involved in, or directly affected by, the conduct of UBS Securities Japan that is the subject of the Conviction. For purposes of this paragraph, ERISA-covered assets are not considered directly affected solely because an ERISA plan held an economic interest in a security or investment product, the value of which was tied to one of the benchmark interest rates manipulated in connection with conduct by certain UBS personnel;

(b) The entities acting as QPAMs within UBS's Global Asset Management and Wealth Management Americas divisions (UBS QPAMs) did not know of, have reason to know of, participate in, or directly receive compensation in connection with, the conduct by certain UBS personnel that gave rise to the manipulation of certain benchmark interest rates;

(c) UBS Securities Japan did not provide any fiduciary services to, or act as a QPAM for, ERISA plans or otherwise exercise any discretionary control over ERISA-covered assets;

(d) UBS Securities Japan will not enter into any transactions with funds managed by UBS QPAMs or provide any services to UBS QPAMs;

(e) UBS QPAMs were insulated from UBS Securities Japan due to: (1) The independent business operations of the Wealth Management Americas and Global Asset Management divisions from UBS's other divisions, and (2) Written policies and procedures which created information barriers that were in place to ensure that the UBS QPAMs, and the ERISA-covered assets they manage, were not affected by the business activities of UBS affiliates within the Investment Bank division, such as UBS Securities Japan;

(f) UBS maintains and follows written policies and procedures that create information barriers designed to ensure UBS QPAMs, and the ERISA-covered assets they manage, are not affected by the business activities of UBS affiliates within the Investment Bank division, such as UBS Securities Japan. UBS also develops and implements a program of training for UBS personnel regarding such written policies and procedures;

(g) UBS submits to an annual audit which meets the following requirements:

(1) An independent auditor, who has appropriate technical training and proficiency with Title I of ERISA, shall conduct an annual written audit;

(2) The audit shall specifically require the auditor to determine whether UBS has continued to maintain and follow, and developed and implemented a training program with respect to, written policies and procedures that create information barriers designed to ensure that the UBS QPAMs, and the ERISA-covered assets they manage, are not improperly influenced or affected by the business activities of UBS affiliates within the Investment Bank division, such as UBS Securities Japan;

(3) The audit shall test operational compliance with the training requirements and written policies and procedures requirements described in paragraph (f);

(4) The auditor shall issue a written report (the Audit Report) describing the steps performed by the auditor during the course of its examination. The Audit Report shall include the auditor's specific determinations regarding the adequacy of the training requirements and written policies and procedures requirements described in paragraph (f), the auditor's recommendations (if any) with respect to strengthening such training requirements and policies and procedures, and any instances of UBS's noncompliance with developing and implementing such training requirements and policies and procedures. Any determinations made by the auditor as a result of the audit regarding the adequacy of the training requirements and written policies and procedures requirements described in paragraph (f) and the auditor's recommendations (if any) with respect to strengthening such training requirements and policies and procedures shall be promptly addressed by UBS, and any actions taken by UBS to address such recommendations should be included in an addendum to the Audit Report. Any determinations by the auditor that UBS has developed and maintained sufficient written policies and procedures, and developed and maintained a training program regarding such policies and procedures, shall not be based solely or in substantial part on an absence of evidence indicating noncompliance;

(5) UBS shall provide notice to the Department's Office of Exemption Determinations (OED) of any instances of UBS's noncompliance reviewed by the auditor within ten (10) business days after such noncompliance is determined by the auditor, regardless of whether the audit has been completed as of that date. Upon request, the auditor shall provide OED with all of the relevant workpapers reflecting the instances of noncompliance. The workpapers should identify whether and to what extent the assets of ERISA plans were involved in the instance(s) of noncompliance and an explanation of any corrective actions taken by UBS;

(6) The yearly Audit Report will be provided to OED no later than 90 days following the 12-month period to which it relates and will be unconditionally available for examination by any duly authorized employee or representative of the Department, Internal Revenue Service, U.S. Commodity Futures Trading Commission, U.S. Department of Justice, Japanese Financial Services Authority, other relevant regulators, and any fiduciary of an ERISA plan the assets of which plan are managed by a UBS QPAM;

(7) This audit requirement in paragraph (g) herein shall continue to be applicable for five (5) years from the date of Conviction;

(h) Notwithstanding the Conviction, UBS complies with each condition of PTE 84–14, as amended;

(i) UBS imposes its internal procedures, controls, and protocols on UBS Securities Japan to: (1) Reduce the likelihood of any recurrence of conduct that is the subject of the Conviction, and (2) Comply in all material respects with the Business Improvement Order, dated December 16, 2011, issued by the Japanese Financial Services Authority;

(j) UBS complies in all material respects with the audit and monitoring procedures imposed on UBS by the United States Commodity Futures Trading Commission Order, dated December 19, 2012;

(k) UBS maintains records necessary to demonstrate that the conditions of this exemption have been met for six (6) years following the completion date of

[3] 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430 (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010).

the last audit conducted in accordance with paragraph (g); and

(l) Each sponsor of an ERISA plan the assets of which plan are managed by a UBS QPAM receives: Notice of the proposed exemption with a copy of the summary of facts that led to the Conviction, which was submitted to the Department; and a prominently displayed statement that the Conviction results in a failure to meet a condition in PTE 84–14.

Effective Date: This exemption is effective as of the date a judgment of conviction against UBS Securities Japan for wire fraud is entered in the District Court of Connecticut in Case Number 3:12–cr–00268–RNC.

Signed at Washington, DC, this 9th day of September, 2013.

Lyssa E. Hall,

Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2013–22314 Filed 9–12–13; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0021]

Revision of Approved Information Collection (Paperwork) Requirements for Office of Management and Budget (OMB) Approval; Cranes and Derricks in Construction

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to revise OMB's approval of the information collection requirements contained in the Cranes and Derricks in Construction Standard (29 CFR part 1926, Subpart CC). Employers and workers use these requirements to help ensure the safe operation of equipment covered by the standard. In addition, OSHA compliance safety and health officers use the information to determine, during an inspection, whether employers are complying with the requirements. In May 2013, OSHA published a final rule that broadened the exemption for digger derricks in the Cranes and Derricks Standard in Construction Subpart CC. As a result, OSHA is revising the Cranes and Derricks Standard in Construction paperwork analysis by reducing the number of entities that are required to comply with these information collection requirements.

DATES: Comments must be submitted (postmarked, sent, or received) by November 12, 2013.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2013–0021, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number for the Information Collection Request (ICR) (OSHA–2013–0021). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov*. For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Todd Owen or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The Cranes and Derricks standard's information collection requirements impose a duty on employers to produce and maintain records that implement controls and take other measures to protect workers from hazards related to cranes and derricks used in construction. Accordingly, construction businesses with workers who operate or work in the vicinity of cranes and derricks must have, as applicable, the following documents on file and available at the job site: Equipment ratings, employee training records, written authorizations from qualified individuals, and qualification program audits. During an inspection, OSHA will have access to the records to determine compliance under conditions specified by the standard. An employer's failure to generate and disclose the information required in this standard will affect significantly the Agency's effort to control and reduce injuries and fatalities related to the use of cranes and derricks in construction.

On May 29, 2013, OSHA published a final rule expanding the existing digger-derrick exemption to include all digger derricks used in construction work subject to 29 CFR part 1926 subpart V. OSHA revised the exemption in existing 29 CFR 1926.1400(c)(4) to include within the exemption the phrase ''any

other work subject to subpart V of 29 CFR part 1926'' (78 FR 32110). Section II. D, Paperwork Reduction Act, of the final rule, stated:

> This rule, which expands the digger-derrick exemption, does not require any additional collection of information or alter the substantive requirements detailed in the 2010 ICR. The only impact on the collection of information will be a reduction in the number of entities collecting information. OMB did not require OSHA to submit a new proposed ICR when OSHA issued the proposed rule, and OSHA does not believe it is necessary to submit a new ICR to OMB now. OSHA will identify any reduction in burden hours when it renews the ICR. OSHA requested comment on this approach in the proposed rulemaking describing the digger-derrick exemption, but received none.

OSHA has revised the ICR to exempt digger derricks used in construction work subject to 29 CFR part 1926 subpart V.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

As a result of expanding the digger-derrick exemption to include all digger derricks used in construction work subject to 29 CFR part 1926 subpart V, OSHA is requesting a program change decrease of 35,715 hours, from 403,413 hours to 367,698 hours.

OSHA will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of the information collection requirements contained in the Cranes and Derricks Standard.

Type of Review: Revision of a currently approved collection.

Title: Cranes and Derricks in Construction (29 CFR part 1926 Subpart CC).

OMB Control Number: 1218–0261.

Affected Public: Business or other for-profits.

Number of Respondents: 209,851.

Total Responses: 2,558,718.

Frequency of Responses: On occasion.

Average Time per Response: Varies from 30 seconds (communicate employee's location to operator) to 1.5 hours (develop and document written assembly and disassembly procedures).

Estimated Total Burden Hours: 367,698 hours.

Estimated Cost (Operation and Maintenance): $2,029,130.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *http://www.regulations.gov*, which is the Federal e-Rulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other materials must clearly identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2013–0021). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov*. Therefore, OSHA cautions commenters about submitting personal information such as Social Security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publically available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available through the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on September 6, 2013.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2013–22242 Filed 9–12–13; 8:45 am]

BILLING CODE 4510–26–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, 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 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 15, 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*: Erin Pettit, Dept. of Geology and Geophysics, University of Alaska Fairbanks, Fairbanks, AK. *Permit Application:* 2014–015.

Activity for Which Permit is Requested: ASPA Entry; The applicant proposes to access the Blood Falls ASPA by foot to install instrumentation to assess the physical aspects of the Blood Falls system using non-destructive and non-invasive techniques. All instrumentation will be removed before this permit expires. Instruments to be deployed would include: ground penetrating radar (GPR), thermal imaging camera, embedded thermal sensors, stakes to measure ablation and GPS units to monitor the motion of the glacier. The GPR system will be moved carefully using a system of ice anchors, ice screws, and ropes that will be removed from the site when no longer in use. All embedded sensor strings will be removed before the permit expires. The applicants would wear clean footwear to enter to the ASPA to reduce the risk of non-native species invasions. The applicant would camp outside of the boundary of the area.

Location: ASPA 172 Lower Taylor Glacier and Blood Falls, McMurdo Dry Valleys.

Dates: November 1, 2013 to February 15, 2015 .

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2013–22233 Filed 9–12–13; 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, 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 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 15, 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 requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

1. *Applicant:* Jill Mikucki, Department of Microbiology, University of Tennessee, Knoxville, TN. *Permit Application:* 2014–014.

Activity for Which Permit is Requested: ASPA Entry; The applicants wish to access the Blood Falls outflow and subsurface brine conduit. They would use a mobile drill system and a small probe (Minimally Invasive Direct Glacier Exploration MIDGE) equipped with a camera to visualize the conduit. The applicant would collect biogeochemical samples to increase the body of knowledge on subglacial environments and aid in developing clean access methods. During the first field season, the applicant would familiarize themselves with the site and conduct only non-destructive and non-invasive sampling from the Blood Falls outflow. During the second field season, the applicant would use the drill and MIDGE probe to explore the Blood Falls crevasse and brine conduit. The instruments would penetrate approximately 50 meters and would not be near the glacier base or subglacial source of brine.

Results from these studies could help inform management of the Blood Falls ASPA. Clean access techniques would be used and drilling would not go as deep as the base of the glacier or the source of the brine.

Location: ASPA 172 Lower Taylor Glacier and Blood Falls, McMurdo Dry Valleys.

Dates: November 1, 2013 to February 15, 2015.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2013–22232 Filed 9–12–13; 8:45 am]

BILLING CODE 7555–01–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 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 15, 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 requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

1. Applicant: April Surgent, Port Townsend, WA. Permit Application: 2014–017.

Activity for Which Permit is Requested

ASPA Entry and Take (salvage); The applicant is an artist funded by the National Science Foundation's Antarctic Artist & Writer's program. The applicant is seeking a permit to be able to enter ASPA 149 Cape Shirreff to take photos, video and sketch as artwork itself and to inspire future artwork. If approved, the applicant would be accompanied in by experienced field staff who is familiar with the environmental sensitivities of the Area and would ensure that the applicant acts in accordance with the management plan for the Area.

The applicant also seeks permission to salvage shed bird feathers and broken pieces of eggshell from Adelie, chinstrap and Gentoo penguins and southern fulmar, Wilson's storm petrel, south polar skua, southern black, southern black backed gull, and Antarctic tern. The salvaged feathers and eggshell pieces would be incorporated into pieces of artwork that would be publicly displayed. Feathers and eggshells would be collected in the Cape Shirreff ASPA as well as in the general vicinity of Palmer Station (ASMA 7). All materials collected would be salvaged; the applicant would not interact with live animals or viable eggs to collect the materials.

None of the activities described above would disturb native birds and mammals.

Location

ASPA 149 Cape Shireff and ASMA 7 Southwest Anvers Island (Palmer Station).

Dates

October 23, 2013 to December 23, 2013.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2013–22275 Filed 9–12–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference meeting of the Executive Committee National Science Board.

DATE AND TIME: Thursday, September 12, 2013 from 10:00–11:00 a.m.

SUBJECT MATTER: Discussion of legislative matters.

STATUS: Closed.

This meeting will be held by teleconference originating at the National Science Board Office, National Science Foundation, 4201Wilson Blvd., Arlington, VA 22230.

Please refer to the National Science Board Web site *www.nsf.gov/nsb* for additional information, or contact Peter Arzberger, (703) 292–8000 or *parzberg@nsf.gov.* Meeting information and schedule updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/notices/.*

Ann Bushmiller,

NSB Senior Legal Counsel.

[FR Doc. 2013–22444 Filed 9–11–13; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–35710; License No. 21–32316–01; EA–13–025; NRC–2013–0208]

Bradley D. Bastow, D. O., South Haven, Michigan; Confirmatory Order Modifying License

I

Bradley D. Bastow, D. O., (Dr. Bastow or the licensee) is the holder of Materials License No. 21–32316–01 issued by the U.S. Nuclear Regulatory Commission (NRC) pursuant to part 30 of Title 10 of the Code of Federal Regulations (10 CFR) on April 20, 2001, and renewed on December 7, 2011. The license authorizes the operation of Bradley D. Bastow, D. O., at his place of business (Cardiology II, P.C.) (facility) in accordance with conditions specified therein. The facility is located on the licensee's site in South Haven, Michigan.

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on July 1, 2013.

II

On February 28, and April 3, 2012, the NRC conducted a special inspection at the Bradley D. Bastow, D. O., facility in South Haven, Michigan, with continued in-office review through May 24, 2012. The details of the inspection were documented in NRC Inspection Report No. 03035710/2012001(DNMS) issued on December 19, 2012. During the inspection, several unresolved items were identified that required further NRC review. The NRC Office of Investigations (OI) began an investigation on April 2, 2012 into several of the issues. OI completed its investigation on January 31, 2013.

During the inspection and investigation, the NRC determined that Bradley D. Bastow, D. O., was in apparent violation of NRC requirements by: (1) Failing to perform weekly contamination surveys; (2) failing to perform storage area surveys; (3) failing to conduct a survey instrument calibration; (4) failing to monitor the external surfaces of labeled packages for radioactive contamination; (5) failing to conduct dose calibrator linearity tests that were calibrated with nationally recognized standards; (6) failing to conduct a formal annual review of the radiation safety program; (7) failing to ensure that records were complete and accurate; (8) failing to issue a whole body radiation exposure measuring device to an individual who was occupationally exposed to ionizing photon radiation on a regular basis and failing to issue a finger radiation exposure measuring device to an individual who handled radioactive material on a regular basis; (9) failing to read film badges on a monthly basis, and the named Radiation Safety Officer (RSO) failing to evaluate the results; (10) failing to leak test sealed sources at 6-month intervals; (11) failing to conduct a semi-annual physical inventory of all sealed sources in its possession; (12) failing to perform daily surveys; (13) failing to assay wipes for removable contamination using a procedure sufficiently sensitive to detect 2000 disintegrations per minute (dpm); and (14) the named RSO failing to ensure that radiation safety activities were being performed in accordance with licensee-approved procedures and regulatory requirements.

On July 1, 2013, Bradley D. Bastow, D. O., and the NRC met in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on Conflict Resolution. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement on resolving any differences regarding the dispute. This confirmatory order is issued pursuant to the agreement reached during the ADR process.

III

In response to the NRC's offer, Bradley D. Bastow, D. O., requested use

of the NRC ADR process to resolve differences it had with the NRC. During that ADR session, a preliminary settlement agreement was reached. The elements of the agreement consisted of the following:

A. Restoring Compliance

A.1. The NRC will issue a written Notice of Violation to accompany the Order addressing the violations and the licensee will respond with how the violations were corrected, within 30 days of the date of the Order. The NRC agrees to group the violations to reduce the total number such that all the completeness and accuracy violations are discussed in one violation and all the survey violations are discussed in a second violation.

A.2. Within 30 days of the date of the Order, the licensee will ensure that all equipment listed on the license (except the well counter) is restored to service, calibrated, and operable, including a back-up survey meter. In the case of the well counter, the licensee will either restore a well counter to service (calibrated and operable) or will provide a license amendment request for alternate instrumentation within 60 days of the date of the Order.

B. RSO Responsibilities and Involvement

B.1. Within 90 days of the date of the Order, Dr. Bastow will complete a medical RSO refresher training class (approximately 8 hours).

B.2. Within 60 days of completion of the RSO training identified in B.1, Dr. Bastow will meet with and ''shadow'' for at least 8 hours another RSO who oversees a nuclear medical program. The licensee will retain documentation showing the name of the RSO whom he shadowed, contact information, approximate hours spent and insights gained. If Dr. Bastow is unable to shadow another RSO, then the licensee will document the names and contact information for three individuals whom he contacted, the dates of contact and the reasons they provided for not allowing him to shadow them.

B.3. Upon issuance of the Order, the licensee will increase radiation safety program reviews from annually to quarterly for one year and provide a copy of the reports to the NRC within 60 days of completion of the audits. The reports must include all documented safety concerns raised by persons (staff and contractors) performing duties under the NRC license, along with any self-identified violations and the corrective actions taken to resolve the concerns. After the first year, the licensee will provide its annual written report to the NRC for the next three years. The reviews will be conducted by an independent consultant under contract with the licensee. The licensee must provide written certification that he has reviewed the report and agrees with the results of the review along with independent observations that he has made of the health of the radiation safety program; the licensee will also implement actions recommended in the report or document justification for not implementing the recommended actions.

C. Safety Culture

C.1. Within 30 days of the date of the Order, the licensee will document a written Safety Culture Policy that applies to all persons (staff and contractors) performing duties under the NRC license. The policy must include that concerns will be documented, the actions taken to resolve the concerns, who resolved the concern, and when the concerned was resolved. Upon resolution of the concern, the documented concern is signed by both the concerned individual and the RSO that resolution was satisfactory. If the concern cannot be resolved, the documented concern should state why the concern cannot be resolved and the concerned individual understands why the concern cannot be resolved. The Safety Culture Policy must iterate that any concerned individual can contact the NRC (provide phone number and contact person at NRC) for additional action on nuclear safety issues if necessary. The licensee shall provide a copy of the policy to all persons (staff and contractors) performing duties under the NRC license and conspicuously post the policy or a notice about the policy in the licensee's office in several locations.

C.2. Within 60 days of the date of the Order, the RSO will provide initial training to the staff and contractors performing duties under the NRC license regarding safety culture and raising safety concerns. For the next two years, the RSO will provide annual refresher training. The RSO will provide training to any new staff or contractors performing duties under the NRC license within 30 days of their arrival. Documentation of the training will be maintained for future inspection, including the dates of the training, the names of the attendees, and the subjects covered.

C.3. Once a quarter beginning within 60 days of the date of the Order, the licensee will meet with each person (staff and contractors) performing duties under the NRC license to solicit concerns and will document any concerns and the actions taken to address them. This shall continue for at least three years. The results shall be documented in the quarterly or annual audit.

D. Accuracy and Completeness of Records

D.1. Within 90 days of the date of the Order, the licensee will review its records for 2012 and 2013 against NRC requirements and license commitments. The licensee will verify that all required records (including all records and documents created in support of such records) are onsite and are available for inspection. Furthermore, the licensee shall ensure that any supporting worksheets are clearly attached. The licensee shall ensure all documentation is complete, accurate, clear, and legible and information is easily traceable from one form to another without question. For example, survey instrumentation shall clearly indicate model and serial numbers. If forms or documents contain signature blocks, the name of the signee will be printed or typed on the form and will include a date signed. This review shall be completed within 90 days of the date of the Order. Any discrepancies will be documented and the NRC informed within the following 30 days.

D.2. The NRC agrees to waive any additional enforcement action for any additional examples of the violations described above identified as a result of the reconciliation effort identified in D.1.

E. Notification of Completion of Activities

Unless otherwise specified, the licensee will submit written notification to: U.S. NRC Region III, Director, Division of Nuclear Material Safety, 2443 Warrenville Road, Suite 210, Lisle, IL 60532–4352.

Upon completion of each specific action at six months, one year, and annually thereafter until total completion.

F. The resulting Confirmatory Order will be considered an escalated enforcement action by the NRC for any future assessment of Bradley D. Bastow, D. O., as appropriate.

G. In consideration of the commitments above, the NRC agrees to a civil penalty in the amount of $1,000 and to take no further enforcement action in the matter of EA–13–025 discussed in the NRC's letter to Dr. Bastow dated April 18, 2013.

On August 22, 2013, Bradley D. Bastow, D. O., consented to issuing this Order with the commitments, as described in Section V below. Bradley D. Bastow, D. O., further agreed that this

Order is to be effective upon issuance and that the licensee has waived its right to a hearing.

IV

Since the licensee has agreed to take additional actions to address NRC concerns, as set forth in Item III above, the NRC has concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that Bradley D. Bastow, D. O.'s commitments as set forth in Section V are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Bradley D. Bastow, D. O.'s commitments be confirmed by this Order. Based on the above and Bradley D. Bastow, D. O.'s consent, this Confirmatory Order is effective upon issuance.

V

Accordingly, pursuant to Sections 81,161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 30, *it is hereby ordered, that license no. 21–32316–01 is modified as follows:*

A. Restoring Compliance

A.1. Within 30 days of the date of the Order, the licensee will respond with how the violations enclosed with the Order were corrected.

A.2. Within 30 days of the date of the Order, the licensee will ensure that all equipment listed on the license (except the well counter) is restored to service, calibrated, and operable, including a back-up survey meter. In the case of the well counter, the licensee will either restore a well counter to service (calibrated and operable) or will provide a license amendment request for alternate instrumentation within 60 days of the date of the Order.

B. RSO Responsibilities and Involvement

B.1 Within 90 days of the date of the Order, Dr. Bastow will complete a medical RSO refresher training class (approximately 8 hours).

B.2. Within 60 days of completion of the RSO training identified in B.1, Dr. Bastow will meet with and ''shadow'' for at least 8 hours another RSO who oversees a nuclear medical program. The licensee will retain documentation showing the name of the RSO whom he shadowed, contact information, approximate hours spent and insights gained. If Dr. Bastow is unable to shadow another RSO, then the licensee will document the names and contact information for three individuals whom he contacted, the dates of contact, and the reasons they provided for not allowing him to shadow them.

B.3. Upon issuance of the Order, the licensee will increase radiation safety program reviews from annually to quarterly for one year, and provide a copy of the reports to the NRC within 60 days of completion of the reviews. The reports must include all documented safety concerns raised by persons (staff and contractors) performing duties under the NRC license, along with any self-identified violations and the corrective actions taken to resolve the concerns. After the first year, the licensee will provide its annual written report to the NRC for the next three years. The reviews will be conducted by an independent consultant under contract with the licensee. The licensee must provide written certification that he has reviewed the report and agrees with the results of the review along with independent observations that he has made of the health of the radiation safety program; the licensee will also implement actions recommended in the report or document justification for not implementing the recommended actions.

C. Safety Culture

C.1. Within 30 days of the date of the Order, the licensee will document a written Safety Culture Policy that applies to all persons (staff and contractors) performing duties under the NRC license. The policy must include that all concerns will be documented, the actions to be taken by the licensee to resolve the concerns, which individual will be responsible for the resolution of the concerns, and the expected timeframe in which the concern will be resolved. Upon resolution of the concern, the documented concern is signed by both the concerned individual and the RSO that resolution was satisfactory. If the concern cannot be resolved, the documented concern should state why the concern cannot be resolved and that the concerned individual understands why the concern cannot be resolved. The Safety Culture Policy must iterate that any concerned individual can contact the NRC (provide phone number and contact person at NRC) for additional action on nuclear safety issues if necessary. The licensee shall provide a copy of the policy to all persons (staff and contractors) performing duties under the NRC license and conspicuously post the policy or a notice about the policy in the licensee's office in at least two locations.

C.2. Within 60 days of the date of the Order, the RSO will provide initial training to the staff and contractors performing duties under the NRC license regarding safety culture and raising safety concerns. For the next two years, the RSO will provide annual refresher training. The RSO will provide training to any new staff or contractors performing duties under the NRC license within 30 days of their arrival. Documentation of the training will be maintained for future inspection, including the dates of the training, the names of the attendees, and the subjects covered.

C.3. Once a quarter beginning within 60 days of the date of the Order, the licensee will meet with each person (staff and contractors) performing duties under the NRC license to solicit concerns and will document any concerns and the actions taken to address them. This shall continue for at least three years. The results shall be documented in the quarterly or annual audit.

D. Accuracy and Completeness of Records

D.1 Within 90 days of the date of the Order, the licensee will review its records for 2012 and 2013 against NRC requirements and license commitments. The licensee will verify that all required records (including all records and documents created in support of such records) are onsite and are available for inspection. Furthermore, the licensee shall ensure that any supporting worksheets are clearly attached. This review shall be completed within 90 days of the date of the Order. Any discrepancies will be documented and the NRC informed within the following 30 days.

The licensee shall ensure all documentation completed following issuance of the Order is complete, accurate, clear, and legible. For example, survey instrumentation shall clearly indicate model and serial numbers. If forms or documents contain signature blocks, the name of the signee will be printed or typed on the form and will include a date signed.

E. Notification of Completion of Activities

Unless otherwise specified, the licensee will submit written notification to: U.S. NRC Region III, Director, Division of Nuclear Material Safety, 2443 Warrenville Road, Suite 210, Lisle, IL 60532–4352.

Upon completion of each specific action at six months, one year, and

annually thereafter until total completion.

F. Within 30 days of the date of the Order, the licensee shall pay the civil penalty in the amount of $1,000 in accordance with NUREG/BR–0254 and submit to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, a statement indicating when and by what method payment was made.

The Regional Administrator, Region Ill, may, in writing, relax or rescind any of the above conditions upon demonstration by Bradley D. Bastow, D. O., of good cause.

VI

Any person adversely affected by this Confirmatory Order, other than Bradley D. Bastow, D. O., may request a hearing within 20 days of its publication in the **Federal Register**. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request: (1) A digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange (EIE), users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at 866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings,

unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 20 days from the date this Confirmatory Order is published in the **Federal Register** without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

A request for hearing shall not stay the effectiveness of this order.

Dated this 3rd day of September 2013.

For the Nuclear Regulatory Commission.

Cynthia D. Pederson,

Regional Administrator, Region III.

[FR Doc. 2013–22315 Filed 9–12–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0210]

Site Characteristics and Site Parameters for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft section revision; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) seeks public comment on the proposed revisions to five sections in NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.'' The five sections which would be revised are located in Chapter 2, ''Site Characteristics and Site Parameters'' of the Standard Review Plan (SRP), Section 2.5.1, ''Geologic Characterization Information,'' (currently titled as ''Basic Geologic and Seismic Information''); Section 2.5.2, ''Vibratory Ground Motion''; Section 2.5.3, ''Surface Deformation'' (currently titled as ''Surface Faulting''); Section 2.5.4, ''Stability of Subsurface Materials and Foundations''; and Section 2.5.5, ''Stability of Slopes.''

DATES: Submit comments by October 15, 2013. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0210. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3442; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN–06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan DeGange, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6992, email: *mailto:Jonathan.DeGange@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0210 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0210.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The ADAMS Accession numbers for the redline documents comparing the current revisions and the proposed revisions of individual sections are available in ADAMS: Section 2.5.1, Proposed Revision 5 (ADAMS Accession No. ML12300A231), Current Revision 4 (ADAMS Accession No. ML070730464), Redline (ADAMS Accession No. ML12302A009); Section 2.5.2, Proposed Revision 5 (ADAMS Accession No. ML12301A010), Current Revision 4 (ADAMS Accession No. ML070730593), Redline (ADAMS Accession No. ML12302A010); Section 2.5.3, Proposed Revision 5 (ADAMS Accession No. ML12302A003), Current Revision 4 (ADAMS Accession No. ML070730597), Redline (ADAMS Accession No. ML12302A012); Section 2.5.4, Proposed Revision 5 (ML12302A004), Current Revision 4 (ML100610449), Redline (ML12302A011); and Section 2.5.5, Proposed Revision 5 (ADAMS Accession No. ML12302A005), Current Revision 4 (ADAMS Accession No. ML100610529), Redline (ADAMS Accession No. ML12302A013).
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0210 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in you comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit

comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Further Information

The Office of New Reactors and Office of Nuclear Reactor Regulation proposes to revise Sections 2.5.1 through 2.5.5 in Chapter 2 of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.

The proposed changes to the SRP sections reflect the current staff review methods and practices based on lessons learned from NRC reviews of design certification and combined license applications completed since the last revision of this chapter. Changes include: (1) incorporating several guidance documents including Interim Staff Guidance DC/ISG 017, ''Interim Staff Guidance on Ensuring Hazard-Consistent Seismic Input for Site Response and Soil Structure Interaction Analyses,'' NUREG–2115 and NUREG–2117; (2) adding information concerning the Geologic Mapping License Condition; (3) adding specification for backfill Inspections, Tests, Analyses, and Acceptance Criteria for backfill to be placed under safety related structures; (4) adding references to, or clarified the acceptance criteria with respect to Appendix S of Title 10 of the *Code of Federal Regulations* (10 CFR) parts 50 and 52, 10 CFR 100.23(d)(2), 100.23(c), 52.17, C 52.79 and GDC 2; and (5) clarifying and strengthening the review interface between various SRP Sections.

The NRC requests public comments on the proposed revisions to the five SRP sections in Chapter 2. After the NRC considers any public comments, it will make a determination regarding the issuance of the five proposed SRP Sections in final form.

Backfitting and Issue Finality

The five draft SRP sections, if finalized, would provide guidance to the staff with respect to site characteristics and parameters when reviewing future applications for construction permits and operating licenses under 10 CFR part 50, and future applications for early site permits, standard design approvals, standard design certifications, and combined licenses under 10 CFR part 52 with respect to those same subject matters. The NRC staff does not intend to impose the positions in the draft SRP sections, if finalized, on the two existing OL applications, the current applications for design certification rules, the current applications for early site permits, the two current holders of combined licenses, or the current applications for combined licenses.

Issuance of these draft SRP sections, if finalized, would not constitute backfitting as defined in 10 CFR 50.109, or otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The staff's position is based upon the following considerations.

1. *The draft SRP positions, if finalized, do not constitute backfitting, inasmuch as the SRP is internal guidance to NRC staff.*

The SRP provides interim guidance to the staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which applicants or licensees are protected under 10 CFR 50.109 or issue finality provisions in 10 CFR part 52.

2. *Backfitting and issue finality—with certain exceptions discussed below—do not protect current or future applicants.*

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply to every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (e.g., an early site permit) and/or NRC regulatory approval (e.g., a design certification rule) with specified issue finality provisions. The staff does not, at this time, intend to impose the positions represented in the draft SRP section (if finalized) in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the draft SRP section (if finalized) in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. *The staff has no intention to impose the draft SRP positions on existing nuclear power plant licenses or regulatory approvals either now or in the future (absent a voluntary request for change from the licensee, holder of a regulatory approval, or a design certification applicant)*

The staff does not intend to impose or apply the positions described in the draft SRP section to existing (already issued) licenses (*e.g.,* operating licenses and combined licenses) and regulatory approvals—in this case, design certifications. Hence, the draft SRP—even if considered guidance which is within the purview of the issue finality provisions in 10 CFR part 52—need not be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the staff seeks to impose a position in the draft SRP (if finalized) on holders of already issued licenses in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule, or address the criteria for avoiding issue finality as described applicable issue finality provision, as applicable.

The NRC staff is issuing this notice to solicit public comments on the proposed SRP Sections in Chapter 2. After the NRC staff considers any public comments, it will make a determination regarding the proposed SRP Sections in Chapter 2.

Dated at Rockville, Maryland, this 5th day of September 2013.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2013–22321 Filed 9–12–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0212]

Interim Staff Guidance on Environmental Issues Associated With New Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft interim staff guidance; request for comment.

SUMMARY: The U.S Nuclear Regulatory Commission (NRC) staff is issuing for use of, and to solicit public comment on, draft Interim Staff Guidance (ISG) ESP/COL–ISG–026, ''Interim Staff Guidance on Environmental Issues

Associated with New Reactors.'' The purpose of this ISG is to clarify the NRC guidance and application of NUREG 1555, ''Standard Review Plans for Environmental Reviews for Nuclear Power Plants,'' (NRC 2000) regarding the assessment of construction impacts, greenhouse gas and climate change, socioeconomics, environmental justice, need for power, alternatives, cumulative impact, and cultural/historical resources as part of the preparation of Environmental Impact Statements for early site permit (ESP) and combined license (COL) applications.

DATES: Submit comments by October 15, 2013. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0212. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3442; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN–06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan DeGange, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone at 301–415–6992 or email at *Jonathan.DeGange@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0212 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0212.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the section of this document entitled, Availability of Documents.

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

• The agency posts its issued staff guidance in the agency external Web page (*http://www.nrc.gov/reading-rm/doc-collections/isg*).

B. Submitting Comments

Please include Docket ID NRC–2013–0212 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

AVAILABILITY OF DOCUMENTS

ADAMS Accession No.	Document title
ML13045A090	**Federal Register** Notice: Draft Interim Staff Guidance on Environmental Issues Associated with New Reactors.
ML12326A742	Interim Staff Guidance–026, Environmental Issues Associated with New Reactors.
ML12326A811	ISG–026, Attachment 1—Staff Guidance for Greenhouse Gas and Climate Change Impacts.
ML12326A895	ISG–026, Attachment 2—Staff Guidance for Socioeconomics and Environmental Justice.
ML12326A960	ISG–026, Attachment 3—Staff Guidance for Cultural and Historical Resources.
ML12328A065	ISG–026, Attachment 4—Staff Guidance for Cumulative Impacts.
ML12328A073	ISG–026, Attachment 5—Staff Guidance for Need for Power.
ML12328A075	ISG–026, Attachment 6—Staff Guidance for Alternatives.

The NRC staff issues ESP/COL–ISGs to facilitate timely implementation of current staff guidance and to facilitate activities associated with review of applications for ESPs, design certifications, and COLs by the Office of New Reactors. The NRC staff intends to incorporate the final approved ESP/COL–ISG–026 into the next revision of the Environmental Standard Review Plan and related guidance documents.

Backfitting and Issue Finality

The guidance in draft ISG–026 would clarify how the NRC would apply the guidance in the Environmental Standard Review Plan (ESRP) to environmental reviews for applications for COL and ESP applicants. Issuance of this draft ISG, if finalized, would not constitute backfitting as defined in Title 10 of the *Code of Federal Regulations* (10 CFR) 50.109 (the Backfit Rule), or which should be regarded as backfitting under Commission and Executive Director for

Operations guidance, and would not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The staff's position is based upon the following considerations.

1. *The draft ISG positions, if finalized, do not constitute backfitting, inasmuch as the ESRP is internal guidance to NRC staff.*

The ISG provides interim guidance to the staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. *Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.*

Applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (e.g., an early site permit) and/or NRC regulatory approval (e.g., a design certification rule) with specified issue finality provisions. The staff does not, at this time, intend to impose the positions represented in the draft ISG section (if finalized) in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the draft ISG section (if finalized) in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described applicable issue finality provision.

Congressional Review Act

This ISG is a rule as defined in the Congressional Review Act (5 U.S.C 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated at Rockville, Maryland, this 5th day of September 2013.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, Policy Branch, Division of Advanced Reactor and Rulemaking, Office of New Reactors.

[FR Doc. 2013–22323 Filed 9–12–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0211]

Interim Staff Guidance Specific Environmental Guidance for Integral Pressurized Water Reactors Reviews

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft Interim Staff Guidance; request for comment.

SUMMARY: The U.S Nuclear Regulatory Commission (NRC) staff is issuing for use of, and to solicit public comment on, draft Interim Staff Guidance (ISG) ESP/COL–ISG–027, ''Interim Staff Guidance Specific Environmental Guidance for iPWR Reviews.'' The purpose of this ISG is to clarify the NRC guidance and application of NUREG–1555, ''Environmental Standard Review Plan: ''Standard Review Plans for Environmental Reviews for Nuclear Power Plants,'' to environmental reviews for applications for licenses to construct and operate integral pressurized water reactors (iPWR). This guidance applies to environmental reviews associated with iPWR applications for limited work authorizations, construction permits, operating licenses, early site permits (ESPs), and combined licenses (COLs).

DATES: Submit comments by October 15, 2013. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0211. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3442; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN–06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan DeGange, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone at 301–415–6992 or email at *Jonathan.DeGange@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0211 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0211.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. Interim Staff Guidance for iPWR, ISG–027, can be found at ADAMS Accession No. ML12342A228.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- The agency posts its issued staff guidance in the agency external Web page *http://www.nrc.gov/reading-rm/doc-collections/isg.*

B. Submitting Comments

Please include Docket ID NRC–2013–0211 in the subject line of your comment submission, in order to ensure that the NRC is able to make your

comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in you comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

The NRC staff issues ESP/COL–ISGs to facilitate timely implementation of current staff guidance and to facilitate activities associated with review of applications for ESPs, design certifications, and COLs by the Office of New Reactors. The NRC staff intends to incorporate the final approved ESP/COL–ISG–027 into the next revision of the Environmental Standard Review Plan and related guidance documents.

Backfitting and Issue Finality

The guidance in draft ISG–027 would clarify how the NRC would apply the guidance in the Environmental Standard Review Plan (ESRP) to environmental reviews for applications for COL and ESP applicants that reference iPWR designs. Issuance of this draft ISG, if finalized, would not constitute backfitting as defined in Title 10 of the *Code of Federal Regulations* (10 CFR) 50.109 (the Backfit Rule), or which should be regarded as backfitting under Commission and Executive Director for Operations guidance, and would not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The staff's position is based upon the following considerations.

1. The draft ISG positions, if finalized, do not constitute backfitting, inasmuch as the ESRP is internal guidance to NRC staff.

The ISG provides interim guidance to the staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.

Applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (e.g., an early site permit) and/or NRC regulatory approval (e.g., a design certification rule) with specified issue finality provisions. The staff does not, at this time, intend to impose the positions represented in the draft ISG section (if finalized) in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the draft ISG section (if finalized) in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described applicable issue finality provision.

Congressional Review Act

This ISG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated at Rockville, Maryland, this 5th day of September 2013.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, Policy Branch, Division of Advanced Reactor and Rulemaking, Office of New Reactors.

[FR Doc. 2013–22322 Filed 9–12–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–09415; NRC–2013–0006]

License Amendment for Aptuit, LLC, Kansas City, Missouri

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; availability.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to amend NRC Byproduct Materials License No. 24–15595–01 issued to Aptuit, LLC (the licensee).

ADDRESSES: Please refer to Docket ID NRC–2013–0006 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0006. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in Section IV of this document entitled, Availability of Documents.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Michael LaFranzo, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois, 60532. Telephone: 630–829–9865; fax number: 630–515–1259; email: *Michael.LaFranzo@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The issuance of the amendment would approve the licensee's

decommissioning plan (DP) (ADAMS Accession No. ML13053A398), which describes the decommissioning activities that will be performed at the licensee's facility located at 10245 Hickman Mills Drive, Kansas City, Missouri to make it suitable for unrestricted use in accordance with the NRC requirements. The NRC has prepared an Environmental Assessment (EA) in support of this amendment in accordance with the requirements in Part 51 of Title 10 of the *Code of Federal Regulations* (10 CFR part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. Environmental Assessment

The NRC approved the licensee's Kansas City, Missouri facility as a location of use for radioactive byproduct materials on May 23, 1973. The NRC issued License No. 24–15595–01 to Marion Laboratories, Inc., which initially authorized the use of sealed sources and later expanded authorized activities to include research and development. Since the original license was issued, the named license holder for the Kansas City facility has been changed five times to the following: (1) Marion Merrell Dow, Inc. via Amendment No. 13, (2) Hoechst Marion Roussel via Amendment No. 19, (3) Quintiles, Inc. via Amendment No. 21, (4) Aptuit, Inc. via Amendment No. 24, and (5) Aptuit, LLC via Amendment No. 33. The primary radioactive materials that have been historically used in the Kansas City facility are hydrogen-3 and carbon-14. In 2008, Amendment No. 27 to the license was issued which substantially increased the license limits for hydrogen-3 and carbon-14 and authorized the synthesis of radiolabeled organic compounds in addition to research and development. The licensee is currently operating under Radioactive Materials License Amendment No. 34, with an expiration date of September 30, 2014.

The Aptuit facility occupies 7 of 13 primary buildings in an industrial complex adjacent to, and just east of, Interstate 435 in Kansas City, Missouri, Jackson County. The site is situated in a campus-type setting which includes offices, warehouse space, manufacturing space, and laboratory space and is located on approximately 45.5 acres of land. The Aptuit buildings total approximately 417,000 square feet (ft^2) or 38,740 square meters (m^2). The areas surrounding the Aptuit facility are also primarily industrial. There is commercial development to the North, South, and West of the facility and there is a residential area to the East. The nearest residence is approximately 0.25 miles to the east of the Aptuit facility. Land use is not expected to change. The licensee did discharge licensed material out of an exhaust stack in compliance with NRC regulations.

The Proposed Action

The NRC received, by letter dated August 30, 2012 (ADAMS Accession No. ML12248A095), a proposed DP and license amendment request from Aptuit, LLC requesting approval of the DP for its facility located in Kansas City, Missouri. The DP was submitted to the NRC for approval to authorize decommissioning activities in accordance with the requirements of 10 CFR 30.36(g). An NRC administrative review, documented in a letter to the licensee dated November 8, 2012 (ADAMS Accession No. ML12314A055), found the DP acceptable to begin a technical review. Subsequently, the NRC issued a **Federal Register** notice (FRN) on January 16, 2013 (78 FR 3470), that announced Aptuit, LLC's license amendment request, solicited public and other stakeholder comments, and provided an opportunity to request a hearing and to petition for leave to intervene. No comments were received and no hearing requests or petitions for leave to intervene were submitted.

On February 7, 2013, and April 28, 2013, the NRC staff requested additional information (ADAMS Accession Nos. ML13038A630 and ML13109A304, respectively) to complete the technical review of the DP. On February 20, 2013, the licensee provided responses to the February 7, 2013, request (ADAMS Accession Nos. ML13052A443 and ML13053A402) and a revised DP (ADAMS Accession No. ML13053A398). On May 16, 2013, the licensee provided responses to the April 28, 2013, request (ADAMS Accession No. ML13137A522). The licensee also submitted a written response, dated July 19, 2013 (ADAMS Accession No. ML13204A418 providing additional information), in response to a telephonic conversation with the NRC held on July 18, 2013. The NRC developed a Safety Evaluation Report dated August 27, 2013 (ADAMS Accession No. ML13247A779). The licensee proposes to decommission the Kansas City, Missouri facility to permit the release of the site for unrestricted use, as governed by the License Termination Rule, subpart E, 10 CFR part 20, ''Radiological Criteria for License Termination.''

The licensee's DP proposes the clean-up of the Aptuit facility by implementing decontamination techniques to remove contamination and/or by removing impacted structures, systems, and equipment. The removed structures, systems, and equipment would then be disposed of in accordance with regulatory requirements. The DP characterized environmental media at the Aptuit facility (soil, surface water, and groundwater) as not impacted by site operations, and therefore, not a part of the clean-up activities proposed by the DP. The DP proposes the decommissioning work to be performed by a decontamination and decommissioning (D&D) contractor under the oversight and responsibility of the licensee. The licensee expects the decommissioning work to take approximately 8 months, after the proposed approval of the DP by the NRC.

The licensee's objective for the decommissioning project, as described in the DP, is to clean the site sufficiently to meet the NRC unrestricted use criteria in support of license termination. The NRC unrestricted use criteria requires, as described in 10 CFR 20.1402, ''Radiological Criteria for Unrestricted Use,'' that residual radioactivity that is distinguishable from background radiation result in a Total Effective Dose Equivalent to an average member of the critical group not to exceed 25 millirem per year (mrem/yr). In addition, the residual radioactivity is required to be reduced to levels that are as low as is reasonably achievable (ALARA). The licensee identified carbon–14 and hydrogen–3 as the only contaminants of concern at the Aptuit facility where decommissioning activities will be performed under the proposed DP. Upon completion of the decommissioning activities, areas being released under the scope of the DP will be surveyed in accordance with the guidance contained in NUREG–1575, ''Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM),'' (ADAMS Accession No. ML082470583).

To meet the NRC unrestricted use criteria, the DP established Derived Concentration Guideline Levels (DCGLs) that are based on the screening values developed by the NRC (65 FR 37186; June 13, 2000) which can be found in NUREG–1757, Volume 2, appendix H, ''Consolidated Decommissioning Guidance: Characterization, Survey, and Determination of Radiological Criteria—Criteria for Conducting Screening Dose Modeling Evaluations'' (ADAMS Accession No. ML053260027). The NRC screening values for carbon-14 and hydrogen-3 are 3.7E+6 and 1.2E+8 disintegrations per minute per 100 centimeters squared (dpm/100 cm^2),

respectively. The NRC screening values are for single radionuclides, and a ''sum of fractions'' rule should be used for radionuclides in mixtures. The DP therefore proposes to use the most conservative screening value for the contaminants of concern, 3.7E+6 dpm/100 cm^2 (screening value for carbon–14), as the basis for DCGL determination due to the difficulty in detecting hydrogen-3 when performing surveys. To meet the ALARA requirement of the NRC unrestricted use criteria, the DP proposes to use ten percent of the selected screening value as the DCGL for total activity, which is 3.7E+5 dpm/100 cm^2.

The Need for the Proposed Action

The purpose of the proposed action is to reduce residual radioactivity at the Aptuit Kansas City, Missouri facility to a level that permits release of the property for unrestricted use and termination of the license. The NRC is fulfilling its responsibility under the Atomic Energy Act of 1954, as amended, to make a decision on a proposed action for decommissioning that ensures protection of the public health and safety and the environment. The application for license amendment and NRC approval is necessary for the licensee to proceed with the decommissioning activities as required by the timeliness requirements of 10 CFR 30.36(g). A change to the current license is necessary since decommissioning procedures required for the planned decommissioning activities are not authorized in the current license. The final step in the decommissioning process is license termination.

Environmental Impacts of the Proposed Action

The NRC staff has reviewed the DP for the Aptuit, LLC Kansas City, Missouri facility and examined the impacts of decommissioning. Based on its review, the staff has determined that the affected environment and the environmental impacts associated with this decommissioning action are bounded by the impacts evaluated by NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities'' (ADAMS Accession Nos. ML042310492, ML042320379, and ML042330385). The staff also finds the proposed decommissioning of the Aptuit, LLC Kansas City, Missouri site is in compliance with 10 CFR 20.1402, the radiological criteria for unrestricted use.

Since ceasing operations, the Aptuit, LLC site has been stabilized to prevent contamination from spreading beyond its current locations. Access to the contaminated areas is controlled to assure the health and safety of workers and the public. No ongoing licensed activities, other than limited decommissioning activities, are occurring in the facilities.

Contamination controls will be implemented during decommissioning to prevent airborne and surface contamination from escaping the remediation work areas, and therefore no release of airborne contamination is anticipated. However, the potential will exist for generating airborne radioactive material during decontamination, removal and handling of contaminated materials. If produced, any effluent from the proposed decommissioning activities will be limited in accordance with NRC requirements in 10 CFR part 20 or contained onsite or treated to reduce contamination to acceptable levels before release, and shall be maintained ALARA. Radioactive waste (e.g., HEPA filters, metals, bench tops, etc.) will be containerized onsite pending shipment to a licensed radioactive waste treatment or disposal facility. No liquid effluents are expected to be generated during decommissioning.

Aptuit, LLC and subcontractors will perform the remediation under the Aptuit, LLC license. Therefore, Aptuit, LLC will oversee the activities and will maintain primary responsibility for the decommissioning activities at the site. The Aptuit, LLC facility has adequate radiation protection procedures and capabilities, and will implement an acceptable program to keep exposure to radioactive materials ALARA. As noted above, Aptuit, LLC, has prepared a DP describing the work to be performed, and work activities are not anticipated to result in a dose to workers or the public in excess of the 10 CFR part 20 limits. Past experiences with decommissioning activities at sites similar to the Aptuit, LLC facility indicate that public worker exposure will be far below the limits found in 10 CFR part 20, ''Standards for Protection Against Radiation.''

Environmental Impacts of the Alternatives to the Proposed Action

The only alternative to the proposed action of allowing decommissioning of the site is no action. The no-action alternative would leave the site in its existing condition, which would keep licensed, radioactive material above the NRC's unrestricted release criteria of 25 mrem onsite. This alternative would increase the radiological risk to the local community and the environment. The no-action alternative is not acceptable because it will result in violation of NRC's Timeliness Rule (10 CFR 30.36), which requires licensees to remove licensed materials onsite during decommissioning of their facilities when licensed activities cease, and to request termination of their radioactive materials license.

Agencies and Person Consulted

The NRC staff has determined that the proposed action will not affect listed species or critical habitats. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. Likewise, the NRC staff has determined that the proposed action is not the type of activity that has potential to cause effects on historic properties. Therefore, consultation under Section 106 of the National Historic Preservation Act is not required.

The NRC staff consulted with the Missouri Department of Health and Senior Services on March 8, 2013, regarding this Environmental Assessment (EA) for the license amendment to authorize decommissioning activities. The State Department of Health and Senior Services is the State's Radiation Protection Agency, and has been informed of NRC's intention to approve the completion of decommissioning at the Aptuit, LLC site. The State informed the NRC on March 19, 2013, that they had no comments on the EA.

Conclusion

The NRC staff has concluded that the proposed action complies with 10 CFR part 20, ''Standards for Protection Against Radiation.'' Decommissioning of the Aptuit, LLC site to the DCGLs proposed for this action will result in reduced residual contamination levels at the site, enabling release of the site for unrestricted use and will allow the termination of the radioactive materials license. No radiologically contaminated effluents are expected during the decommissioning. Occupational doses to decommissioning workers are expected to be low and well within the limits of 10 CFR part 20. No radiation exposure to any member of the public is expected, and public exposure will therefore also be less than the applicable public exposure limits of 10 CFR part 20.

Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

III. Finding of No Significant Impact

The NRC has prepared this EA in support of the proposed license amendment to incorporate appropriate and acceptable DCGLs and to use the proposed DCGLs for the planned decommissioning by the licensee at the Aptuit, LLC facility. The NRC staff has found that the radiological and non-radiological environmental impacts from the proposed amendment are bounded by the impacts evaluated in NUREG–1496. On the basis of the EA, the NRC has concluded that the environmental impacts from the proposed action are expected to be insignificant and has determined not to prepare an environmental impact statement for the proposed action.

IV. Availability of Documents

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access ADAMS, which provides text and image files of NRC's public documents. To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* The ADAMS accession numbers for the documents related to this notice are:

Reference	Title of document	ML No.
1	NUREG–1496, Vol. 1, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities, Main Report''.	ML042310492
2	NUREG–1496, Vol. 2, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities, Appendices A and B, Final Report''.	ML042320379
3	NUREG–1496, Vol. 3, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities, Appendices C–H''.	ML042330385
4	NUREG–1757, Vol. 1, Rev. 2, ''Consolidated Decommissioning Guidance: Decommissioning Process for Material Licensees''.	ML063000243
5	NUREG–1757, Vol. 2, ''Consolidated Decommissioning Guidance: Characterization, Survey, and Determination of Radiological Criteria''.	ML053260027
6	NUREG–1757, Vol. 3, ''Consolidated Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness''.	ML032471471
7	NUREG–1575, Rev. 1, ''Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM)''	ML082470583
8	Aptuit Scientific Operations, LLC, Decommissioning Plan (MC 579062)	ML12248A095
9	LTR-Aptuit, LLC Acceptance of Decommissioning Plan for Technical Review (Mail Control No. (MC) 579062)	ML12314A055
10	Letter to Aptuit re: Request for Additional Information to Support Decommissioning Plan Approval (MC 579062)	ML13038A630
11	Letter from Aptuit, LLC RAI Response Package dated February 20, 2013 (MC 579062)	ML13052A443
12	Letter from Aptuit, LLC in response to NRC RAI Package dated February 20, 2013 (MC 579062)	ML13053A402
13	Decommissioning Plan Aptuit Scientific Operations, Revision 1 dated February 2013 (MC 579062)	ML13053A398
14	Letter to Aptuit, LLC RAI Package dated April 28, 2013 (MC 579062)	ML13109A304
15	Letter from Aptuit, LLC in response to NRC RAI Package dated May 16, 2013 (MC 579062)	ML13137A522
16	Letter from Aptuit, LLC RAI Response Package dated July 19, 2013 (MC 579062)	ML13204A418
17	Safety Evaluation Report	ML13247A779

Dated at Lisle, Illinois this 5th day of September, 2013.

For the Nuclear Regulatory Commission.

Robert J. Orlikowski,

Chief, Materials Control, ISFSI and Decommissioning Branch, Division of Nuclear Materials and Safety, Region III.

[FR Doc. 2013–22316 Filed 9–12–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee On Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Materials, Metallurgy & Reactor Fuels; Notice of Meeting

The ACRS Subcommittee on Materials, Metallurgy & Reactor Fuels will hold a meeting on September 19, 2013, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The agenda for the subject meeting shall be as follows:

Thursday, September 19, 2013—1:00 p.m. until 5:00 p.m.

The Subcommittee will review and discuss Japan Lessons Learned Tier 3 Issue: Transfer of Spent Fuel to Dry Cask Storage. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christopher Brown (Telephone 301–415–7111 or Email: *Christopher.Brown@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 18, 2012, (77 FR 64146–64147).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: September 9, 2013.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2013–22324 Filed 9–12–13; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Federal Employees' Group Life Insurance (FEGLI)

AGENCY: Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Office of Planning and Policy Analysis, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a new information collection (ICR) 3206–NEW, FEGLI Implementation Questionnaire for Tribal Employers. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on May 13, 2013 (78 FR 28007) allowing for a 60-day public comment period. No comments were received during the 60 day comment period. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of OPM, including whether the information will have practical utility;

2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until October 15, 2013. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: As part of the Affordable Care Act, section 409 of the Indian Health Care Improvement Act (IHCIA) authorizes Tribes and Tribal organizations carrying out programs under the Indian Self Determination and Educational Assistance Act or urban Indian organizations carrying out programs under Title V of IHCIA to purchase coverage, rights, and benefits under Federal Employees Health Benefits (FEHB) and FEGLI for their employees. At this time, OPM wishes to issue the FEGLI implementation questionnaire in order to effectively facilitate FEGLI coverage for Tribes and urban Indian organizations.

Analysis

Agency: Planning and Policy Analysis, Office of Personnel Management

Title: FEGLI Implementation Questionnaire for Tribal Employers

OMB Number: _____

Affected Public: Tribes and urban Indian Organizations

Number of Respondents: 700

Estimated Time per Respondent: 5 minutes

Total Burden Hours: Approximately 58

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

[FR Doc. 2013–22241 Filed 9–12–13; 8:45 am]

BILLING CODE 6325–63–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

Summary: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding three Information Collection Requests (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (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 the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

1. Title and purpose of information collection: Employer Service and Compensation Reports; OMB 3220–0070.

Section 2(c) of the Railroad Unemployment Insurance Act (RUIA) specifies the maximum normal unemployment and sickness benefits that may be paid in a benefit year. Section 2(c) further provides for extended benefits for certain employees and for beginning a benefit year early for other employees. The conditions for these actions are prescribed in 20 CFR part 302.

All information about creditable railroad service and compensation needed by the RRB to administer Section 2(c) is not always available from annual reports filed by railroad employers with the RRB (OMB 3220–0008). When this occurs, the RRB must obtain supplemental information about service and compensation.

The RRB utilizes Form UI–41, *Supplemental Report of Service and Compensation,* and Form UI–41a, *Supplemental Report of Compensation,* to obtain the additional information about service and compensation from railroad employers. Completion of the forms is mandatory. One response is required of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (78 FR 33133 on June 3, 2013) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Employer Service and Compensation Reports

OMB Control Number: 3220–0070

Forms submitted: UI–41 and UI–41a

Type of request: Extension without change of a currently approved collection

Affected public: Private Sector; Businesses or other for profits

Abstract: The reports obtain the employee's service and compensation for a period subsequent to those already on file and the employee's base year compensation. The information is used to determine the entitlement to and the amount of benefits payable.

Changes proposed: The RRB proposes no revisions to the forms in the collection.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
UI–41	350	8	47
UI–41a	100	8	13
Total	450		60

2. Title and purpose of information collection: Supplement to Claim of Person Outside the United States; OMB 3220–0155.

Under the Social Security Amendments of 1983 (Pub. L. 98–21), which amends Section 202(t) of the Social Security Act, effective January 1, 1985, the Tier I or the overall minimum (O/M) portion of an annuity, and Medicare benefits payable under the Railroad Retirement Act to certain beneficiaries living outside the U.S., may be withheld. The benefit withholding provision of Public Law 98–21 applies to divorced spouses, spouses, minor or disabled children, students, and survivors of railroad employees who (1) initially became eligible for Tier I amounts, O/M shares, and Medicare benefits after December 31, 1984; (2) are not U.S. citizens or U.S. nationals; and (3) have resided outside the U.S. for more than six consecutive months starting with the annuity beginning date. The benefit withholding provision does not apply, however to a beneficiary who is exempt under either a treaty obligation of the U.S., in effect on August 1, 1956, or a totalization agreement between the U.S. and the country in which the beneficiary resides, or to an individual who is exempt under other criteria specified in Public Law 98–21.

RRB Form G–45, Supplement to Claim of Person Outside the United States, is currently used by the RRB to determine applicability of the withholding provision of Public Law 98–21. Completion of the form is required to obtain or retain a benefit. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (78 FR 33134 on June 3, 2013) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Supplement to Claim of Person Outside the United States.

OMB Control Number: 3220–0155.

Form(s) submitted: G–45.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Public Law 98–21, the Tier I or the overall minimum portion of an annuity and Medicare benefits payable under the Railroad Retirement Act to certain beneficiaries living outside the United States may be withheld. The collection obtains the information needed by the Railroad Retirement Board to implement the benefit withholding provisions of Public Law 98–21.

Changes proposed: The RRB proposes no changes to Form G–45.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–45	100	10	17

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV*.

Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 or *Charles.Mierzwa@RRB.GOV* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2013–22246 Filed 9–12–13; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Schedule 14N; OMB Control No. 3235–0655, SEC File No. 270–598.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Schedule 14N (17 CFR 240.14n-101) will require the filing of certain information with the Commission by shareholders who submit a nominee or nominees for director pursuant to applicable state law, or a company's governing documents. Schedule 14N provides notice to the company of the shareholder's intent to have the company include the shareholder's or shareholder groups' nominee or nominees for director in the company's proxy materials. This information is intended to assist shareholders in making an informed voting decision with regards to any nominee or nominees put forth by a nominating shareholder or group, by allowing shareholders to gauge the nominating shareholder's interest in the company, longevity of ownership, and intent with regard to continued ownership in the company. We estimate that Schedule 14N takes approximately 64.77 hours per response and will be filed by approximately 162 issuers annually. In addition, we estimate that 75% of the 64.77 hours per response (48.58 hours) is prepared by the issuer for an annual reporting burden of 7,870 hours (48.58 hours per response × 162 responses).

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

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 control number.

Please direct your written comments to Thomas Bayer, Director/Chief Information Officer, and Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send and an email to: *PRA_Mailbox@sec.gov.*

Dated: September 9, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–22258 Filed 9–12–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, 100 F Street NE., Washington, DC 20549–0213.

Extension:

Regulation S–AM; SEC File No. 270–548, OMB Control No. 3235–0609.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Regulation S–AM (17 CFR Part 248, Subpart B), under the Fair Credit Reporting Act (15 U.S.C. 1681 *et seq.*) (''FCRA''), the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*), and the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Regulation S–AM implements the requirements of Section 624 of the FCRA (15 U.S.C. 1681s–3) as applied to brokers, dealers, and investment companies, as well as investment advisers and transfer agents that are registered with the Commission (collectively, ''Covered Persons''). Under Section 624 and the regulation, before a receiving affiliate may make marketing solicitations based on the communication of certain consumer financial information from a Covered Person, the Covered Person must provide a notice to each affected individual informing the individual of his or her right to prohibit such marketing. The regulation potentially applies to all of the approximately 19,856 Covered Persons registered with the Commission, although only approximately 11,119 of them have one or more corporate affiliates, and the regulation requires only approximately 1,986 to provide consumers with an affiliate marketing notice and an opt-out opportunity.

The Commission staff estimates that there are approximately 11,119 Covered Persons having one or more affiliates, and that they each spend an average of 0.20 hours per year to review affiliate marketing practices, for, collectively, an estimated annual time burden of 2,224 hours at an annual internal staff cost of approximately $980,784. The staff also estimates that approximately 1,986 Covered Persons provide notice and opt-out opportunities to consumers, and that they each spend an average of 7.6 hours per year creating notices, providing notices and opt-out opportunities, monitoring the opt-out notice process, making and updating records of opt-out elections, and addressing consumer questions and concerns about opt-out notices, for, collectively, an estimated annual time burden of 15,094 hours at an annual internal staff cost of approximately $2,705,054. Thus, the staff estimates that the collection of information requires a total of approximately 11,119 respondents to incur an estimated annual burden of a total of 17,318 hours at a total annual internal cost of compliance of approximately $3,339,438.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: 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.*

Dated: September 9, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–22257 Filed 9–12–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70348; File No. SR–BATS–2013–048)

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

September 9, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 28, 2013, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend the fee schedule applicable to Members [5] and non-members of the Exchange pursuant to BATS Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to adopt fees for new physical connections that the Exchange is making available to Members and non-Members.

The Exchange currently maintains a presence in two third-party data centers: (i) The primary data center where the Exchange's business is primarily conducted on a daily basis, and (ii) a secondary data center, which is predominantly maintained for business continuity purposes. The Exchange currently assesses fees to Members and non-Members of $1,000 for any 1G physical port connection at either data center and of $2,500 for any 10G physical port connection at either data center. The Exchange is not proposing to modify its port fees for 1G or 10G physical ports at either of its data centers.

The Exchange recently received approval to provide market participants with the ability to access the Exchange's network through another data center entry point, or Point of Presence (''PoP''), at a data center other than the Exchange's primary or secondary data center.[6] By offering an optional means of access to the Exchange via PoPs at other data centers, the Exchange is providing market participants with another means of accessing the Exchange. In particular, participants that do not maintain a presence in either of the Exchange's data centers must establish connectivity to such data centers. By making PoP entry points available, the Exchange is adding additional entry points to the Exchange's network and reducing the need for such connectivity for participants located in the same data center as such PoPs.

A PoP connection could be used by any Member, non-member service bureau that acts as a conduit for orders entered by Exchange Members, Sponsored Participant, or market data recipient. This new access option is in response to industry demand. Clients opting not to access the Exchange at a PoP point of entry will still be able to access the Exchange directly in the existing data centers in the same way as they do currently.

In connection with offering PoP connectivity in other data centers, the Exchange proposes to charge physical port fees as follows. The Exchange proposes to charge $2,000 for any 1G physical port to connect to the Exchange in any data center where the Exchange maintains a PoP other than the Exchange's primary or secondary data center. The proposed fee for PoP connectivity is higher than the fee for connectivity in the Exchange's primary and secondary data centers due to the increased infrastructure costs of maintaining the PoP, including the necessary connectivity maintained by the Exchange from such PoP to the Exchange's data centers. Due to the further infrastructure costs associated with providing the additional bandwidth for 10G physical ports, the Exchange proposes to charge $5,000 per month for each single physical 10G port provided by the Exchange to any Member or non-member in any data center where the Exchange maintains a PoP other than the Exchange's primary or secondary data center.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[7] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[8] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls.

The Exchange operates in a highly competitive market in which exchanges offer connectivity services as a means to facilitate the trading activities of members and other participants. Accordingly, fees charged for connectivity are constrained by the active competition for the order flow of such participants as well as demand for market data from the Exchange. If a particular exchange charges excessive fees for connectivity, affected members will opt to terminate their connectivity arrangements with that exchange, and adopt a possible range of alternative

[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] A Member is any registered broker or dealer that has been admitted to membership in the Exchange.

[6] Securities Exchange Act Release No. 70199 (August 14, 2013), 78 FR 51250 (August 20, 2013) (SR–BATS–2013–036) (Order Approving a Proposed Rule Change to Introduce a Connectivity Option Through Points of Presence).

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4).

strategies, including routing to the applicable exchange through another participant or market center or taking that exchange's data indirectly. Accordingly, the exchange charging excessive fees would stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it by affected members, and, to the extent applicable, market data revenues. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity. The Exchange believes that the proposal to offer PoP connectivity clearly evidences such competition. Specifically, the Exchange is offering a new connectivity option to keep pace with changes in the industry and evolving customer needs. PoP connectivity will be available to all Exchange constituents to whom such connectivity will be useful and cost-effective. The offering is entirely optional, and is geared towards attracting new customers, as well as retaining existing customers.

Moreover, the Exchange believes the proposed fees for PoP connectivity to the Exchange are reasonable because they are based on the Exchange's costs to cover hardware, installation, testing and connection, as well [sic] expenses involved in maintaining and managing the PoP infrastructure. The proposed fees allow the Exchange to recoup these costs and may someday allow the Exchange to make a profit, while providing customers the ability to access the Exchange via a potentially more cost-effective mechanism than if they obtain third-party connectivity to the Exchange's primary and/or secondary data centers. The Exchange believes the proposed fees for PoP connectivity are equitably allocated and non-discriminatory in that all Exchange constituents that voluntarily select this service option will be charged the same amount for the same services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, this proposal will promote competition through the offering of an optional, additional mechanism to connect to the Exchange. As discussed above, the Exchange believes that fees for connectivity are constrained by the robust competition for order flow among exchanges and non-exchange markets. Further, excessive fees for connectivity, including port fee access, would serve to impair an exchange's ability to compete for order flow rather than burdening competition.

The proposed rule change will likewise enhance competition among service providers offering connections between market participants and the data centers. The offering will expand the multiple means of connectivity available, allowing customers to compare the benefits and costs connectivity with reference to numerous variables. The Exchange, and presumably its competitors, selects service providers on a competitive basis in order to pass along price advantages to their customers, and to win and maintain their business. The offering is consistent with the Exchange's own economic incentives to facilitate as many market participants as possible in connecting to its market.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and paragraph (f) of Rule 19b–4 thereunder.[10] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2013–048 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–BATS–2013–048. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2013–048 and should be submitted on or before October 4, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–22306 Filed 9–12–13; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70346; File No. SR–MIAX–2013–41]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Fee Schedule

September 9, 2013.

Pursuant to the provisions of 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 28, 2013, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend its Fee Schedule.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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 establish a $0.05 transaction fee for executions in standard option contracts and $0.005 transaction fee for Mini Option contracts for Market Makers[3] registered on the Exchange.

The transaction fees for Market Makers are: (i) RMMs $0.23 per contract for standard options or $0.023 for Mini Options; (ii) LMMs $0.20 per contract for standard options or $0.020 for Mini Options; (iii) DLMMs and PLMMs $0.18 per contract for standard options or $0.018 for Mini Options; and (iv) DPLMMs $0.16 per contract for standard options or $0.016 for Mini Options.[4] These transaction fees are currently subject to a fee waiver until August 31, 2013.[5]

The Exchange proposes to implement the new transaction fees beginning September 3, 2013, after the current fee waiver expires. The proposed transaction fees are designed both to enhance the Exchange's competitiveness with other option exchanges and to strengthen its market quality. The Exchange believes that the new fees will increase both intermarket and intramarket competition by incenting market participants and market makers on other exchanges to register as Market Makers on the Exchange. In addition, the Exchange believes that the reduced transaction fees for Market Makers registered on the Exchange promote tighter bid-ask spreads by Market Makers, and increase the volume of transactions in order to allow the Exchange to compete more effectively with other options exchanges for such transactions.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act[6] in general, and furthers the objectives of Section 6(b)(4) of the Act[7] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The Exchange believes that the proposal is fair, equitable and not unreasonably discriminatory. The proposal is reasonable because it results in a decrease in Market Maker transactions fees for all Market Makers on the Exchange in order to enable the Exchange to improve its overall competitiveness and strengthen its market quality for all market participants. The proposed fees are fair and equitable and not unreasonably discriminatory because they will apply equally to all Market Makers regardless of type. All Market Makers will be subject to the same transaction fee, and access to the Exchange is offered on terms that are not unfairly discriminatory. The registration as an Exchange Market Maker is equally available to all market participants and Electronic Exchange Members (''EEMs'') that satisfy the requirements of Rule 600. Any market participant may choose to satisfy the additional requirements and obligations of being a Market Maker in order to qualify for the transaction fee.

The decrease in transaction fees for Market Makers, and no other market participants, is equitable and not unfairly discriminatory because Market Markers on the Exchange have enhanced quoting obligations measured in both quantity (% time) and quality (minimum bid-ask differentials) that other market participants do not have.[8] The proposal is reasonably designed to enhance the quality of quoting and volume transactions by limiting the proposal to those market participants that have these enhanced obligations to deliver quality markets. Decreasing transaction fees should incent market participants and market makers on other exchanges to register as Market Makers on the Exchange, which will enhance the quality of quoting and increase the volume of contracts traded in options listed on MIAX. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the increase in Market Maker activity on the Exchange will benefit all market participants and improve competition on the Exchange.

The Exchange believes that an increase in the number of Market Makers, and an increase in the execution volume from Market Makers, will result in increased revenue from other fees and dues that may apply to Market Makers that may potentially offset a portion of the lower transaction

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Market Makers may be registered as a Lead Market Maker or as a Registered Market Maker. *See* Exchange Rule 600(b). Market Makers registered on the Exchange for purposes of the transaction fee and Section 1(a)(i) of the Fee Schedule include: (i) Registered Market Maker (''RMM''); (ii) Lead Market Maker (''LMM''); (iii) Directed Order Lead Market Maker (''DLMM''); (iv) Primary Lead Market Maker (''PLMM''); and Directed Order Primary Lead Market Maker (''DPLMM''). *See* MIAX Options Fee Schedule, Section 1(a)(i)—Market Maker Transaction Fees.

[4] *See* MIAX Options Fee Schedule, Section 1(a)(i)—Market Maker Transaction Fees.

[5] *See* Securities Exchange Act Release Nos. 70069 (July 30, 2013), 78 FR 47457 (August 5, 2013) (SR–MIAX–2013–36); 69710 (June 6, 2013), 78 FR 35349 (June 12, 2013) (SR–MIAX–2013–26).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] *See* MIAX Rules 603, 604, 605.

fees.[9] While the Exchange believes that an increase in the number of Market Makers, and an increase in the execution volume from Market Makers, may potentially result in increased trading activity of other market participants, the Exchange does not believe that the proposed fee will result in other market participants subsidizing the activity of Market Makers since the Exchange is not proposing any changes to increase the existing fees of other market participants in order to compensate for the proposed fee.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposal increases both intermarket and intramarket competition by incenting market participants and market makers on other exchanges to register as Market Makers on the Exchange, which will enhance the quality of quoting and increase the volume of contracts traded on MIAX. To the extent that there is an additional competitive burden on non-Market Makers, the Exchange believes that this is appropriate because Market Markers registered on the Exchange have enhanced quoting obligations measured in both quantity (% time) and quality (minimum bid-ask differentials) that other market participants do not have. Decreasing transaction fees should incent market participants and market makers on other exchanges to register as Market Makers on the Exchange, which will enhance the quality of quoting and increase the volume of contracts traded here. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in Market Maker activity on the Exchange will benefit all market participants and improve competition on the Exchange. 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 adjust its fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposal reflects this competitive environment because it reduces the Exchange's fees in a manner that encourages market participants to register as Market Makers, to provide liquidity, and to attract order flow to the Exchange. Given the robust competition for volume among options markets, many of which offer the same products, proposals to implement lower transaction fees to attract Market Maker volume like this filing is consistent with the above-mentioned goals of the Act. This is especially true for the smaller options markets, such as MIAX, which is competing for volume with much larger exchanges that dominate the options trading industry. As a new exchange, MIAX has a nominal percentage of the average daily trading volume in options, so it is unlikely that lowering transaction fees could cause any competitive harm to the options market or to market participants. Rather, the proposal is a modest attempt by a small options market to attract order volume away from larger competitors by adopting an innovative pricing strategy. The Exchange notes that if the proposal results in a modest percentage increase in the average daily trading volume in options executing on MIAX, while such percentage would represent a large volume increase for MIAX, it would represent a minimal reduction in volume of its larger competitors in the industry. The Exchange believes that the proposal will help further competition, because market participants will have yet another additional alternative in determining where to execute orders and post liquidity if they factor the benefits of Market Maker transaction fees into the determination.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[10] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2013–41 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–MIAX–2013–41. 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–MIAX–2013–41, and should be submitted on or before October 4, 2013.

[9] The Exchange notes that the proposal has no effect on other fees and dues that may apply to Market Makers including marketing fees, Options Regulatory Fees, market data, and membership application fees.

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–22305 Filed 9–12–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70347; File No. SR–NYSEArca–2013–85]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Changes to the Means of Achieving the Investment Objective Applicable to the AdvisorShares QAM Equity Hedge ETF

September 9, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on August 27, 2013, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reflect changes to the means of achieving the investment objective applicable to the AdvisorShares QAM Equity Hedge ETF (''Fund''). The Fund 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 on the Exchange of shares (''Shares'') of the AdvisorShares QAM Equity Hedge ETF, a series of AdvisorShares Trust (''Trust''),[4] under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares. The Fund is currently listed and traded on the Exchange under NYSE Arca Equities Rule 8.600.

The Shares are offered by 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.[5] The investment advisor to the Fund is AdvisorShares Investments, LLC (''Adviser''). Commerce Asset Management is the sub-advisor (''Sub-Adviser'') to the Fund and provides day-to-day portfolio management of the Fund.

In this proposed rule change, the Exchange proposes to reflect changes to the description of the measures the Sub-Adviser will utilize to implement the Fund's investment objective.[6]

As stated in the Prior Release, in managing the Fund's portfolio, among other proprietary analytics, the Sub-Adviser utilizes Markov Processes International, LLC's (''MPI'') Dynamic Style Analysis (''DSA'') patented hedge fund analysis software to help select the Fund's investments and determine the allocation among such investments. The Sub-Adviser identifies approximately 50 market factors that track the aggregated exposure and approximate the returns of the selected universe of long/short equity hedge funds. The Sub-Adviser uses DSA and other proprietary analytics to define and track the various market factors and relative exposures and to adjust the Fund's portfolio as necessary. As stated in the Prior Release, the Fund's portfolio typically consists of up to 50 Underlying ETPs and other securities.

Going forward, the Fund proposes to implement the following changes from the representations made in the Prior Release. First, in managing the Fund's portfolio, the Fund will no longer utilize the MPI DSA software. Instead, the Sub-Adviser will utilize, among other proprietary analytics, its own quantitative techniques, including time dependent factor approximations, to help select the Fund's investments and determine the allocation among such investments. The Sub-Adviser will use quantitative analysis including other proprietary analytics to define and track the various market factors and relative exposures and to adjust the Fund's portfolio as necessary. Second, the Sub-Adviser will identify approximately 100, instead of approximately 50, market factors that track the aggregated exposure and approximate the returns of the selected universe of long/short equity hedge funds.[7] Third, the Fund's portfolio typically will consist of between 40 and 80, instead of up to 50, Underlying ETPs and other securities, as described in the Prior Release.

The Adviser represents that the purpose of this change is, first, to provide additional flexibility to the Sub-Adviser to meet the Fund's investment objective by substantially increasing the number of market factors that track the aggregated exposure and approximate the returns of the selected universe of long/short equity hedge funds. Such an

[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. 67559 (August 1, 2012), 77 FR 47482 (August 8, 2012) (SR–NYSEArca–2012–57) (''Prior Order''). *See also* Securities Exchange Act Release No. 67196 (June 13, 2012), 77 FR 36591(June 19, 2012) (SR–NYSEArca–2012–57) (''Prior Notice,'' and together with 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] The Trust is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act''). On September 16, 2011, 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) (''Securities Act'') and under the 1940 Act relating to the Fund (File Nos. 333–157876 and 811–22110) (''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 the 1940 Act. *See* Investment Company Act Release No. 28822 (July 20, 2009) (File No. 812–13488) (''Exemptive Order'').

[6] The changes described herein will be effective upon filing with the Commission of another amendment to the Trust's Registration Statement. *See* note 5, *supra.* The Adviser represents that the Adviser and Sub-Adviser have managed and will continue to manage the Fund in the manner described in the Prior Release, and will not implement the changes described herein until the instant proposed rule change is operative.

[7] As stated in the Prior Release, at any given time, such market factors may include country exposure, sector exposure, industry exposure, and currency exposure. In seeking to achieve its investment objective, the Fund seeks to remain invested at all times in securities or derivatives (as described in the Prior Release) that provide the desired exposures to market factors.

increase will permit the Fund to include a broader range of market sectors in the mid- and large-cap equity securities and Underlying ETPs in which the Fund invests, and will further the Fund's objective to seek capital appreciation. Second, the Fund will utilize proprietary quantitative techniques to select the Fund's investments and allocations, which will provide the Fund with additional control over its investments. Third, the Fund will substantially increase the maximum number of Underlying ETPs and other securities that will compose the Fund's portfolio, which will also provide additional flexibility to the Fund to include a broader range of securities in furtherance of the Fund's investment objectives.

The Exchange also notes that the Prior Release stated that the Sub-Adviser is affiliated with a broker-dealer. The Adviser represents that the Sub-Adviser is no longer affiliated with a broker-dealer.

The Adviser represents that there is no change to the Fund's investment objective. The Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600. Except for the changes noted above, all other facts presented and representations made in the Prior Release remain unchanged. All terms referenced but not defined herein are defined in the Prior Release.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[8] 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 continue to be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Adviser represents that the purpose of this change is, first, to provide additional flexibility to the Sub-Adviser to meet the Fund's investment objective by substantially increasing the number of market factors that track the aggregated exposure and approximate the returns of the selected universe of long/short equity hedge funds. Such an increase will permit the Fund to include a broader range of market sectors in the mid- and large-cap equity securities and Underlying ETPs in which the Fund invests, and will further the Fund's objective to seek capital appreciation. Second, the Fund will utilize proprietary quantitative techniques to select the Fund's investments and allocations, which will provide the Fund with additional control over its investments. Third, the Fund will substantially increase the maximum number of Underlying ETPs and other securities that will compose the Fund's portfolio, which will also provide additional flexibility to the Fund to include a broader range of securities in furtherance of the Fund's investment objectives. The Adviser represents that there is no change to the Fund's investment objective. The Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600.

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 Adviser represents that there is no change to the Fund's investment objective. The Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600. The Adviser represents that the purpose of this change is to provide additional flexibility to the Sub-Adviser to meet the Fund's investment objective, as discussed above.

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 in that the Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600. The Adviser represents that the purpose of this change is to provide additional flexibility to the Sub-Adviser to meet the Fund's investment objective, as discussed above. The Adviser represents that there is no change to the Fund's investment objective. Except for the changes noted above, all other representations made in the Prior Release remain unchanged.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes to the Fund's means of achieving the investment objective will permit the Fund to invest in a broader number of market sectors and a greater number of Underlying ETPs and other securities, and will enhance competition among issues of Managed Fund Shares that invest in equity securities.

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[9] and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6)[11] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[12] 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 immediately implement the changes proposed herein.

Under the proposal,[13] (1) the Fund would seek to employ certain

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 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.

[11] *Id.*

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] In the proposed rule change, the Exchange also clarified that the Sub-Adviser is no longer affiliated with a broker-dealer. The Commission notes that, as stated in the Prior Release, in the event the Sub-Adviser becomes newly affiliated with a broker-dealer, it will implement a fire wall with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed

Continued

proprietary techniques, in lieu of the MPI DSA software, in addition to other proprietary analytics, to help select and determine the allocation of its investments and to define and track the various market factors and relative exposures and to adjust the Fund's portfolio, as necessary, (2) the Sub-Adviser would seek to identify approximately 100, instead of approximately 50, market factors that track the aggregated exposure and approximate the returns of the selected universe of long/short equity hedge funds, and (3) the Fund's portfolio would seek to consist of between 40 and 80, instead of up to 50, Underlying ETPs and other securities. The Commission believes that utilizing certain proposed proprietary techniques, in addition to other proprietary analytics, increasing the number of identifiable market factors to track the aggregated exposure and approximate the returns of the selected universe of long/short equity hedge funds and raising the maximum number of Underlying ETPs and other securities in which the Fund may invest would allow for additional flexibility for the Fund to include a broader and more diversified range of market sectors and securities investments, in furtherance of the Fund's investment objective to seek investment results that exceed the risk adjusted performance of approximately 50% of the long/short equity hedge fund universe, as defined by the HFRI Equity Hedge (Total) Index constituents.[14] In addition, the Exchange represents that, by investing in a broader range of market sectors, the Sub-Adviser may be able to reduce some of the market risk associated with investment in a smaller number of market sectors and reduce price volatility in the Fund's Shares.

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 proposed rule change as operative upon filing.[15]

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–2013–85 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–2013–85. 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–2013–85 and should be submitted on or before October 4, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–22256 Filed 9–12–13; 8:45 am]

BILLING CODE 8011–01–P

to prevent the use and dissemination of material, non-public information regarding such portfolio.

[14] *See* Prior Release, *supra* note 4 (providing additional details regarding the investment objective of the Fund).

[15] 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).

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8473]

Culturally Significant Objects Imported for Exhibition Determinations: ''Antonio Berni: Juanito and Ramona''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and, as appropriate, Delegation of Authority No. 257 of April 15, 2003, I hereby determine that the objects to be included in the exhibition ''Antonio Berni: Juanito and Ramona,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Museum of Fine Arts, Houston, Houston, Texas, from on or about November 8, 2013, until on or about February 2, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of

State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: September 5, 2013.

Lee Satterfield,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–22350 Filed 9–12–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8472]

Culturally Significant Objects Imported for Exhibition Determinations: ''Cercle et Carré and the International Spirit of Abstract Art''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and, as appropriate, Delegation of Authority No. 257 of April 15, 2003, I hereby determine that the objects to be included in the exhibition ''Cercle et Carré and the International Spirit of Abstract Art,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Georgia Museum of Art, Athens, Georgia, from on or about October 12, 2013, until on or about January 5, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: September 5, 2013.

Lee Satterfield,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–22347 Filed 9–12–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8467]

Waiver of Restriction on Assistance to the Central Government of Algeria

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L.112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013, (Div. F, Pub. L. 113–6) and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act with respect to Algeria and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register.**

Dated: May 30, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–22331 Filed 9–12–13; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF STATE

[Public Notice 8466]

Waiver of Restriction on Assistance to the Central Government of Yemen

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L.112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act with respect to Yemen, and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register.**

Dated: May 15, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–22327 Filed 9–12–13; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF STATE

[Public Notice 8471]

Waiver of Restriction on Assistance to the Central Government of Saudi Arabia

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L.112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Saudi Arabia, and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: August 15, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–22345 Filed 9–12–13; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF STATE

[Public Notice 8469]

Waiver of Restriction on Assistance to the Central Government of Lebanon

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act with respect to Lebanon, and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: May 14, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–22332 Filed 9–12–13; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF STATE

[Public Notice 8468]

Waiver of Restriction on Assistance to the Central Government of Egypt

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L.112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Egypt and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: June 26, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–22335 Filed 9–12–13; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF STATE

[Public Notice 8470]

Waiver of Restriction on Assistance to the Central Government of Libya

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L.112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013, (Div. F, Pub. L. 113–6) and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Libya, and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: June 17, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–22344 Filed 9–12–13; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q) during the Week Ending August 24, 2013. The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: DOT–OST–2013–0160

Date Filed: August 22, 2013

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 12, 2013

Description: Application of Express Freighters Australia Pty Limited requesting a foreign air carrier permit and exemption authority to engage in foreign scheduled and charter air transportation of property and mail between any point or points in the United States and any other point or points.

Barbara J. Hairston,

Supervisory Dockets Officer, Docket Operations, Federal Register Liaison.

[FR Doc. 2013–22338 Filed 9–12–13; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q) during the Week Ending August 31, 2013. The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: DOT–OST–2013–0164.

Date Filed: August 29, 2013.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 19, 2013.

Description: Application of United Airlines, Inc. requesting a certificate of public convenience and necessity and an exemption authorizing it to provide scheduled foreign air transportation of persons, property, and mail between San Francisco and Chengdu, People's Republic of China, beginning on June 11, 2014.

Barbara J. Hairston,

Supervisory Dockets Officer, Docket Operations, Federal Register Liaison.

[FR Doc. 2013–22373 Filed 9–12–13; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2013–38]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and

must be received on or before October 3, 2013.

ADDRESSES: You may send comments identified by Docket Number FAA–2013–0743 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for 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).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Andrea Copeland, ARM–208, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; email *andrea.copeland@faa.gov;* (202) 267–8081.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on September 9, 2013.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2013–0743

Petitioner: Metropolitan State University of Denver.

Section of 14 CFR Affected: 14 CFR 61.160(b)(3)(i).

Description of Relief Sought: Metropolitan State University of Denver (MSUD) seeks relief to enable graduates of MSUD Aviation Technology program to qualify for the 1,000 hour restricted ATP certificate by enabling its students to take part 141 cross-listed ground school classes for the instrument rating and commercial ground school certificate held by Colorado Northwest Community College (CNCC), and require its students seeking the restricted certificate to conduct flight training under CNCCs part 141 flight training program, under a training agreement between MSUD and CNCC.

[FR Doc. 2013–22262 Filed 9–12–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35764]

Genesee & Wyoming Inc.—Corporate Family Transaction Exemption

Genesee & Wyoming Inc. (GWI), a noncarrier holding company, filed a verified notice of exemption under 49 CFR 1180.2(d)(3) for a corporate family transaction within the family of business entities in which it owns controlling interests.

According to GWI, it currently controls, directly and indirectly, 101 U.S. railroads. Applicant proposes to merge two of its intermediate holding company subsidiaries, GSW Acquisition Sub, Inc. and MMID Holding, Inc., with and into their respective Class III common carrier subsidiaries, Georgia Southwestern Railroad Company, Inc. (GSWR) and Maryland Midland Railway, Inc. (MMID). According to GWI, upon consummation of the mergers, it will have direct instead of indirect control of GSWR and MMID.

Applicant anticipates consummating the proposed transaction on or after September 27, 2013, the effective date of the exemption (30 days after the exemption was filed).

GWI states that the purpose of the proposed transaction is to eliminate two unnecessary intermediate subsidiaries, which will save unnecessary accounting and corporate maintenance.

This is a transaction within a corporate family of the type exempted from prior review and approval under 49 CFR 1180.2(d)(3). GWI states that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Because GWI controls one Class II rail carrier [1] and one or more Class III rail carriers, the transaction is subject to the labor protection requirements of 49 U.S.C. 11326(b) and *Wisconsin Central Ltd.—Acquisition Exemption—Lines of Union Pacific Railroad,* 2 S.T.B. 218 (1997).

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 20, 2013 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35764, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on counsel for GWI, Eric M. Hocky, Clark Hill Thorp Reed, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: September 9, 2013.

By the Board,

Rachel D. Campbell,

Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2013–22261 Filed 9–12–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35762]

South Carolina Division of Public Railways, d/b/a Palmetto Railways—Intra-Corporate Family Transaction Exemption—The Port Utilities Commission of Charleston, S.C., Port Terminal Railroad of South Carolina, and East Cooper and Berkeley Railroad Company

South Carolina Division of Public Railways, d/b/a Palmetto Railways (SCPR), a Class III rail carrier, has filed a verified notice of exemption under 49

[1] The Class II rail carrier is Buffalo & Pittsburgh Railroad, Inc. *See Genesee & Wyoming Inc.—Control—RailAmerica, Inc.,* FD 35654, slip op. at 9 (STB served Dec. 20, 2012).

CFR 1180.2(d)(3) for an intra-corporate family transaction.

According to SCPR, it owns the rail trackage and other physical assets of Class III rail carriers The Port Utilities Commission of Charleston, S.C. (PUCC), Port Terminal Railroad of South Carolina (PTR), and East Cooper and Berkeley Railroad Company (ECB), and it employs the workers on those railroads. Applicant explains that although PUCC, PTR, and ECB do not exist as separate, formal corporate or governmental entities but rather as the equivalent of divisions of SCPR, they have historically been treated as separate regulated entities.[1]

SCPR proposes to: (1) Eliminate PUCC, PTR, and ECB as separate rail carriers, which have been operating as Applicant's divisions; and (2) consolidate their distinct common carrier authorities into Applicant, which will operate and market all of the rail lines under the name ''Palmetto Railways.'' SCPR states that the proposed transaction will clarify ambiguities regarding the regulatory status of PUCC, PTR, and ECB.

This exemption will become effective on September 29, 2013. SCPR states that it intends to consummate the proposed transaction on October 1, 2013, but may not do so prior to the September 29, 2013 effective date of the exemption.

Applicant states that the purpose of the proposed transaction is to clarify the regulatory status of SCPR's rail operations and simplify various administrative and marketing functions.

This is a transaction within a corporate family of the type exempted from prior review and approval under 49 CFR 1180.2(d)(3). SCPR states that the transaction will not result in adverse changes in service levels, significant operational changes, or any change in the competitive balance with carriers outside the SCPR corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under §§ 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III rail carriers.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 20, 2013 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35762, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

Board decisions and notices are available on our Web site at *www.stb.dot.gov*.

Decided: September 10, 2013.

By the Board,

Rachel D. Campbell,

Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2013–22272 Filed 9–12–13; 8:45 am]

BILLING CODE 4915–01–P

[1] *See Public-Convenience Application of Port Utilities Comm'n of Charleston, S.C.,* 90 I.C.C. 743 (1924) (certificate issued to PUCC to acquire and operate certain railroad terminal facilities in Charleston, S.C.); *Port Terminal R.R. of S.C. Operation,* 295 I.C.C. 819 (not printed in full, Aug. 6, 1956) (PTR obtained authority in its own name to operate trackage owned by the South Carolina State Ports Authority in North Charleston); *The E. Cooper & Berkeley R.R.—Constr. & Operation—Line of R.R. Located in Berkeley Cnty., S.C.,* FD 28100 (ICC served July 15, 1977) (ECB obtained authority in its own name to construct and operate an approximately 15-mile rail line in an area north of Charleston); *South Carolina Rys. Comm'n* v. *Seaboard Coast Line R.R.,* 365 I.C.C. 274 (1981) (PUCC and PTR described as terminal switching carriers); *East Cooper & Berkeley R.R.—Construction & Operation Exemption—In Berkeley Cnty., S.C.,* FD 32704 (ICC served Dec. 13, 1995) (ECB granted an exemption to construct and operate a 1.7-mile single track rail line in South Carolina); and *Port Terminal R.R.—Operation Exemption—Rail Line of the Charleston Naval Complex Redevelopment Auth.,* FD 35211 (STB served Feb. 19, 2009) (PTR granted an exemption to operate a rail line on the former Charleston Naval Base).

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Lending Limits

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to comment on the renewal of an information collection, as required by the Paperwork Reduction Act of 1995. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice. In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of its information collection titled, ''Lending Limits.''

DATES: Comments must be submitted on or before November 12, 2013.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0317, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: You may request additional information from Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information

they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

SUPPLEMENTARY INFORMATION:

Title: Lending Limits—12 CFR 32.9.

Type of Review: Extension, without revision, of a currently approved collection.

OMB Control Number: 1557–0317.

Description: The OCC received emergency approval for this collection on August 21, 2013 and is now seeking a three-year clearance.

Pursuant to section 610 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Public Law 111–203, 124 Stat. 1376 (2010), the OCC added 12 CFR 32.9 to its lending limits regulation to cover credit exposures arising from derivative transactions and securities financing transactions. Twelve CFR 32.9 provides national banks and savings associations with three alternative methods for calculating the credit exposure of derivative transactions other than credit derivatives, a special rule for measuring the credit exposure of credit derivatives, and three alternative methods for calculating such exposure for securities financing transactions. The OCC provided these different methods to reduce the practical burden of such calculations, particularly for smaller and mid-size national banks and savings associations.

One method available for both derivative transactions and securities financing transactions is the Internal Model Method. Under this method, the use of a model (other than a model for which use has been approved for purposes of the Advanced Measurement Approach in the capital rules) must be approved in writing by the OCC (in the case of national banks and Federal savings associations) or the Federal Deposit Insurance Corporation (in the case of State savings associations) specifically for lending limits purposes. If a national bank or savings association proposes to use an internal model for which use has been approved for purposes of the Advanced Measurement Approach, the institution must provide written notification to the OCC or FDIC, as appropriate, prior to use of the model for lending limits purposes. Section 32.9 also requires OCC or FDIC approval of any substantive revisions to a model previously approved for lending limits purposes, or for which notice of its use for lending limits purposes had been previously provided, before the institution may use the revised model.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Estimated Number of Respondents: 238.

Estimated Number of Responses per Respondent: 2.

Estimated Annual Burden: 476 hours.

Frequency of Response: On occasion.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of the capital or start-up costs and the costs associated with the operation, maintenance, and acquisition of services necessary to provide the required information.

Dated: September 6, 2013.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 2013–22239 Filed 9–12–13; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Affiliate Marketing

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the renewal of an information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of an information collection titled, ''Affiliate Marketing.''

DATES: Comments must be submitted on or before November 12, 2013.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0230, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov*. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: You may request additional information by contacting: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is seeking renewal of the following information collection:

Title: Fair Credit Reporting Affiliate Marketing.

OMB Control No.: 1557–0230.

Frequency of Response: On occasion.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 166,444.

Total Annual Burden: 17,189 hours.

Description: Section 214 of the FACT Act,[1] which added section 624 to the Fair Credit Reporting Act (FCRA),[2] generally prohibits a person from using certain information received from an affiliate to make a solicitation for marketing purposes to the consumer, unless the consumer is given notice and an opportunity and simple method to opt out of making such solicitations. Section 214 also requires the Agencies,[3] the Securities and Exchange Commission (SEC), and the Federal Trade Commission (FTC), in consultation and coordination with each other, to issue regulations implementing section 214 that, to the extent possible, are consistent and comparable.

Administration of these regulations, which were codified by the OCC at 12 CFR 41.20–41.28 and that have not changed since they were last cleared by OMB under the PRA, has been transferred to the Bureau of Consumer Financial Protection (CFPB) and are now found at 12 CFR 1022.20–1022.27. Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act,[4] (Dodd-Frank Act) transferred the regulations and the CFPB republished them (76 FR 79308 (December 21, 2011)). The burden estimates have been revised to remove the burden attributable to OCC-regulated institutions with over $10 billion in total assets, now carried by CFPB pursuant to section 1025 of the Dodd-Frank Act. The OCC retains enforcement authority and carries burden for those institutions under its supervision with total assets of $10 billion or less.

Financial institutions use the required notices to inform consumers about their rights under section 214 of the FACT Act. Consumers use the notices to decide if they want to receive solicitations for marketing purposes or opt out. Financial institutions use the consumers' opt out responses to determine the permissibility of making a solicitation for marketing purposes to consumers.

If a person receives certain consumer eligibility information from an affiliate, the person may not use that information to make solicitations to the consumer about its products or services, unless the consumer is given notice and a simple method to opt out of such use of the information, and the consumer does not opt out. Exceptions include, a person using eligibility information: (1) To make solicitations to a consumer with whom the person has a pre-existing business relationship; (2) to perform services for another affiliate subject to certain conditions; (3) in response to a communication initiated by the consumer; or (4) to make a solicitation that has been authorized or requested by the consumer. A consumer's affiliate marketing opt-out election must be effective for a period of at least five years. Upon expiration of the opt-out period, the consumer must be given a renewal notice and an opportunity to renew the opt-out before information received from an affiliate may be used to make solicitations to the consumer.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 6, 2013.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 2013–22240 Filed 9–12–13; 8:45 am]

BILLING CODE 4810–33–P

[1] Fair and Accurate Credit Transactions Act of 2003, Public Law 108–159, 117 Stat. 1952 (December 4, 2003).

[2] 15 U.S.C. 1681 *et seq.*

[3] OCC, Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.

[4] Public Law 111–203, 124 Stat. 1955, July 21, 2010.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2013–40

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Notice 2013–40, Low-Income Housing Credit Disaster Relief for Oklahoma Severe Storms and Tornadoes.

DATES: Written comments should be received on or before November 12, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Low-Income Housing Credit Disaster Relief for Oklahoma Severe Storms and Tornadoes Disaster Relief.

OMB Number: 1545–2244.

Form Number: Notice 2013–40.

Abstract: The Internal Revenue Service is suspending certain requirements under § 42 of the Internal Revenue Code for low-income housing credit projects to provide emergency housing relief needed as a result of the devastation caused by severe storms and tornadoes in the State of Oklahoma beginning May 18, 2013. This relief is being granted pursuant to the Service's authority under § 42(n) and § 1.42–13(a) of the Income Tax Regulations.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and Households.

Estimated Number of Respondents: 50.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 25.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (A) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (B) the accuracy of the agency's estimate of the burden of the collection of information; (C) ways to enhance the quality, utility, and clarity of the information to be collected; (D) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (E) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 6, 2013.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2013–22365 Filed 9–12–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Funds Availability Inviting Applications for Grants for Transportation of Veterans in Highly Rural Areas; Amendment

AGENCY: Department of Veterans Affairs.

ACTION: Notice; extension of NOFA application deadline.

SUMMARY: This notice extends the Department of Veterans Affairs (VA) application deadline for funds available under the Grant Program for Transportation of Veterans in Highly Rural Areas. VA published a Notice of Funds Availability (NOFA) in the **Federal Register** on July 9, 2013 (78 FR 41195), to announce the availability of funds for applications through September 9, 2013, 4:00 p.m. eastern standard time. The NOFA includes funding priorities for those applicants who, through innovative transportation services, will assist Veterans in highly rural areas travel to VA medical centers and other VA and non-VA facilities in connection with the provision of VA medical care. To allow applicants more time to complete the application process, VA is extending the application deadline to midnight eastern standard time on October 9, 2013. VA will consider all applications received up through the original deadline, plus those received through the extended deadline of October 9, 2013.

DATES: Applications must be received by VA in accordance with this NOFA no later than midnight eastern standard time on October 9, 2013.

Applications must be uploaded as a complete package into *http://www.Grants.gov.* Applications may not be sent by fax.

In the interest of fairness to all competing applicants, this deadline of no later than midnight October 9, 2013, is firm as to date and hour, and VA will not consider any application that is received after this final deadline.

FOR FURTHER INFORMATION CONTACT: Darren Wallace, National Coordinator, Highly Rural Transportation Grants, Veterans Transportation Program, Chief Business Office (10NB2G), 2957 Clairmont Road, Atlanta, GA 30329; (404) 828–5380 (this is not a toll-free number).

For a copy of the Application Package: Download directly from *http://www.ruralhealth.va.gov/coordination-pilot/index.asp.* Questions should be referred to the number above. For detailed program information and requirements, see the final rule published in the **Federal Register** on April 2, 2013 (78 FR 19586), *http://web2.westlaw.com/find/default.wl?mt=Westlaw&db=184736&docname=UUID(I2FE3C4E09B6311E2A0B0A5A97690A455)&rp=%2ffind%2fdefault.wl&findtype=l&ordoc=0390461368&tc=-1&vr=2.0&fn=_top&sv=Split&tf=-1&referencepositiontype=S&pbc=2EB06B5C&referenceposition=19586&rs=WLW13.07* which is codified at 38 CFR 17.700 through 17.730.

Approved: September 10, 2013.

Robert C. McFetridge,

Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2013–22334 Filed 9–12–13; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 78 Friday,
No. 178 September 13, 2013

Part II

Nuclear Regulatory Commission

10 CFR Part 51
Waste Confidence—Continued Storage of Spent Nuclear Fuel; Proposed Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

[NRC–2012–0246]

RIN 3150–AJ20

Waste Confidence—Continued Storage of Spent Nuclear Fuel

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) proposes revising its generic determination on the environmental impacts of the continued storage of spent nuclear fuel beyond a reactor's licensed life for operation and prior to ultimate disposal. The NRC has prepared a draft generic environmental impact statement to support this proposed rule. The Commission proposes to conclude that the analysis generically addresses the environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor and supports the determinations that it is feasible to safely store spent nuclear fuel beyond the licensed life for operation of a reactor and to have a mined geologic repository within 60 years following the licensed life for operation of a reactor. The proposed rule also would clarify that the generic determination applies to a license renewal for an independent spent fuel storage installation (ISFSI). In addition, the proposed rule would make conforming amendments to the Commission's 2013 findings on the environmental effects of renewing the operating license of a nuclear power plant to address issues related to the storage of spent nuclear fuel after a reactor's licensed life for operation and the offsite radiological impacts of spent nuclear fuel and high-level waste disposal.

DATES: Submit comments on the proposed rule by November 27, 2013. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments related to this proposed rule by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0246. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Merri Horn, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9167; email: *Merri.Horn@nrc.gov;* or Timothy McCartin, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9259; email: *Timothy.McCartin@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of the Regulatory Action

The purpose of this proposed rule is to improve the efficiency of the NRC's licensing process by adopting into the NRC's regulations an analysis of the generic environmental impacts of the continued storage of spent nuclear fuel beyond the licensed life for operations of a reactor (continued storage). The NRC has prepared a draft generic environmental impact statement of the environmental impacts of continued storage, which provides a regulatory basis for the rule. This proposed rule would codify the results of the analyses from the generic environmental impact statement in § 51.23 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Temporary storage of spent nuclear fuel after cessation of reactor operation-generic determination of no significant environmental impact.'' The NRC's licensing proceedings for nuclear reactors and ISFSIs have historically relied upon the generic determination in 10 CFR 51.23 to satisfy the agency's obligations under the National Environmental Policy Act (NEPA) with respect to the narrow area of the environmental impacts of continued storage. If this proposed rule is adopted as a final rule, the NEPA analyses for future reactor and spent-fuel-storage facility licensing actions would not need to consider the environmental impacts of continued storage on a site specific basis.

Summary of the Major Rule Changes

The major proposed changes to the rule are summarized as follows:

- The title of 10 CFR 51.23 would be revised to ''Environmental impacts of storage of spent nuclear fuel beyond the licensed life for operation of a reactor.''
- Paragraph (a) of 10 CFR 51.23 would be revised to provide the Commission's generic determination on continued storage of spent nuclear fuel. The proposed amendments would state that the Commission has concluded that the analysis in NUREG–2157, ''Waste Confidence Generic Environmental Impact Statement'' (DGEIS) generically supports the environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor and supports the Commission's determinations that it is feasible to safely store spent nuclear fuel beyond the licensed life for operation of a reactor and to have a mined geologic repository within 60 years following the licensed life for operation of a reactor.
- Paragraph (b) of 10 CFR 51.23 would be revised to clarify that license renewals for an ISFSI are included in the scope of the generic determination.
- Conforming changes would be made to 10 CFR 51.61, 51.80(b), and 51.97(a) to clarify that ISFSI license renewals are included in the scope of the generic determination.
- The ''Offsite radiological impacts of spent nuclear fuel and high-level waste disposal'' issue would be reclassified as a Category 1 impact in Table B–1 of appendix B of 10 CFR part 51, ''Summary of Findings on NEPA Issues for License Renewal of Nuclear Power Plants,'' and the finding column entry would be revised to address continued storage.
- The finding column entry for the ''Onsite storage of spent nuclear fuel'' issue'' in Table B–1 appendix B of subpart A of 10 CFR part 51 would be revised to include the period of continued storage beyond the licensed life for operation of a reactor.

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I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0246 when contacting the NRC about the availability of information for this proposed rule. You may access information related to this proposed rule, which the NRC possesses and is publicly-available, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0246.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this proposed rule (if that document is available in ADAMS) is provided the first time that a document is referenced. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in Section VI, *Availability of Documents,* of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2012–0246 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission.

Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In the late 1970s, a number of environmental groups and States challenged the NRC regarding issues related to the storage and disposal of spent nuclear fuel beyond a reactor's licensed life for operation. In 1977, the Commission denied a petition for rulemaking (PRM), PRM–50–18, filed by the Natural Resources Defense Council (NRDC) that asked the NRC to determine whether radioactive wastes generated in nuclear power reactors can be disposed of without undue risk to public health and safety and to refrain from granting pending or future requests for reactor operating licenses until the NRC made such a determination. The Commission stated in its denial that, as a matter of policy, it ''. . . would not continue to license reactors if it did not have reasonable confidence that the wastes can and will in due course be disposed of safely'' (42 FR 34391, 34393; July 5, 1977, *pet. for rev. dismissed sub nom., NRDC* v. *NRC,* 582 F.2d 166 (2d Cir. 1978)).

At about the same time, interested parties challenged license amendments that permitted expansion of the capacity of spent fuel pools at two nuclear power plants, Vermont Yankee and Prairie Island. In 1979, the U.S. Court of Appeals for the District of Columbia Circuit, in *Minnesota* v. *NRC,* 602 F.2d 412 (D.C. Cir. 1979), did not stay or vacate the license amendments, but did remand to the Commission the question of whether an offsite storage or disposal solution would be available for the spent nuclear fuel at the two facilities at the expiration of their licenses—at that time scheduled for 2007 and 2009—and, if not, whether the spent nuclear fuel could be stored safely at those reactor sites until an offsite solution became available.

In 1979, the NRC initiated a generic rulemaking proceeding that stemmed from these challenges and the Court's remand in *Minnesota* v. *NRC.* The purpose of the Waste Confidence rulemaking was to generically assess whether the Commission could have reasonable assurance that radioactive wastes produced by nuclear power plants ''can be safely disposed of, to determine when such disposal or offsite storage will be available, and to determine whether radioactive wastes can be safely stored onsite past the expiration of existing facility licenses until offsite disposal or storage is available'' (44 FR 61372, 61373; October 25, 1979). On August 31, 1984, the Commission published the Waste Confidence Decision (Decision) (49 FR 34658) and a final rule (49 FR 34688), codified at 10 CFR 51.23. This Decision provided an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to support the rule. In the 1984 Decision the Commission made five Findings:

1. The Commission finds reasonable assurance that safe disposal of radioactive waste and spent nuclear fuel in a mined geologic repository is technically feasible;

2. The Commission finds reasonable assurance that one or more mined geologic repositories for commercial high-level radioactive waste and spent nuclear fuel will be available by the years 2007–2009 [1] and that sufficient repository capacity will be available within 30 years beyond the expiration of any reactor operating license to dispose of existing commercial high-level radioactive waste and spent nuclear fuel originating in such reactor and generated up to that time;

3. The Commission finds reasonable assurance that high-level radioactive waste and spent nuclear fuel will be managed in a safe manner until sufficient repository capacity is available to assure the safe disposal of all high-level radioactive waste and spent nuclear fuel;

4. The Commission finds reasonable assurance that, if necessary, spent nuclear fuel generated in any reactor can be stored safely and without significant environmental impacts for at least 30 years beyond the expiration of that reactor's operating license at that reactor's spent fuel storage basin or at either onsite or offsite ISFSIs; and

5. The Commission finds reasonable assurance that safe independent onsite or offsite spent fuel storage will be made available if such storage capacity is needed.

The rule, 10 CFR 51.23, codified the analysis in the Decision and found that for at least 30 years beyond the expiration of a reactor operating license, no significant environmental impacts will result from the storage of spent nuclear fuel and expressed the Commission's reasonable assurance that a repository was likely to be available by 2007–2009. The rule also stated that, as a result of this generic determination, the agency did not need to assess the site-specific impacts of continuing to store the spent nuclear fuel in either an onsite or offsite storage facility in new reactor licensing environmental impact statements (EIS) or EAs beyond the expiration dates of reactor licenses (10 CFR 51.23(b)). The rule also amended 10 CFR part 50, ''Domestic licensing of production and utilization facilities,'' to require operating nuclear power reactor licensees to submit their plans for managing spent nuclear fuel at their site until the fuel is transferred to the U.S. Department of Energy (DOE) for disposal (see 10 CFR 50.54(bb)).

The Commission conducted its first review of the Decision and rule in 1989–1990. This review resulted in the revision of the second and fourth Findings to reflect revised expectations for the date of availability of the first repository, and to clarify that the expiration of a reactor's licensed life for operation referred to the full 40-year initial license for operation and any additional term of a revised or renewed license. On September 18, 1990, the Commission published the revised Decision (55 FR 38474) and the associated final rule (55 FR 38472). The revised Findings 2 and 4 in the 1990 revised Decision were:

Finding 2: The Commission finds reasonable assurance that at least one mined geologic repository will be available within the first quarter of the twenty-first century, and sufficient repository capacity will be available within 30 years beyond the licensed life for operation (which may include the term of a revised or renewed license) of any reactor to dispose of the commercial high-level radioactive waste and spent nuclear fuel originating in such reactor and generated up until that time.

Finding 4: The Commission finds reasonable assurance that, if necessary, spent nuclear fuel generated at any reactor can be stored safely and without significant environmental impacts for at least 30 years beyond the licensed life for operation (which may include the term of a revised or renewed license) of that reactor at its spent fuel storage basin or at either onsite or offsite ISFSIs.

The Commission also amended 10 CFR 51.23(a) to reflect the revised timing of the availability of a geologic repository to the first quarter of the twenty-first century. The rule was also revised to reflect that the licensed life for operation may include the term of a revised or renewed license.

The Commission conducted its second review of the Decision and rule

[1] Under the court remand that precipitated the initial waste confidence review, the NRC was required to consider whether there was reasonable assurance that an offsite storage solution would be available by the years 2007–2009 and, if not, whether there was reasonable assurance that the spent fuel could be stored safely at those sites beyond those dates. *See State of Minnesota* v. *NRC,* 602 F.2d 412, 418 (D.C. Cir. 1979).

in 1999 and concluded that experience and developments after 1990 had confirmed the Findings and made a comprehensive reevaluation of the Decision and rule unnecessary (64 FR 68005; December 6, 1999).

In 2008, the Commission decided to conduct its third review of the Decision and rule as part of an effort to enhance the efficiency of upcoming combined operating license application proceedings. The Commission determined that it would be more efficient to resolve certain combined-license-proceeding issues generically, including those related to Waste Confidence. This review resulted in a revision of the second and fourth Findings to reflect revised expectations for the date of availability of the first repository and that spent nuclear fuel can be stored safely for at least 60 years beyond the licensed life for operation.

In December 2010, the Commission published its revised Decision (75 FR 81032; December 23, 2010) and associated final rule (75 FR 81037; December 23, 2010). The revised Findings 2 and 4 in the 2010 Decision were:

Finding 2: The Commission finds reasonable assurance that sufficient mined geologic repository capacity will be available to dispose of the commercial high-level radioactive waste and spent nuclear fuel generated by any reactor when necessary.

Finding 4: The Commission finds reasonable assurance that, if necessary, spent nuclear fuel generated in any reactor can be stored safely and without significant environmental impacts for at least 60 years beyond the licensed life for operation (which may include the term of a revised or renewed license) of that reactor in a combination of storage in its spent fuel storage basin and either onsite or offsite ISFSIs.

Section 51.23(a) of 10 CFR was amended to reflect revised Findings 2 and 4. The changes reflected that spent nuclear fuel could be safely stored for at least 60 years beyond the licensed life for operation of a reactor and that sufficient mined geologic repository capacity would be available when necessary.

In response to the 2010 Decision and rule, the States of New York, New Jersey, Connecticut, and Vermont; several public interest groups; and the Prairie Island Indian Community filed a lawsuit in the U.S. Court of Appeals for the District of Columbia Circuit that challenged the Commission's compliance with NEPA. On June 8, 2012, the Court ruled that some aspects of the 2010 Decision did not satisfy the NRC's NEPA obligations and vacated and remanded the Decision and rule (*New York* v. *NRC,* 681 F.3d 471 (D.C. Cir. 2012) [2]). The Court concluded that the Waste Confidence rulemaking is a major federal action necessitating either an EIS or an EA that results in a FONSI. In vacating the 2010 Decision and rule, the Court identified three specific deficiencies in the analysis:

1. Related to the Commission's conclusion that permanent disposal will be available ''when necessary,'' the Court held that the Commission needed to include an evaluation of the environmental effects of failing to secure permanent disposal since there was a degree of uncertainty regarding whether a repository would be built;

2. Related to continued storage of spent nuclear fuel, the Court concluded that the Commission had not adequately examined the risk of spent fuel pool leaks in a forward-looking fashion; and

3. Also related to the continued storage of spent nuclear fuel, the Court concluded that the Commission had not adequately examined the consequences of potential spent fuel pool fires.

In response to the Court's decision, on August 7, 2012, the Commission stated in Commission Order CLI–12–16 (ADAMS Accession No. ML12220A094) that it would not issue reactor or ISFSI licenses dependent upon the Waste Confidence Decision and rule until the Court's remand is appropriately addressed. The Commission stated, however, that this determination extends only to final license issuance and that all licensing reviews and proceedings should continue to move forward.

In the September 6, 2012, Staff Requirements Memorandum, ''Staff Requirements—COMSECY–12–0016—Approach for Addressing Policy Issues Resulting from Court Decision to Vacate Waste Confidence Decision and Rule'' (ADAMS Accession No. ML12250A032), the Commission directed the staff to develop a generic EIS to support an updated Waste Confidence Decision and rule. In response, the NRC formed the Waste Confidence Directorate in the Office of Nuclear Material Safety and Safeguards (NMSS) to oversee the development of the generic EIS and an update that would replace the previous Waste Confidence Decision and rule. The NRC began the environmental review process by publishing a Notice of Intent to prepare an EIS and conduct scoping (77 FR 65137; October 25, 2012). The NRC held one public meeting with a live Webcast and one Webcast-only meeting in November 2012, and two Webinars in December 2012 to obtain public input on the scope of the environmental review.[3] The transcripts for each of these meetings are available in ADAMS under Accession Nos. ML12331A347, ML12331A353, ML12355A174, and ML12355A187, respectively. The scoping period ended on January 2, 2013. Starting in January 2013, the NRC Waste Confidence Directorate has held monthly public teleconferences to provide updates on the status of Waste Confidence activities.

The ''Waste Confidence Generic Environmental Impact Statement Scoping Process Summary Report,'' which is available in ADAMS under Accession No. ML13060A128, provides a summary of the determinations and conclusions reached during the NRC's environmental scoping process. The Summary Report also contains a summary of comments received during the public scoping period and the NRC's responses. A separate document, ''Scoping Comments on the Waste Confidence Generic Environmental Impact Statement,'' lists the scoping comments, organized by comment category (ADAMS Accession No. ML13060A130). The NRC is issuing this proposed rule and the draft NUREG–2157, ''Waste Confidence Generic Environmental Impact Statement'' (DGEIS) (ADAMS Accession No. ML13224A106) for public comment.

III. Discussion

This discussion section has been divided into three subsections to better present information on the proposed rule and the Waste Confidence proceeding. Section A provides general information related to the Waste Confidence proceeding. Section B provides information related to the proposed rule changes. Sections A and B are in a question and answer format. Lastly, Section C ''Decision'' provides a discussion of the issues and conclusions addressed in the DGEIS that had previously appeared in the Findings discussions of prior Waste Confidence decisions.

A. General Information

A1. What action is the NRC taking?

The NRC is proposing to issue a rule to codify its generic determination on the environmental impacts of continued storage of spent nuclear fuel at, or away

[2] The Court's ruling is available at: *http://www.cadc.uscourts.gov/internet/opinions.nsf/57ACA94A8FFAD8AF85257A1700502AA4/$file/11-1045-1377720.pdf.*

[3] A Webcast is an Internet-based meeting that includes both audio and video feeds. A Webinar is an Internet-based meeting that does not include video.

from, reactor sites beyond a reactor's licensed life for operation. The analysis in the DGEIS provides a regulatory basis for the proposed rule.

A2. What is the Waste Confidence proceeding?

Historically, the Commission's Waste Confidence proceeding represented the Commission's generic determination and generic environmental analysis that spent nuclear fuel can be stored safely and without significant environmental impacts for a period of time past the licensed life for operation of a reactor. This generic environmental analysis was reflected in 10 CFR 51.23, which addresses the NRC's NEPA obligations with respect to the continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor but before ultimate disposal.

This proposed rule and the DGEIS represent a change in the format of the Commission's Waste Confidence proceeding. As discussed in more detail in Question A.12, because the Commission is preparing a DGEIS, which provides a detailed analysis of the environmental impacts associated with continued storage, it is no longer necessary to make a ''finding of no significant impact,'' as that term is used in NEPA, associated with continued storage. This proposed rule then codifies the environmental impacts reflected in the DGEIS.

A3. Why is the NRC doing this now?

On June 8, 2012, the U.S. Court of Appeals for the District of Columbia Circuit vacated the Commission's 2010 Waste Confidence rulemaking, and remanded the rulemaking to the NRC to address deficiencies related to the NRC's NEPA analysis. On September 6, 2012, the Commission instructed NRC staff to proceed with a generic EIS to analyze the environmental impacts of continued storage and address the issues raised in the Court's decision and to update the Waste Confidence rule in accordance with the analysis in the EIS. The DGEIS and this proposed rule implement the Commission's direction.

A4. Whom would this action affect?

This proposed rule would affect any nuclear power reactor applicant and licensee undergoing issuance or renewal of an operating license for a nuclear power reactor under 10 CFR parts 50 or 54, ''Requirements for renewal of operating licenses for nuclear power plants''; issuance of a combined license for a nuclear power reactor under 10 CFR part 52, ''Licenses, certifications, and approvals for nuclear power plants''; or some amendments of a license under 10 CFR parts 50 or 52. This proposed rule would also affect the issuance of an initial, amended, or renewed license for storage of spent nuclear fuel at an ISFSI under 10 CFR part 72, ''Licensing requirements for the independent storage of spent nuclear fuel, high-level radioactive waste, and reactor-related greater than Class C waste.'' The proposed rule could also affect participants in any proceeding addressing these licensing actions.

A5. Why is the NRC generically addressing the environmental impacts of continued storage?

Since 1984, the NRC has generically addressed the environmental impacts of continued storage though a generic NEPA analysis and rule. Without a generic environmental impact analysis, site-specific consideration of the environmental impacts of continued storage would be necessary. The NRC's proposed reliance on a GEIS and rule to address environmental impacts of continued storage of spent nuclear fuel will enhance the NRC's efficiency in individual licensing reviews by addressing a set of issues that are the same or largely similar or can be reasonably predicted based on a well understood range of operating experience at each power reactor or storage site and codifying them. The generic determination in 10 CFR 51.23 would satisfy the NRC's NEPA obligations with respect to the environmental impacts of continued storage.

A6. What types of waste are addressed by Waste Confidence?

The environmental analysis in the DGEIS and in this proposed rule covers low and high burn-up spent nuclear fuel generated in light-water nuclear power reactors. It also covers mixed oxide (MOX) fuel,[4] since the MOX fuel would be substantially similar to existing light-water reactor fuel and is, in fact, being considered for use in existing light-water reactors in the United States. It also covers spent nuclear fuel from small modular reactors. Small modular light-water reactors being developed will use fuel very similar in form and materials to the existing operating reactors and will not, therefore, introduce new technical challenges to the disposal of spent nuclear fuel. Waste Confidence also covers the spent nuclear fuel from one high-temperature gas-cooled reactor (HTGR) built and commercially operated: Fort Saint Vrain. The spent nuclear fuel from Peach Bottom Unit 1 is not covered because its fuel has been removed from the site and transferred to the control of DOE, and the fuel is no longer regulated by the NRC (*see* Section 2.1.1.3 of the DGEIS).

A7. What activities are not covered by the Waste Confidence DGEIS and proposed rule?

Waste Confidence does not consider transportation of spent nuclear fuel during reactor operation, disposal of spent nuclear fuel, or storage of spent nuclear fuel during the licensed life for operation of the power reactor. Additionally, Waste Confidence does not address foreign spent nuclear fuel, non-power reactor spent fuel (e.g., fuel from research and test reactors), defense waste, Greater-than-Class C low-level waste, reprocessing of commercial spent nuclear fuel, and the need for nuclear power.

The NRC is participating in pre-application reviews of the DOE's Next Generation Nuclear Plant (NGNP). The NGNP would use nuclear fuel comprised of Tristructural-Isotopic-coated fuel particles contained in either fuel pebbles or prismatic fuel assemblies. However, because this fuel type has not completed fuel qualification testing, continued storage of spent nuclear fuel from the NGNP program is not within the scope of the DGEIS and this proposed rule. Additionally, the continued storage of future HTGR spent nuclear fuels is not within the scope of the DGEIS or this proposed rule.

A8. How is spent nuclear fuel stored?

Spent nuclear fuel is stored in either spent fuel pools or in dry cask storage. Spent fuel pools are designed to store and cool the spent nuclear fuel following removal from the reactor. Spent fuel pools are massive, seismically-designed structures that are constructed from thick, reinforced concrete walls and slabs that vary between 0.7 and 3 meters (2 and 10 feet) thick. All spent fuel pools currently in operation are lined with stainless steel liners that vary in thickness between 6 and 13 millimeters (0.25 and 0.5 inches); spent fuel pools have either a leak detection system or administrative controls to monitor the spent fuel pool liner. Leak detection systems are usually made up of several channels that can be monitored individually or are designed in such a way that leakage empties into drains that can be monitored. Leaked water is directed to a sump, liquid radioactive waste treatment system, or

[4] Mixed oxide fuel (often called MOX fuel) is a type of nuclear reactor fuel that contains plutonium oxide mixed with either natural or depleted uranium oxide in ceramic pellet form.

other cleanup or collection systems. Racks fitted in the spent fuel pools store the fuel assemblies in a controlled configuration (*i.e.,* so that the fuel is both sub-critical and in a coolable geometry). Spent fuel pool systems also include redundant monitoring, cooling, and makeup-water systems. The spent nuclear fuel assemblies are positioned in racks at the bottom of the pool and are typically covered by at least 6 meters (20 feet) of water. The water in the pools provides radiation shielding, spent nuclear fuel assembly cooling, and captures radionuclides in case of fuel rod leaks. Spent fuel pools are located at reactor sites, typically within the fuel-handling building (pressurized-water reactor (PWR)) or the reactor building (boiling-water reactor). A typical spent fuel pool at a light water reactor holds (with full core reserve maintained) the equivalent of about 6 core loads, or about 700 metric tons uranium (MTU). There is one away-from-reactor spent fuel pool (General Electric-Hitachi (GEH)-Morris) licensed under 10 CFR part 72 as an ISFSI. Information on the spent fuel pools and the quantity of spent nuclear fuel that can be stored in spent fuel pools is available in Appendix G of the DGEIS (*see* also Chapter 2 of the DGEIS).

Spent nuclear fuel is also stored in dry casks at ISFSIs licensed by the NRC under either a general license or a specific license. Dry cask storage shields people and the environment from radiation and keeps the spent nuclear fuel inside dry and nonreactive. Dry cask storage allows spent fuel that has already been cooled in the spent fuel pool to be surrounded by inert gas inside a container called a cask. The casks are typically steel cylinders that are either welded or bolted closed. The steel cylinder provides a leak-tight confinement of the spent fuel. Each cylinder is surrounded by additional steel, concrete, or other material to provide radiation shielding to workers and members of the public. Dry cask storage systems are essentially passive systems that rely on natural air circulation for cooling during storage of the spent nuclear fuel, and are robust massive structures that are highly damage resistant. There are many different dry cask storage systems, but most fall into two main categories based on how they are loaded. The first is the bare fuel, or direct-load, casks in which spent nuclear fuel is loaded directly into a basket that is integrated into the cask. Bare fuel casks, which tend to be all metal construction, are generally bolted closed. The second is the canister-based system in which spent nuclear fuel is loaded into a basket inside a relatively thin-walled cylinder called a canister. The canister is usually loaded while inside a transfer cask and then welded and transferred vertically into either a concrete or metal storage overpack or horizontally into a concrete storage module. As of the end of 2012, ISFSIs were storing spent nuclear fuel in over 1,700 loaded dry casks. Information on the types of casks used to store spent nuclear fuel at each ISFSI is available in Appendix G of the DGEIS (*see* also Chapter 2 of the DGEIS).

A9. How can the NRC conduct a generic review when spent nuclear fuel is stored at specific sites? Why has a site-specific review not been conducted?

Historically, the Commission has chosen to generically address continued storage, and this approach was validated for appropriate circumstances by the D.C. Circuit Court of Appeals in the same decision that vacated and remanded the 2010 Waste Confidence Decision and rule. Although the environmental impacts of spent nuclear fuel storage during the licensed life for operation may be site specific, the impacts of continued storage may be assessed generically because:

(1) Continued storage will involve spent nuclear fuel storage facilities for which the environmental impacts of operation are sufficiently understood as a result of lessons learned and knowledge gained from operating experience.

(2) Activities associated with continued storage are expected to be within this well-understood range of operating experience; thus, environmental impacts can be reasonably predicted.

(3) Changes in the environment around spent nuclear fuel storage facilities are sufficiently gradual and predictable to be addressed generically.

In evaluating the environmental impacts of continued storage of spent nuclear fuel, the NRC used existing environmental evaluations to help inform the impact determinations in the DGEIS, such as NUREG–0586, ''Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities Supplement 1 Regarding the Decommissioning of Nuclear Power Reactors Main Report,'' (ADAMS Accession No. ML023500395) and NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants'' Revision 1 (ADAMS Accession No. ML13106A241 for main volume 1, ML13106A242 for volume 2, and ML13106A244 for volume 3). The NRC also reviewed site-specific EISs and EAs for new and operating reactors, ISFSIs, and subsequent renewals. The NRC staff also looked to other sources of information, such as technical reports.

A10. Would the Waste Confidence rulemaking authorize the storage of spent nuclear fuel at the operating reactor site near me?

No, the Waste Confidence rule does not authorize the storage of spent nuclear fuel at any site. The Waste Confidence rule is a generic determination regarding the potential environmental impacts from the continued storage of spent nuclear fuel after the end of a reactor's licensed life for operation and before the spent nuclear fuel is placed in a repository. The rule reflects only the generic environmental analysis of the period of spent nuclear fuel storage beyond a reactor's licensed life for operation and before disposal in a repository. This proceeding is not a substitute for licensing actions that typically include site-specific NEPA analysis and site-specific safety analyses (*see* also question A11).

In addition, the NRC's DGEIS and proposed rule do not pre-approve any particular waste storage or disposal site technology, nor do they require that a specific cask design be used for storage. Individual licensees and applicants, including any applicant for a high-level radioactive waste repository, will have to apply for and receive a site-specific license from the NRC before storing or disposing of any spent nuclear fuel. Separately, every 10 CFR part 50 or part 52 nuclear power reactor licensee already holds a general license that authorizes storage of spent nuclear fuel in cask designs that are approved by the NRC.

A11. What environmental reviews would be precluded from a site-specific licensing action after the Waste Confidence rulemaking is complete?

The Waste Confidence rule will satisfy the NRC's NEPA obligations with respect to continued storage for initial, renewed, and amended licenses for reactors and ISFSIs. The environmental analysis that would accompany the initial license or license renewal of individual nuclear power reactors or the initial license or license renewal of an ISFSI would consider the potential environmental impacts of storage of spent nuclear fuel during the term of the license. What would not be considered in those proceedings—due to the generic determination in 10 CFR 51.23(a)—is the potential environmental impact of continued storage of spent nuclear fuel beyond the licensed life for

operation of the reactor. The NRC's regulations allow participants in the NRC's licensing proceedings to obtain a waiver of a rule if they show special circumstances why the rule should not apply to the specific proceeding (*see* 10 CFR 2.335(b)).

A12. Why is there not a separate Waste Confidence decision document?

Historically, the Waste Confidence Decision contained five ''Findings'' that addressed the technical feasibility of a mined geologic repository, the degree of assurance that disposal would be available by a certain time, and the degree of assurance that spent fuel and high-level waste could be managed safely without significant environmental impacts for a certain period beyond the expiration of plants' operating licenses. Preparation of and reliance upon a GEIS is a fundamental departure from the approach used in past Waste Confidence proceedings. The DGEIS acknowledges the uncertainties inherent in a prediction of repository availability and provides an environmental analysis of reasonably foreseeable timeframes. To this end, the DGEIS considers a number of possible timeframes for repository availability, including the impacts from never having a repository. Because a GEIS is being issued, findings are no longer necessary.

Section C, ''Decision,'' provides a discussion of the issues and conclusions addressed in the DGEIS that had previously appeared in the findings discussions of prior Waste Confidence decisions. To support the analysis in the DGEIS and the proposed rule, the underlying assumptions in the DGEIS address the issues assessed in the previous ''Five Findings'' as conclusions regarding the technical feasibility and availability of a repository and conclusions regarding the technical feasibility of safely storing spent fuel in an at-reactor or away-from-reactor storage facility. The GEIS will fulfill NRC's NEPA obligations for analyzing the environmental impacts of continued storage and the related uncertainties in repository availability.

A13. How can the NRC complete the environmental impact statement and rulemaking in 24 months?

The Waste Confidence proceeding is a high priority for the Commission. Following the remand by the Court of Appeals, the NRC formed a new organization, the Waste Confidence Directorate in the Office of Nuclear Material Safety and Safeguards, to develop the generic EIS and rule. In staffing the new Directorate, the NRC brought together a team consisting of many of the agency's most experienced and knowledgeable NEPA and rulemaking practitioners. The Directorate is focused on Waste Confidence. These focused NRC staff resources have enabled the NRC to conduct the hard look required by NEPA and optimize public participation in the process. The resources and expertise being devoted to the waste confidence proceeding and the schedule for public comment support completion within 24 months.

A14. What is the status of the extended storage effort?

The extended storage effort focuses on technical and regulatory considerations for continued effective regulation of spent nuclear fuel storage and subsequent transportation over extended periods (up to 300 years). Presently, the NRC believes that the current regulatory framework used to renew current licenses can be extended to regulate the management of spent nuclear fuel and high-level radioactive waste for multiple renewal periods. The staff is examining technical areas associated with multiple renewals of fixed-term, dry storage licenses and certificates to address age-related degradation of dry cask storage systems, structures, and components. The NRC acknowledges that current licensing practices may evolve over time in response to improved understanding, operational experience, and Commission policy direction. As technical, regulatory, and policy issues are resolved, the NRC will revise guidance and staff qualification and training accordingly. In the DGEIS, the NRC has concluded that sufficient information exists to perform an analysis of continued storage impacts well into the future. Nonetheless, the NRC continues to identify and resolve potential issues associated with the storage and transportation of spent nuclear fuel storage for periods beyond an ISFSI's initial licensing and first renewal. Completion of the current effort is planned for the end of the decade. As with any rule, the NRC will evaluate any new information that is developed during this project to determine whether it's necessary to update the Waste Confidence rule.

A15. How can the NRC proceed with this rulemaking while research on the extended storage of spent nuclear fuel is ongoing?

The DGEIS and the NRC's ongoing research are two separate efforts that are not directly related to each other. If completed, this rulemaking would result in an update to the NRC's environmental rules in 10 CFR part 51. The Waste Confidence GEIS, NUREG–2157, which was prepared under NEPA, would provide the regulatory basis for the rule. Under NEPA, an environmental impact statement, such as the one prepared to support this rulemaking, needs only to consider currently available information. As the Commission recently stated, ''NEPA requires that we conduct our environmental review with the best information available today. It does not require that we wait until inchoate information matures into something that later might affect our review.'' (*Luminant Generation Co. LLC* (Comanche Peak Nuclear Power Plant, Units 3 and 4), et al., CLI–12–7, 75 NRC 379, 391–92 (March 16, 2012)). Further, the United States Court of Appeals for the District of Columbia Circuit explained that ''creating [the agency's] models with the best information available when it began its analysis and then checking the assumptions of those models as new information became available, was a reasonable means of balancing . . . competing considerations, particularly given the many months required to conduct full modeling with new data.'' (*Village of Bensenville* v. *Federal Aviation Administration,* 457 F.3d 52, 71–72 (D.C. Cir. 2006)). The United States Supreme Court held that ''an agency need not supplement an EIS every time new information comes to light after the EIS is finalized. To require otherwise would render agency decision making intractable, always awaiting updated information only to find the new information outdated by the time a decision is made.'' (*Marsh* v. *Oregon Natural Resources Council,* 490 U.S. 360, 374 (1989)).

The ongoing research into the extended storage of spent nuclear fuel is part of the NRC's effort to continuously evaluate and update its safety regulations. The NRC is not aware of any deficiencies in its current regulations that would challenge the continued safe storage of spent nuclear fuel in spent fuel pools or dry cask systems.

If, at some time in the future, the NRC were to identify a concern with the safe storage of spent nuclear fuel, the NRC would evaluate the issue and take whatever action or make whatever change in its regulatory program necessary to protect public health and safety. The NRC will continue to monitor the ongoing research into spent fuel storage. If warranted, the NRC will consider updating its Waste Confidence rule, which would be supported by a

new environmental analysis that would fully consider any new developments.

A16. Did the NRC factor in information from the Spent Fuel Pool Study in the DGEIS?

The DGEIS does not specifically reference the draft ''Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor'' (hereafter referred to as the Spent Fuel Pool Study or Study). If the NRC publishes a final Study before the final GEIS is published, then a reference to the Spent Fuel Pool Study will be added to the final GEIS. Although it did not specifically reference the draft Study in the DGEIS, the staff is aware of the conclusions in the draft Study and worked closely with the authors who developed the draft Study to prepare the relevant sections of the draft GEIS. The conclusions of the draft Study do not contradict the conclusions in the DGEIS and are consistent with the consequences reported in previous studies on spent fuel pool accidents. The draft Spent Fuel Pool Study was made public for review and comment on June 24 in advance of a July public Advisory Committee on Reactor Safeguards meeting on the draft Study. The draft Spent Fuel Pool Study is available to the public under ADAMS Accession No. ML13133A132.

A17. Did the NRC address accidents in the DGEIS?

Yes, the DGEIS considered the risk and potential consequences of accidents and acts of sabotage during continued storage of spent nuclear fuel. This analysis assessed the environmental effects of man-made hazards and natural phenomena hazards, including flooding and earthquakes. As with all NEPA analyses, the DGEIS analyzed reasonably-foreseeable events and did not consider worst-case scenarios. Section 4.18 of the DGEIS discusses the environmental impacts of postulated accidents, both design-basis and severe accidents, during continued at-reactor storage and Section 5.18 discusses away-from-reactor postulated accidents. Appendix F of the DGEIS contains a more detailed analysis of spent fuel pool fires. Sections 4.19 and 5.19 of the DGEIS address impacts resulting from acts of terrorism.

A18. Does the NRC Plan to hold public meetings on the Waste Confidence DGEIS and proposed rule?

Yes, the NRC plans to hold eight regional public meetings and two nationally Webcast meetings at NRC headquarters on the DGEIS and proposed rule. The regional meetings are planned to be held in or near: Charlotte, North Carolina; Denver, Colorado; Toledo, Ohio; Boston (metro area), Massachusetts; New York City (metro area), New York; Minneapolis, Minnesota; San Clemente, California; San Luis Obispo, California; and Orlando, Florida. These meetings will be held during the public comment period on the DGEIS and proposed rule. All meetings will be noticed on the NRC's Public Meeting Schedule Web site at *http://www.nrc.gov/public-involve/public-meetings/index.cfm.* Information on the public meetings will also be made available through the **Federal Register**, press releases, blog posts, and emails. The NRC will also post meeting notices to the Federal rulemaking Web site at *https://www.regulations.gov,* under Docket ID NRC–2012–0246.

A19. How can I stay informed of Waste Confidence activities?

There are several ways in which interested members of the public can stay informed and follow the NRC's Waste Confidence activities. The NRC staff periodically sends out email announcements of new material and upcoming events. Anyone may sign up to receive emails about the Waste Confidence activities by emailing *WCOutreach@nrc.gov* with a request to be added to the email list.

The NRC staff will also periodically post updates to the *Waste Confidence Web site.* You can sign up for automatic email alerts whenever the Waste Confidence Web site is updated using *GovDelivery.* Under Subscriber Preferences you can choose the Waste Confidence pages on which you would like to receive updates.

You can monitor the docket for the Waste Confidence rulemaking on the Federal rulemaking Web site, *http://www.regulations.gov,* by searching on Docket ID NRC–2012–0246. In addition, the Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder NRC–2012–0246; (2) click the ''Email Alert'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

A20. How frequently does the NRC plan to revisit the Waste Confidence GEIS and rule?

The Commission has reviewed its Waste Confidence rule and supporting analysis three times since 1984; in 1990, 1999, and 2010. The NRC does not have a schedule for revisiting the Waste Confidence GEIS and rule after this current update. The Commission will review the Waste Confidence GEIS and rule for possible revision when warranted by significant events that may call into question the appropriateness of the rule.

A21. What should I consider as I prepare to submit my comments to the NRC?

Tips for preparing your comments. When submitting your comments, remember to:

I. Identify the rulemaking (RIN 3150–AJ20; NRC–2012–0246).

II. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

III. Describe any assumptions and provide any technical information and/or data that you used.

IV. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

V. Provide specific examples to illustrate your concerns and suggest alternatives.

VI. Explain your views as clearly as possible.

VII. Make sure to submit your comments by the comment period deadline identified.

VIII. The NRC is particularly interested in your comments concerning the following issues discussed in Section IV: (1) Issue 1 contains a request for comment on whether the Commission should remove the timeline for repository availability from the rule; (2) Issue 2 contains a request for comment on whether any statement related to the safety of continued spent fuel storage should be included in the rule; (3) Issue 3 contains a request for comment on whether the Discussion portion (Section III of this document) of the Statement of Considerations should be streamlined by removing content that is repeated from the DGEIS in order to improve clarity of the discussion; and (4) Issue 4 contains a request for comment on the title of the rule. In addition, Section VIII, Plain Writing, of this document contains a request for comments on the use of plain language, and Section X, Draft Environmental Impact Statement: Availability, of this document contains a request for comments on the draft environmental impact statement.

B. Waste Confidence Rulemaking

B1. What is the purpose of this Waste Confidence rulemaking?

The NRC's use of a rule to generically satisfy its NEPA obligations with respect

to continued storage will enhance efficiency in individual licensing reviews by analyzing the environmental impacts of continued storage, which are the same or largely similar at each nuclear power reactor or storage site, and codifying the results of that analysis. Part of the environmental analysis for a nuclear power reactor or storage facility license includes a review of the impacts caused by the spent nuclear fuel generated in the reactor. That analysis must assess the impacts of the spent nuclear fuel from generation through disposal. If the Commission lacks reasonable assurance that a disposal solution will be available at the end of a reactor's licensed life for operation, NEPA requires that the Commission assess the impacts of continued storage of the spent nuclear fuel pending disposal at a repository. The proposed rule would incorporate the results of the generic assessment of the environmental impacts of continued spent nuclear fuel storage beyond the end of a reactor's licensed life for operation so that it is not necessary to repeat the identical or substantially similar analysis in individual licensing actions. Although the environmental impacts of spent nuclear fuel storage during the licensed life for operation may be site specific, the impacts of continued storage can be generically assessed because the impacts during the reactor's licensed life for operation have been analyzed, are well understood, and the continued storage of spent nuclear fuel does not involve any significant changes in how the fuel is stored. Therefore, the environmental impacts that result from continued storage will remain essentially the same. A generic environmental analysis, such as the one conducted in the DGEIS, would apply to the issuance of a license, amendment, or license renewal of any power reactor or of any ISFSI. The analysis in the GEIS constitutes a regulatory basis for the proposed rule at 10 CFR 51.23, which codifies the NRC's conclusions in the GEIS on the environmental impacts of continued storage, including the Commission's expectations on the availability of a geologic repository.

B2. What is meant by the phrase ''licensed life for operation of a reactor''?

The phrase ''licensed life for operation of a reactor'' describes the period during which the NRC licensing requirements for reactor facility design, construction, and operation provide reasonable assurance that a reactor can be operated and spent fuel can be stored safely. It refers to the term of the license to operate a reactor, which in no case exceeds a 40-year initial license term. For those reactors for which license renewal has been granted, the DGEIS assumes up to two 20-year license extensions [5] could occur, for a total of up to 80 years. The phrase, ''beyond licensed life for operation of a reactor,'' refers to the period beyond the initial term to operate a reactor or, if the license is extended, beyond the renewed license term. The date of permanent cessation of operations does not mark the transition to ''beyond licensed life for operation.'' Even if a reactor is shut down years before the end of its initial or extended operating or combined license term, ''licensed life for operation'' continues to refer to the initial or renewed license term, and not the actual operational period of a reactor. Thus, continued storage begins at the end of the licensed life for operation of a reactor. The starting point for continued storage does not depend on whether the spent nuclear fuel is stored in a spent fuel pool, dry casks under a general license, or dry casks under a specific license.

The following examples help illustrate the concept of beyond the licensed life for operation of a reactor. Reactor A received a 40-year license to operate in 1965, which means the license would have expired in 2005. Reactor A renewed its license for a 20-year term, which means the license now will expire in 2025. Reactor A shuts down in 2025. The licensed life for operation for Reactor A ends in 2025 and continued storage begins in 2025.

Reactor B also received its initial license to operate in 1965, which means the license would have expired in 2005. Reactor B shut down early in 2000. The licensed life for operation of Reactor B ended in 2005, the original expiration date of the license. Continued storage of the spent nuclear fuel started in 2005.

Reactor C received its initial license in 1965, which means the license would have expired in 2005. Reactor C received two 20-year renewals with expiration dates of 2025 and 2045. Reactor C shut down in 2030. The licensed life for operation of Reactor C ends in 2045. Continued storage of the spent nuclear fuel begins in 2045 for all of the spent nuclear fuel from Reactor C.

In these examples, it is important to note that the environmental analysis supporting spent nuclear fuel storage during the licensed life for operation of each reactor covered the full period for which the license or license renewal was issued, even if operation of the reactor ended before the license expired.

B3. What timeframes are being considered in the DGEIS?

The NRC has analyzed three timeframes in the DGEIS that represent various scenarios for the length of continued storage that may be needed before spent fuel is sent to a repository. The first timeframe is the short-term timeframe, which analyzes 60 years of continued storage after the end of a reactor's licensed life for operation. The DGEIS also analyzed two additional timeframes: long-term and indefinite timeframes. The long-term timeframe considers the environmental impacts of continued storage for a total of 160 years after the end of a reactor's licensed life for operation. Finally, the DGEIS includes an analysis of an indefinite timeframe, which assumes that a repository never becomes available.

By the end of the short-term timeframe, some spent nuclear fuel could be up to 140 years old. Short-term storage of spent nuclear fuel includes:

- Continued storage of spent fuel in spent fuel pools (at-reactor only) and ISFSIs,
- Routine maintenance of spent fuel pools and ISFSIs (e.g., maintenance of concrete pads), and
- Handling and transfer of spent fuel from spent fuel pools to ISFSIs (all spent nuclear fuel is assumed to be removed from the spent fuel pool by the end of the short-term period).

Long-term storage is continued storage of spent nuclear fuel for an additional 100 years after the short-term period for a total of 160 years beyond the licensed life for operation of a reactor. The DGEIS assumes that all spent fuel has been transferred from the spent fuel pool to an ISFSI by the end of the short-term period. The DGEIS also assumes that a repository would become available by the end of this 160-year period. By the end of the long-term period, some spent nuclear fuel could be up to 240 years old. Long-term storage activities include:

- Continued storage of spent fuel in ISFSIs, including routine maintenance;
- One time replacement of ISFSIs and spent fuel canisters and casks; and
- Construction, operation, and one replacement of a dry transfer system facility (DTS).

The third timeframe analyzed by the DGEIS is indefinite storage, which assumes that a repository does not become available. The Commission does not believe that this scenario is likely to occur, but its inclusion in the analysis

[5] The Commission's regulations provide that renewed operating licenses may be subsequently renewed, although no licensee has yet submitted an application for such a subsequent renewal. The DGEIS included two renewals as a conservative assumption in evaluating potential environmental impacts.

helps the DGEIS to fully cover any likely environmental impacts associated with continued storage. The activities during the indefinite storage timeframe are the same as those that would occur for long-term storage; however, without a repository these activities would occur every 100 years.

B4. What is the significance of the levels of impact in the DGEIS (SMALL, MODERATE, LARGE)?

The NRC describes the affected environment in terms of resource areas: Land use, socioeconomics, environmental justice, air quality, climate change, geology and soils, surface water, groundwater, terrestrial resources, aquatic ecology, special status species and habitats, historic and cultural resources, noise, aesthetics, waste management, transportation, and public and occupational health. The DGEIS contains analysis of the environmental impacts associated with each resource area. Additionally, the DGEIS considers the impacts on resource areas caused by postulated acts of terrorism and accidents. The significance of the magnitude of the impact for most of the resource areas evaluated is expressed as SMALL, MODERATE, or LARGE. The general definitions of significance levels are:

SMALL: The environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource. For the purposes of assessing radiological impacts, the Commission has concluded that radiological impacts that do not exceed permissible levels in the Commission's regulations are considered small.

MODERATE: The environmental effects are sufficient to alter noticeably, but not to destabilize, important attributes of the resource.

LARGE: The environmental effects are clearly noticeable and are sufficient to destabilize important attributes of the resource.

The DGEIS discussion of each resource area includes an explanation of how the significance category was determined. For issues in which the significance determination is based on risk (i.e., the probability of occurrence as well as the potential consequences), the probability of occurrence as well as the potential consequences have been factored into the determination of significance. For some resource areas the impact determination language is specific to the authorizing regulation or statute.

B5. What are the environmental impacts of at-reactor continued storage?

The environmental impacts of continued storage are analyzed in the DGEIS. The DGEIS contains a detailed analysis of the impacts for short-term storage, long-term storage, and indefinite storage. The analysis considers both at-reactor storage and away-from-reactor storage.[6] Impacts attributable to at-reactor storage are addressed here and the impacts from away-from-reactor storage are addressed in question B6.

For at-reactor storage, the unavoidable adverse environmental impacts for each resource area are SMALL for all timeframes with the exception of waste management impacts, which are SMALL to MODERATE for the indefinite storage timeframe, and historic and cultural impacts, which are SMALL, MODERATE, or LARGE for the long-term and indefinite storage timeframes. These elevated impact conclusions are influenced, in part, by the uncertainties regarding the specific circumstances of continued storage over long timeframes, including site-specific characteristics that could affect the intensity of potential environmental impacts and the resulting analysis assumptions that have been made by the NRC as documented in detail in Chapter 4 of the DGEIS. The moderate waste-management impacts are associated with the volume of nonhazardous solid waste generated by assumed facility replacement activities for only the indefinite timeframe. The SMALL, MODERATE, or LARGE historic and cultural impacts are based on a combination of the additional surface-disturbing activities from DTS construction and facility replacement activities during long-term and indefinite timeframes and a range of site-specific characteristics that are assumed for the purpose of evaluating a reasonable range of potential impacts. More specifically, these potential historic and cultural impacts vary depending on whether resources are present, the extent of proposed land disturbance, if the area has been previously surveyed to identify historic and cultural resources, and if the licensee has management plans and procedures that are protective of historic and cultural resources. For special status species, at-reactor ISFSI storage would not be likely to adversely affect special status species and habitats, whereas spent fuel pool continued storage impacts would be based on site-specific conditions and determined as part of an Endangered Species Act Section 7 consultation. The NRC environmental justice impact analysis concluded there would be no disproportionately high and adverse human health and environmental impacts on minority and low-income populations.

The following table provides a summary of the environmental impacts of continued at-reactor storage. Detailed discussion for each resource area can be found in Chapter 4 of the DGEIS. Cumulative impacts are addressed in Chapter 6 of the DGEIS. Chapter 8 of the DGEIS provides a summary of the impacts.

TABLE 1—ENVIRONMENTAL IMPACTS OF AT-REACTOR CONTINUED STORAGE OF SPENT NUCLEAR FUEL

Resource area	Short-term storage	Long-term storage	Indefinite storage
Land Use	SMALL	SMALL	SMALL.
Socioeconomics	SMALL	SMALL	SMALL.
Environmental Justice	No disproportionately high and adverse impacts.		
Air Quality	SMALL	SMALL	SMALL.
Climate Change	SMALL	SMALL	SMALL.
Geology and Soils	SMALL	SMALL	SMALL.
Surface Water:			
Quality	SMALL	SMALL	SMALL.
Use	SMALL	SMALL	SMALL.
Groundwater:			

[6] For the purposes of the DGEIS impact analysis, the GEH-Morris facility and the DOE TMI–2 ISFSI at Idaho Falls, Idaho were considered under the at-reactor storage evaluation.

TABLE 1—ENVIRONMENTAL IMPACTS OF AT-REACTOR CONTINUED STORAGE OF SPENT NUCLEAR FUEL—Continued

Resource area	Short-term storage	Long-term storage	Indefinite storage
Quality	SMALL	SMALL	SMALL.
Use	SMALL	SMALL	SMALL.
Terrestrial Resources	SMALL	SMALL	SMALL.
Aquatic Ecology	SMALL	SMALL	SMALL.
Special Status Species and Habitats.	Impacts from the spent fuel pool would be determined as part of Endangered Species Act Section 7 consultation; ISFSI operations are not likely to adversely affect special status species and habitats.	Not likely to adversely affect	Not likely to adversely affect.
Historic and Cultural Resources	SMALL	SMALL, MODERATE, or LARGE	SMALL, MODERATE, or LARGE.
Noise	SMALL	SMALL	SMALL.
Aesthetics	SMALL	SMALL	SMALL.
Waste Management:			
LLW	SMALL	SMALL	SMALL.
Mixed Waste	SMALL	SMALL	SMALL to MODERATE.
Nonradioactive Waste	SMALL	SMALL	SMALL to MODERATE.
Transportation			
Traffic	SMALL	SMALL	SMALL.
Health impacts	SMALL	SMALL	SMALL.
Public and Occupational Health	SMALL	SMALL	SMALL.
Accidents	SMALL.		
Terrorism Considerations	SMALL.		

B6. What are the environmental impacts of away-from-reactor continued storage?

The away-from-reactor environmental impacts analyzed in the DGEIS include the impacts from constructing the ISFSI. Although an away-from-reactor ISFSI would be subject to a site-specific licensing review that includes an environmental impact statement that would assess the environmental impacts due to construction, the impacts due to construction are included in the DGEIS due to the potential for that construction to occur during the timeframes analyzed in the DGEIS. For away-from-reactor storage, the unavoidable adverse environmental impacts for each resource area would be SMALL except for air quality, terrestrial ecology, aesthetics, waste management, and transportation where the impacts would be SMALL to MODERATE. Socioeconomic impacts would range from SMALL to beneficial and LARGE and historic and cultural impacts could be SMALL, MODERATE, or LARGE. The potential MODERATE impacts on air, terrestrial wildlife, and transportation are based on construction-related potential fugitive dust emissions, terrestrial wildlife direct and indirect mortalities, and temporary construction traffic impacts. The potential MODERATE impacts on aesthetics and waste management are based on noticeable changes to the viewshed from constructing a new away-from-reactor ISFSI, and the volume of nonhazardous solid waste generated by assumed ISFSI and DTS replacement activities for only the indefinite timeframe. The potential beneficial and LARGE impacts on socioeconomics would be due to local economic tax revenue increases from an away-from-reactor ISFSI. The potential LARGE impacts on historic and cultural and special status species apply to assumed site-specific circumstances at an away-from-reactor ISFSI involving the presence of these resources during construction activities and absence of effective protection measures. Specifically, these potential historic and cultural impacts vary depending on whether resources are present, the extent of proposed land disturbance, and whether the licensee has management plans and procedures that are protective of historic and cultural resources. For special status species, away-from-reactor ISFSI storage would not be likely to adversely affect special status species and habitats based on the assumption an ISFSI can be sited to avoid special status species and habitats. Impacts on special status species and habitats would be based on site-specific conditions and determined as part of an Endangered Species Act Section 7 consultation. The NRC environmental justice impact analysis for an away-from-reactor ISFSI concluded there would be no disproportionately high and adverse human health and environmental impacts on minority and low-income populations.

The following table provides a summary of the environmental impacts from away-from-reactor continued storage: Detailed discussion for each resource area can be found in Chapter 5 of the DGEIS. Cumulative impacts are addressed in Chapter 6 of the DGEIS. Chapter 8 of the DGEIS provides a summary of the impacts.

TABLE 2—ENVIRONMENTAL IMPACTS OF AWAY-FROM REACTOR CONTINUED STORAGE OF SPENT NUCLEAR FUEL

Resource area	Short-term storage	Long-term storage	Indefinite storage
Land Use	SMALL	SMALL	SMALL.
Socioeconomics	SMALL (adverse) to LARGE (beneficial).	SMALL (adverse) to LARGE (beneficial).	SMALL (adverse) to LARGE (beneficial).

TABLE 2—ENVIRONMENTAL IMPACTS OF AWAY-FROM REACTOR CONTINUED STORAGE OF SPENT NUCLEAR FUEL—Continued

Resource area	Short-term storage	Long-term storage	Indefinite storage
Environmental Justice	No disproportionately high and adverse impacts.		
Air Quality	SMALL to MODERATE	SMALL	SMALL.
Climate Change	SMALL	SMALL	SMALL.
Geology and Soils	SMALL	SMALL	SMALL.
Surface Water:		SMALL	SMALL.
Quality	SMALL		
Use	SMALL		
Groundwater		SMALL	SMALL.
Quality	SMALL		
Use	SMALL		
Terrestrial Resources	SMALL to MODERATE	SMALL	SMALL.
Aquatic Ecology	SMALL	SMALL	SMALL.
Special Status Species and Habitats.	Impacts from the construction of the ISFSI would be determined as part of Endangered Species Act Section 7 consultation. Assuming the ISFSI can be sited to avoid special status species and habitats, operation and replacement of the ISFSI is not likely to adversely affect special status species and habitats. Impacts would be determined as part of Endangered Species Act Section 7 consultation if continued storage would affect listed species or critical habitat.		
Historic and Cultural Resources	SMALL, MODERATE, or LARGE	SMALL, MODERATE, or LARGE	SMALL, MODERATE, or LARGE.
Noise	SMALL	SMALL	SMALL.
Aesthetics	SMALL to MODERATE	SMALL to MODERATE	SMALL to MODERATE.
Waste Management:			
LLW	SMALL	SMALL	SMALL.
Mixed Waste	SMALL	SMALL	SMALL.
Nonradioactive Waste	SMALL	SMALL	SMALL to MODERATE.
Transportation:			
Traffic	SMALL to MODERATE	SMALL to MODERATE	SMALL to MODERATE.
Health	SMALL		
Public and Occupational Health	SMALL	SMALL	SMALL.
Accidents	SMALL.		
Terrorism Considerations	SMALL.		

B7. Does a potentially LARGE impact on historic and cultural resources affect the generic determination in the Waste Confidence DGEIS?

The generic determination found in the DGEIS is not affected by the potentially LARGE impact on historic and cultural resources. As noted in Question A.2, the DGEIS describes a range of potential impacts associated with continued storage. The impact resulting from a specific licensing action associated with continued storage (e.g., construction of a DTS) would be determined by site-specific factors in a subsequent NEPA and National Historic Preservation Act (NHPA) Section 106 review. If LARGE impacts were determined, under the site-specific environmental review and NHPA process, consultation would continue as the NRC develops and evaluates alternatives or modifications to avoid, minimize, or mitigate adverse effects to historic properties and impacts to other historic and cultural resources. An agency official must complete the Section 106 process before making a decision on an undertaking.

B8. How will the proposed rule address the impacts from continued storage of spent nuclear fuel?

The NRC is proposing revisions to 10 CFR 51.23(a) that reflect the analysis and conclusions of the DGEIS (NUREG–2157). Proposed 10 CFR 51.23(a) provides that: (1) The analysis generically addresses the environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor; and (2) the analysis supports the determinations that it is feasible to safely store spent nuclear fuel beyond the licensed life for operation of a reactor and to have a mined geologic repository within 60 years following the licensed life for operation of a reactor.

Paragraph (b) of 10 CFR 51.23 would be revised to clarify that ISFSI renewals are included in the scope of the generic determination. Additionally, conforming changes would be made to 10 CFR 51.61, 51.80(a), and 51.97(a) to clarify that ISFSI license renewals are included in the scope of waste confidence.

B9. What are the key assumptions used in the DGEIS?

To guide its analysis, the NRC relied upon certain reasonably foreseeable assumptions regarding storage of spent nuclear fuel. A detailed discussion of these assumptions is contained in Section 1.8.3 of the DGEIS. Key assumptions used in the DGEIS include:

- Institutional controls, the continued regulation of spent nuclear fuel, will continue.
- Spent fuel canisters and casks would be replaced approximately once every 100 years.
- A DTS would be built at each ISFSI location for fuel repackaging and the ISFSIs and DTS facilities would be replaced approximately once every 100 years.
- All spent nuclear fuel would be removed from spent fuel pools to dry storage by the end of the short-term storage timeframe (60 years after licensed life).
- An ISFSI of sufficient size to hold all spent nuclear fuel generated during licensed life for operation will be constructed before the end of the licensed life.

• The analyses in the DGEIS are based on current technology and regulations.

B10. What did the NRC assume regarding the continuation of institutional controls and why?

The DGEIS assumes that regulatory controls of spent nuclear fuel or ''institutional controls'' would continue during the time when spent nuclear fuel is stored at an ISFSI at either on-site or at away from reactor site locations. Consistent with the ongoing regulation of operating nuclear facilities, the DGEIS assumes operating facilities would continue to maintain safety significant structures, systems, and components. For example, spent fuel storage casks are assumed to be maintained and replaced prior to any significant degradation and release of spent nuclear fuel (*i.e.,* the DGEIS assumes spent fuel storage casks are replaced every 100 years).

Therefore, the storage of spent nuclear fuel in any combination of storage (spent fuel pool or dry cask) is assumed to continue as a licensed activity under regulatory controls and oversight. Nonetheless, the conclusions reached by the NRC in the DGEIS regarding the technical feasibility of continued storage do not rely solely on the NRC's regulatory framework governing these activities. Rather, these conclusions are also based on the NRC's experience with the actual storage of spent nuclear fuel under this regulatory framework and the continued application of proven spent nuclear fuel-storage methodologies. Decades of operating experience and ongoing NRC inspections demonstrate that reactor and ISFSI licensees continue to meet their obligation to safely store spent nuclear fuel in accordance with the requirements of 10 CFR parts 50, 52, and 72. If the NRC were to find noncompliance with these requirements or otherwise identify a concern with the safe storage of the spent nuclear fuel, the NRC would evaluate the issue and take whatever action or change in its regulatory program necessary to protect the public health and safety and the environment.

Storage of spent nuclear fuel poses a sufficient hazard to the environment and to humans that the Commission considers it very unlikely that regulatory controls and oversight would cease to exist. Although disposal facilities generally consider the loss of institutional controls, such analysis is for time periods after the facility is permanently closed (*i.e.,* no longer operating) and the hazard is significantly reduced due to disposal deep underground (e.g., on the order of 1,000 feet underground). Further, at some period beyond the closure of the disposal facility, there is a potential that the knowledge of the intended purpose of the facility could be lost, thereby increasing the likelihood that an inadvertent intrusion could occur. In contrast, a dry storage facility is typically a visible surface structure requiring active maintenance and security, making loss of institutional control so unlikely that it is a remote and speculative occurrence. Given that NEPA does not require consideration of remote and speculative issues, this analysis has not been included in the DGEIS.

While the DOE assumed loss of institutional control in the ''Final Supplemental Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County Nevada'' (Yucca Mountain FEIS) (ADAMS Accession No. ML081750212), the NRC assumed the continuation of institutional controls in this DGEIS because the purpose of the analysis here is fundamentally different from the analysis conducted by the DOE for Yucca Mountain. The Waste Confidence DGEIS analyzes the environmental impacts of continued storage of spent nuclear fuel pending ultimate disposal in a deep geologic repository. In the Yucca Mountain documents, the DOE needed to compare the no-action alternative of not disposing of the fuel with the proposed action of disposal at Yucca Mountain. Because the proposed action assumed that active institutional controls would continue for only 100 years after the closure of the Yucca Mountain site, DOE concluded it was reasonable to analyze a no action alternative that assumed a similar level of institutional controls. The DOE noted, however, that in the event Yucca Mountain did not become a disposal site for spent nuclear fuel, the no-action alternative analyzed in the Yucca Mountain FEIS was unlikely because the Federal government would develop a different disposal plan for the spent nuclear fuel that would provide better protection of the public and the environment than continued on-site storage. (Yucca Mountain FEIS 2–56–65).

B11. How would significant changes in these assumptions be addressed under the NRC's regulatory framework?

The NRC has historically reviewed the Waste Confidence rule as the policy and technological foundations for spent nuclear fuel storage and disposal have evolved. Technological changes that might require revisiting the assumptions, such as revisions to the NRC's safety regulations that allow or require a shorter or longer period of time before repackaging, are likely to not affect the overall conclusions in the DGEIS that provides a regulatory basis for the Waste Confidence rule and, accordingly, would not justify an update to the rule. These technological changes could require licensees to amend their licenses, which would be accompanied by site specific safety and environmental reviews. The NRC will continue to monitor changes in National policy and developments in spent nuclear fuel storage and disposal technology. When warranted by a change in assumptions that would significantly affect the predicted impacts of continued storage, the NRC will consider updating its Waste Confidence rule, which would be supported by a new environmental analysis that would fully consider any new developments.

B12. What is the technical basis for concluding that continued storage can occur safely?

Technical understanding and experience continues to support the technical feasibility of safe storage of spent nuclear fuel in spent fuel pools and in dry casks, based on their physical integrity over long periods of time (*e.g.,* slow degradation of spent fuel during storage in spent fuel pools and dry casks and engineered features of storage pools and dry casks to safely withstand accidents caused by either natural or human-made phenomena). Additionally, regulatory oversight has been shown to enhance safety designs and operations as concerns and information evolve over time (*e.g.,* security and safety enhancements made after the September 11, 2001, terrorist attacks and the March 2011 Fukushima Dai-ichi disaster; and corrective actions to address spent fuel pool leaks) (*see* Section B.3 of Appendix B of the DGEIS and Section III.C.3, *Storage of Spent Nuclear Fuel at a Storage Facility,* of this document for additional information).

If necessary, there is no technical reason that storage of spent fuel in either spent fuel pools or dry casks cannot continue beyond 60 years after the end of the reactor's licensed life for operation. Storage of spent fuel beyond this time would continue under an approved aging management program to ensure that monitoring and maintenance are adequately performed. The DGEIS assumes that, at an appropriate time, structures, systems, and components of the ISFSIs would be replaced as part of an approved aging management

program. The DGEIS assumes that these replacement activities begin during the long-term timeframe; however, based on current information, there is no expectation or requirement for replacement to occur at any specific time in the future. Continued experience with storing spent fuel will guide and inform aging management plans. At present, replacement activities (*i.e.,* large-scale replacement of dry cask storage systems) are expected to occur no earlier than 60 years after the end of the reactor's licensed life for operation.

B13. If the NRC is considering extending the timeframe of safe storage, how is that not de facto on site disposal?

Nothing in this rulemaking or the DGEIS authorizes the continued storage of spent nuclear fuel. Storage of spent nuclear fuel is authorized in site-specific licensing actions under 10 CFR parts 50, 52, or 72. The general license provisions of 10 CFR part 72 also authorize storage of spent nuclear fuel in dry cask storage systems. The DGEIS and this rulemaking are intended to generically resolve the NRC's NEPA obligations with respect to the continued storage of spent nuclear fuel.

Although the timeframe for storage of spent nuclear fuel is longer than originally planned, the national policy embodied in the Nuclear Waste Policy Act Amendments of 1987 remains unchanged: Disposal of spent nuclear fuel in a deep geologic repository. Given the uncertainties in achieving a national consensus for the site of a repository that could affect the time it becomes available, the NRC has analyzed different timeframes for continued storage. Conducting this analysis enables NRC to comply with its NEPA obligations to analyze all reasonably foreseeable impacts of its licensing actions, even if the short-term storage scenario is more likely than long-term or indefinite storage. This analysis does not constitute an endorsement of an extended timeframe for storage of spent nuclear fuel. Additionally, the NRC does not create national policy for disposal of spent nuclear fuel. That responsibility lies exclusively with Congress and the President and, as noted, is presently expressed by the Nuclear Waste Policy Act Amendments of 1987. Rather, the NRC must implement national policy set by Congress and the President by evaluating, in the context of its licensing and regulatory actions, how that policy will affect continued storage of spent fuel after the licensed life of a reactor's operation.

B14. Does the U.S. Department of Energy's motion to withdraw its Yucca Mountain application affect the NRC's conclusion that geologic disposal is technically feasible?

No. The Waste Confidence proceeding has historically addressed the technical feasibility of a repository without regard to a specific site, such as Yucca Mountain. As stated by Congress in the Nuclear Waste Policy Amendments of 1987, the national program for permanent spent nuclear fuel disposal remains premised on a deep geologic repository. The Blue Ribbon Commission on America's Nuclear Future in its January 2012 report (the ''BRC Report'') (ADAMS Accession No. ML120970375) reaffirmed the need and feasibility for deep geologic disposal of spent nuclear fuel. Further, deep geologic disposal is internationally recognized as the best solution. (Nuclear Energy Agency Organisation for Economic Co-operation and Development, ''Moving Forward With Geological Disposal of Radioactive Waste,'' 2008, *http://www.oecd-nea.org/rwm/reports/2008/nea6433-statement.pdf.*) Other countries are also pursuing geologic repositories for disposal of spent nuclear fuel and high-level radioactive waste. The Commission's exhaustive reviews supporting its earlier Waste Confidence decision have not identified any challenge to the technical feasibility of deep geologic disposal, and the Commission has therefore repeatedly affirmed its previous Waste Confidence Decision updates that a repository is technically feasible.

B15. What changes are being proposed for the timing of a geologic repository?

The NRC is proposing a change to 10 CFR 51.23(a) that would reflect the most likely timeframe for repository availability. Proposed paragraph (a)(2) of 10 CFR 51.23 states that it is feasible to have a mined geologic repository within 60 years following the licensed life of operation for a reactor.

B16. Why does the NRC think it is feasible that a repository can be available in 60 years?

As discussed in the DGEIS, the NRC has analyzed three timeframes that represent various scenarios for the length of continued storage that will be needed before spent fuel is sent to a repository. The first, most likely, timeframe is the short-term timeframe, which analyzes 60 years of continued storage after the end of a reactor's licensed life for operation. As discussed in the DGEIS, the NRC has concluded this is a likely timeframe, in part, because the DOE has expressed its intention to provide repository capacity by 2048, which is well before the 60 years after licensed life for operation for all currently operating plants, and about 10 years before the end of this timeframe for the oldest spent fuel within the scope of this analysis. Further, international and domestic experience with deep geologic repository programs supports a timeline of 25–35 years to provide repository capacity for the disposal of spent fuel. The DOE's prediction of 2048 is in line with this expectation. The NRC acknowledges, however, that the short-term timeframe, although the most likely, is not certain. The availability of a repository can be substantially affected by whatever process is employed to achieve a national consensus on repository site selection. The outcome of a search for a new repository location is uncertain. Accordingly, the DGEIS also analyzed two additional timeframes. The long-term timeframe considers the environmental impacts of continued storage for a total of 160 years after the end of a reactor's licensed life for operation. Finally, although the NRC considers it highly unlikely, the DGEIS includes an analysis of an indefinite timeframe, which assumes that a repository does not become available.

In picking a timeframe by which the Commission believes that a geologic repository is likely to become available, the Commission in no way means to imply that it believes that spent fuel will need to be stored indefinitely. Nor does it imply that a repository is only feasible at the end of the 60-year timeframe or that any particular repository site is precluded under the analysis. United States law supports the objective of timely disposal of spent nuclear fuel and high-level radioactive waste in a geologic repository, and the DOE is currently the agency responsible for carrying out the national policy to site and build a repository. However, spent nuclear fuel may need to be stored for several decades at either reactor sites or away-from-reactor sites before ultimate disposal is available in a geologic repository. Having considered all available information, the Commission believes that the most likely timeframe for repository availability is 60 years beyond a reactor's licensed life for operation (*see* also the discussion in Appendix B of the DGEIS and Section III.C.2, *Geologic Repository—Technical Feasibility and Availability* of this document).

B17. How does this rulemaking relate to the licensing of future away-from-reactor ISFSIs?

Future away-from-reactor ISFSI applicants must conduct a site-specific environmental analysis to support their licensing. An away-from-reactor ISFSI applicant or licensee cannot use the Waste Confidence rule and GEIS or the 10 CFR part 72 subpart K general license as the basis for constructing an away-from-reactor ISFSI. If necessary, the site-specific NEPA analysis for an away-from-reactor ISFSI could only rely on the analysis in the DGEIS and rule to a limited extent to satisfy its NEPA obligations with respect to the storage of spent nuclear fuel after the expiration of the away-from-reactor ISFSI license.

B18. How does this rulemaking relate to the certification of spent fuel storage casks and use of the 10 CFR part 72 general storage license to store spent nuclear fuel at operating or decommissioned reactor facilities that are licensed under 10 CFR parts 50 or 52 by the NRC?

The Waste Confidence rulemaking does not directly relate to cask certification because certifications are design reviews that do not consider or approve the loading of any specific fuel at any specific location. With respect to the use of general spent fuel storage licenses, these were issued under 10 CFR 72.210 to all licensees in possession of a 10 CFR parts 50 or 52 license. Licensing actions that have already occurred are not altered or affected by this rulemaking.

B19. How can a future site-specific reactor EIS or supplement that references the GEIS be used to understand the environmental impacts of the no-action alternative of not approving nuclear power operations at a proposed site?

Both site-specific reactor EISs for initial licensing and site-specific supplements to the license renewal GEIS (NUREG–1437) include descriptions of the no-action alternative of not granting the initial license or not renewing the existing license, respectively. The description of the no-action alternative in site-specific reactor EISs that support initial reactor licensing discusses impacts that would be avoided if the NRC did not grant the license. Similarly, the site-specific supplements to the license renewal GEIS describe environmental impacts that would be avoided should the NRC not renew an operating license for an existing reactor, and the reactor shut down at, or before, the end of its license term and began decommissioning.

For both proposed new reactors and proposed reactor license renewals, the Waste Confidence GEIS would be of limited use in understanding the environmental impacts of the no-action alternative of not approving the requested licenses. If no new license were issued, there would be no spent nuclear fuel generated (or no additional spent nuclear fuel generated in the case of a renewal) or stored at the site as a result of the proposed actions and therefore no environmental impacts triggered by those actions. The Waste Confidence GEIS would describe the impacts of continued storage that could be avoided or reduced if the no-action alternative were selected. The Waste Confidence GEIS would also describe the impacts of continued storage of already existing spent fuel in the case of evaluating the no action alternative related to the renewal of a license for an already existing facility.

B20. What changes are being proposed to address continued storage for license renewal?

Table B–1, ''Summary of Findings on NEPA Issues for License Renewal of Nuclear Power Plants'' addresses the environmental impacts of license renewal activities by resource area. Table B–1 is located in appendix B to subpart A of 10 CFR part 51, ''Environmental Effect of Renewing the Operating License of a Nuclear Power Plant.'' When the Commission issued the final rule on the environmental effects of license renewal, it was not able to rely on the Waste Confidence rule for two of the issues (78 FR 37282; June 20, 2013) (ADAMS Accession No. ML13101A059). The Commission noted that upon issuance of the GEIS and revised Waste Confidence rule, the NRC would make any necessary conforming changes to the license renewal rule. The proposed rule would revise two finding column entries to address continued storage. The ''Offsite radiological impacts of spent nuclear fuel and high-level waste disposal'' issue would be reclassified as a Category 1 impact and the finding column entry revised to address continued storage. For the ''Onsite storage of spent nuclear fuel'' issue, the finding column entry would be revised to include the period of continued storage.

C. Decision

C1. Introduction

Historically, the Waste Confidence Decision contained five ''Findings'' that addressed the technical feasibility of a mined geologic repository, the degree of assurance that disposal would be available by a certain time, and the degree of assurance that spent fuel and high-level waste could be managed safely without significant environmental impacts for a certain period beyond the expiration of plants' operating licenses. Preparation of and reliance upon a GEIS is a fundamental departure from the approach used in past Waste Confidence proceedings. What had been ''Findings'' in past Decisions are now conclusions based on the information that is provided in the DGEIS on environmental impacts from continued storage and the associated assessment of spent nuclear fuel storage and disposal practices nationally and internationally. The DGEIS acknowledges the uncertainties inherent in any prediction of repository availability and provides an environmental analysis of any reasonably foreseeable timeframes. To this end, the DGEIS considers a number of possible timeframes for repository availability, including the impacts from never having a repository.

This section provides a discussion of the issues and conclusions addressed in the DGEIS that had previously appeared in the findings discussions of prior Waste Confidence decisions. Based on the NRC's analysis in the DGEIS, the discussion in this section addresses the issues assessed in the ''Five Findings'' as conclusions, regarding the agency's prediction as to the availability of a repository (*see* Section III.C2., *Geologic Repository—Technical Feasibility and Availability,* of this document) and conclusions regarding the technical feasibility of safely storing spent fuel in an at-reactor or away-from-reactor storage facility (*see* Section III.C3., *Storage of Spent Nuclear Fuel at a Storage Facility,* of this document). The DGEIS now fulfills NRC's NEPA obligations for analyzing the environmental impacts of continued storage and the related uncertainties in repository availability. Specific sections of the DGEIS are referenced, as appropriate, throughout Section III.C., *Decision,* of this document. The following paragraphs frame the issues considered in developing these conclusions in terms of the technical feasibility and availability of a repository and the safe management of continued storage of spent nuclear fuel.

C2. Geologic Repository—Technical Feasibility and Availability

The issue of the technical feasibility of a geologic repository was historically addressed in Finding 1 of the Waste Confidence Decision and the availability of a repository was addressed in Finding

2. ''Technical feasibility'' simply means whether construction and operation of a geologic repository is technically possible using existing technology without any fundamental breakthroughs in science and technology. If technically feasible, then the question becomes what is a reasonable timeframe for the siting, licensing, construction, and opening of a geologic repository.

In past Waste Confidence proceedings in 1984, 1990, and 2010, the NRC reviewed the technical feasibility of deep geologic disposal and each time concluded that this method of disposal is technically feasible. As discussed in more detail in this section, the NRC has not found any new information that would challenge this determination. In fact, new information that has been developed since 2010 provides further support for the Commission's conclusion that deep geologic disposal is technically feasible.

The DOE's selection of a suitable site is governed by the Nuclear Waste Policy Act (NWPA) (96 Stat. 2201 (1983) (current version at 42 U.S.C. 10132 (2006)). The DOE explored potential repository sites before the NWPA was enacted, but the NWPA set in place a formal process and schedule for the development of two geologic repositories. The following brief summary of key provisions of the NWPA may assist readers in understanding the DOE's process for locating a suitable site.

As initially enacted, Section 112 of the NWPA directed DOE to issue guidelines for the recommendation of sites; then to nominate at least five sites as suitable for site characterization for selection as the first repository site; and, not later than January 1, 1985, to recommend three of those sites to the President for characterization as candidate sites. Not later than July 1, 1989, DOE was to again nominate five sites and recommend three of them to the President for characterization as candidate sites for the second repository. Section 113 of the NWPA directed DOE to carry out site characterization activities for the approved sites. Following site characterization, Section 114 directed DOE to recommend sites to the President as suitable for development as repositories and the President was to recommend one site to the Congress by March 31, 1987, and another site by March 31, 1989, for development as the first two repositories. States and affected Indian tribes were given the opportunity to object, but if the recommendations were approved by Congress, DOE was to submit applications for a construction authorization to the NRC. The NRC was given until January 1, 1989, to reach a decision on the first application and until January 1, 1992, on the second. The Commission was directed to prohibit the emplacement of more than 70,000 metric tons heavy metal (MTHM) in the first repository until a second repository was in operation. In 1987, Congress amended the NWPA to restrict site characterization solely to a site at Yucca Mountain, Nevada and terminated the program for a second repository. The amended NWPA provided that if at any time the DOE determines Yucca Mountain to be unsuitable for development as a repository, the DOE must report to Congress its recommendations for further action to ensure the safe, permanent disposal of spent nuclear fuel and high-level radioactive waste, including the need for new legislation.

Support for the feasibility of geologic disposal can be drawn from experience gained from the review of the DOE's Yucca Mountain license application. The DOE made its suitability determination for the Yucca Mountain site in 2002. On June 3, 2008, the DOE submitted an application for a construction authorization to the NRC, and on September 8, 2008, the NRC staff notified the DOE that it found the application acceptable for docketing (73 FR 53284; September 15, 2008) and began its review. Although the DOE subsequently filed a motion with the NRC Atomic Safety and Licensing Board seeking permission to withdraw the license application for a high-level nuclear waste repository at Yucca Mountain (ADAMS Accession No. ML100621397), the NRC's review continued until September 2011. The NRC's review did not identify any issues that would challenge the feasibility of geological disposal. This conclusion is reflected in two technical review documents: NUREG–2108, ''Technical Evaluation Report on the Content of the U.S. Department of Energy Yucca Mountain Repository License Application—Preclosure Volume: Repository Safety Before Permanent Closure'' (ADAMS Accession No. ML11250A093), and NUREG–2107, ''Technical Evaluation Report on the Content of the U.S. Department of Energy's Yucca Mountain Repository License Application—Postclosure Volume: Repository Safety After Permanent Closure'' (ADAMS Accession No. ML11223A273). These documents contain the NRC staff's technical reviews of the DOE's license application for Yucca Mountain in the areas of safety before permanent closure and after permanent closure.

Additionally, the DOE has sited and constructed, and is operating, a deep geologic repository for defense-related transuranic radioactive waste near Carlsbad, New Mexico. The Waste Isolation Pilot Plant (WIPP), in operation since 1999, is located in the Chihuahuan Desert of southeastern New Mexico, approximately 26 miles east of Carlsbad. At this site, the DOE has successfully disposed of transuranic waste from nuclear weapons research and testing operations. The WIPP project provides additional evidence that a geologic repository is technically feasible. During its 14 years of operation, no issues have been identified that would challenge the feasibility of geologic disposal.

Today, the consensus within the scientific and technical community engaged in spent nuclear fuel management activities at both a national and international level continues to be that safe geologic disposal is achievable with currently available technology (*see, e.g.,* BRC Report (Section 4.3)). Ongoing research in the United States and other countries supports the conclusion that geologic disposal remains viable and that acceptable sites can be identified. Despite decades of research into various geologic media, no insurmountable technical or scientific problem has emerged to disturb the confidence that safe disposal of spent nuclear fuel and high-level radioactive waste can be achieved in a mined geologic repository. There has been significant progress in the scientific understanding and technological development needed for geologic disposal over the past two decades. There is now a much better understanding of the processes that affect the ability of repositories to isolate waste over long periods (International Atomic Energy Agency (IAEA), ''Scientific and Technical Basis for the Geologic Disposal of Radioactive Wastes, Technical Reports Series No. 413'' 2003). The ability to characterize and quantitatively assess the capabilities of geologic and engineered barriers has been repeatedly demonstrated (Organisation for Economic Cooperation and Development, Nuclear Energy Agency, ''Lessons Learnt From Ten Performance Assessment Studies,'' 1997). Specific sites have been investigated and extensive experience has been gained in underground engineering (IAEA, ''Radioactive Waste Management Studies and Trends, IAEA/WMDB/ST/4,'' 2005; IAEA, ''The Use of Scientific and Technical Results From Underground Research Laboratory Investigations for the Geologic Disposal

of Radioactive Waste, IAEA–TECDOC–1243,'' 2001). These advances and others throughout the world continue to confirm the soundness of the basic concept of deep geologic disposal (IAEA, ''Joint Convention on Safety of Spent Fuel Management and on Safety of Radioactive Waste Management, INFCIRC/546,'' 1997). (Note that copies of all IAEA documents are available on the IAEA Web site at *http://www.IAEA.org.*)

In the United States, the technical approach for safe high-level radioactive waste disposal has remained unchanged for several decades, *i.e.,* a deep geologic repository containing natural barriers to hold canisters of high-level radioactive waste with additional engineered barriers to further retard radionuclide release. Although some elements of this technical approach have changed in response to new knowledge, safe disposal is still feasible with current technology.

The BRC Report recommended ''prompt efforts to develop one or more geologic disposal facilities'' (p vii). The BRC Report did not identify any obstacles to the technical feasibility of siting, constructing, and operating a repository. In the DOE ''Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste'' (hereafter referred to as the DOE Strategy Report) (ADAMS Accession No. ML13011A138), the DOE responded to the BRC Report by presenting a framework for ''moving toward a sustainable program to deploy an integrated system capable of transporting, storing, and disposing of used nuclear fuel and high-level radioactive waste from civilian nuclear power generation . . . .'' The new DOE strategy includes a nuclear waste management system consisting of a pilot interim storage facility, a larger full-scale interim storage facility, and a geologic repository. No new information has emerged that would cause the Commission to revisit its conclusions from previous Waste Confidence rulemakings that deep geologic disposal is technically feasible. The Commission therefore concludes that deep geologic disposal continues to be technically feasible.

Given that geologic repositories continue to be technically feasible, the question then becomes how long it is likely to take to successfully site, license, construct, and open a repository. In answering this question, the Commission has, among other things, historically drawn upon international experience to inform its conclusion of how long it will likely take to successfully site, license, construct, and open a repository. Of the 24 countries (other than the United States) considering disposal of spent or reprocessed nuclear fuel in deep geologic repositories, 10 have established target dates for the availability of a repository. Most of the 14 countries that have not established target dates rely on centralized interim storage, which may include a protracted period of onsite storage before shipment to a centralized facility.[7]

In 1997, the United Kingdom (UK) rejected an application for the construction of a rock characterization facility at Sellafield, leaving the country without a path forward for long-term management or disposal of either intermediate-level waste or spent nuclear fuel. In 1998, an inquiry by the UK House of Lords endorsed geologic disposal but specified that public acceptance was required. As a result, the UK Government embraced a repository plan based on the principles of voluntarism and partnership between communities and implementers. This led to the initiation of a national public consultation and major structural reorganization within the UK program. The UK Nuclear Decommissioning Authority envisions availability of a geologic disposal facility for intermediate-level waste in 2040 and a geologic facility for spent nuclear fuel and high-level radioactive waste in 2075; however, there have been changes in societal acceptance in the UK for the siting of a geological disposal facility. In 2007, the Scottish Government officially rejected any further consultation with the UK Government on deep geologic disposal of high-level radioactive waste and spent nuclear fuel. This action by the Scottish Government effectively ended more than 7 years of consultations with stakeholders near Scottish nuclear installations. In 2013, the Cumbria County Council voted to withdraw from the UK process to find a host community for an underground radioactive waste disposal facility and to end the site selection process in west Cumbria.

In Germany, a large salt dome at Gorleben had been under study since 1977 as a potential spent nuclear fuel repository. After decades of intense discussions and protests, the utilities and the government reached an agreement in 2000 to suspend exploration of Gorleben for at least 3, and at most 10 years. In 2003, the Federal Ministry for the Environment set up an interdisciplinary expert group to identify, with public participation, criteria for selecting new candidate sites. In October 2010, Germany resumed exploration of Gorleben as a potential spent nuclear fuel repository. In March 2013, Germany announced plans to form a 24-member commission to develop siting criteria. The Commission will hold public meetings through 2015 on the issue of a permanent repository for high-level nuclear waste.

Initial efforts in France, during the 1980s, also failed to identify potential repository sites, using solely technical criteria. Failure of these attempts led to the passage of nuclear waste legislation that prescribed a period of 15 years of research. Reports on generic disposal options in clay and granite media were prepared and reviewed by the safety authorities in 2005. In 2006, conclusions from the public debate on disposal options, held in 2005, were published. Later that year, the French Parliament passed new legislation designating a single site for deep geologic disposal of intermediate- and high-level radioactive waste. This facility, to be located in the Bure region of northeastern France, is scheduled to open in 2025, about 34 years after passage of the original Nuclear Waste Law of 1991.

In Switzerland, after detailed site investigations in several locations, the Swiss National Cooperative for Radioactive Waste Disposal proposed, in 1993, a deep geologic repository for low- and intermediate-level waste at Wellenberg. Despite a 1998 finding by Swiss authorities that technical feasibility of the disposal concept was successfully demonstrated, a public cantonal referendum rejected the proposed repository in 2002. Even after more than 25 years of high quality field and laboratory research, Swiss authorities do not expect that a deep geologic repository will be available before 2040.

In 1998, an independent panel reported to the Governments of Canada and Ontario on its review of Atomic Energy of Canada Ltd.'s concept of geologic disposal (Canadian Nuclear Fuel Waste Disposal Concept Environmental Assessment Panel, *Report of the Nuclear Fuel Waste Management and Disposal Concept Environmental Assessment Panel,* February 1998). (Note that reports related to the Canadian program are available at *www.nrcan.gc.ca.*) The panel found that from a technical

[7] The three countries with target dates that plan direct disposal of spent fuel are: Czech Republic (2050), Finland (2020), and Sweden (2025). The seven countries with target dates for disposal of reprocessed spent fuel and high-level radioactive waste are: Belgium (2035), China (2050), France (2025), Germany (2025), Japan (2030s), Netherlands (2103), and Switzerland (2042).

perspective, safety of the concept had been adequately demonstrated but from a social perspective, it had not. The panel concluded that broad public support is necessary in Canada to ensure the acceptability of a concept for managing nuclear fuel wastes. The panel also found that technical safety is a key part, but only one part, of acceptability. To be considered acceptable in Canada, the panel found that a concept for managing nuclear fuel wastes must: (1) Have broad public support; (2) be safe from both a technical and social perspective; (3) have been developed within a sound ethical and social assessment framework; (4) have the support of Aboriginal people; (5) be selected after comparison with the risks, costs, and benefits of other options; and (6) be advanced by a stable and trustworthy proponent and overseen by a trustworthy regulator. Resulting legislation mandated a nationwide consultation process and widespread organizational reform.

In 2007, the Government of Canada announced its selection of the Adaptive Phased Management approach and directed the Nuclear Waste Management Organization (NWMO) to take at least 2 years to develop a ''collaborative community-driven site-selection process.'' The NWMO will use this process to open consultations with citizens, communities, Aboriginals, and other interested parties to find a suitable site in a willing host community. For financial planning and cost estimation purposes only, the NWMO assumes the availability of a deep geological repository in 2035, 27 years after initiating development of new site selection criteria, 30 years after embarking on a national public consultation, and 37 years after rejection of the original geologic disposal concept (NWMO, *Annual Report 2007: Moving Forward Together,* March 2008). NWMO developed a site selection process with public input and launched the process in 2010. At the end of 2012, 21 communities had expressed interest in learning more about the project (NWMO, *Annual Report 2012: Learning More Together,* March 2013).

Repository development programs in Finland and Sweden are further along than in other countries but have taken time to build support from potential host communities. In Finland, preliminary site investigations started in 1986, and detailed characterizations of four locations were performed between 1993 and 2000. In 2001, the Finnish Parliament ratified the Government's decision to proceed with a repository project at a chosen site only after the 1999 approval by the municipal council of the host community. In December 2012, Posiva (the nuclear waste management company in Finland) submitted a construction license application for a final repository that will hold spent nuclear fuel from Finland's nuclear reactors. Finland expects this facility to begin receipt of spent nuclear fuel for disposal in 2020, 34 years after the start of preliminary site investigations.

Between 1993 and 2000, Sweden conducted feasibility studies in eight municipalities. One site was found technically unsuitable, and two sites were eliminated by municipal referenda. Three of the remaining five sites were selected for detailed site investigations. Municipalities adjacent to two of these sites agreed to be potential hosts and one refused. Since 2007, detailed site investigations were conducted at both Östhammar and Oskarshamn, both of which already host nuclear power stations. On June 3, 2009, the Swedish Nuclear Fuel and Waste Management Company, SKB, selected the Forsmark Site located in the Östhammar municipality for the Swedish spent nuclear fuel repository. The SKB submitted a license application in spring 2011. A government decision is expected in 2015. If Swedish authorities authorize construction, the repository could be available for disposal around 2025, about 30 years after feasibility studies began.

Based on international experience, 25–35 years is a reasonable estimate for the amount of time necessary to site, license, and open a geologic repository. The time DOE will need to develop a repository site will depend upon a variety of factors, including the passage of any required enabling legislation and budgeted funding. Broader institutional issues also bear on the time it takes to implement geologic disposal. Given this uncertainty, the DGEIS evaluates a range of scenarios for the timeframe of the development of a repository, including indefinite storage.

The DOE is currently the agency responsible for carrying out the national policy to site and build a repository, which includes designing, constructing, operating, and decommissioning the repository. The NRC, on the other hand, is the agency responsible for reviewing, licensing, and overseeing the construction and operation of the repository. The DOE Strategy Report states that it is the Administration's goal to have a repository sited by 2026, licensing to be complete by 2042, and the repository constructed and open for operations by 2048. The total of 35 years is consistent with international efforts and estimates of between 25 and 35 years to site, license, construct, and open a repository.

Before DOE can start the development of a new site, Congress will need to provide additional direction, beyond the current NWPA, for the long-term management and disposal of spent nuclear fuel and high-level radioactive waste. Whatever approach Congress mandates, international and domestic experience since 1990 suggests that greater attention needs to be paid to developing societal and political acceptance in concert with essential technical, safety, and security assurances. While there is no technical basis for making precise estimates of the minimum time needed to accomplish these objectives, examination of the international examples cited previously would support a range of between 25 and 35 years. The Commission believes that societal and political acceptance must occur before a successful repository program can be completed, and that this is unlikely to occur until a Federal decision is made, whether for technical, environmental, political, legal, or societal reasons, that will allow the licensing and construction of a repository to proceed. The BRC Report recommended using a siting process that is consent-based. In response to the BRC report, the DOE Strategy Report includes a strategy that includes the establishment of a consent-based siting process.

As discussed in this section, geologic disposal continues to be the favored disposition path both nationally and internationally. Moreover, geologic disposal has moved significantly beyond a theoretical concept as demonstrated by: (1) Submission of a license application for a potential repository at Yucca Mountain and the NRC conducting a technical review of that application; (2) submission on December 28, 2012, of a construction license application by Posiva for a final repository that will hold spent nuclear fuel from Finland's nuclear reactors; and (3) submission in spring 2011, of an application by SKB for permission to build a repository for spent nuclear fuel in Sweden. Additionally, a deep geologic repository for defense-related transuranic radioactive wastes in Carlsbad, New Mexico (WIPP) began disposal operations in March 1999. Based on all the information in this section and Appendix B of the DGEIS, the Commission concludes that a geologic repository is technically feasible.

In picking a timeframe by which the Commission has confidence that a

geologic repository can be available, the Commission is not concluding that it supports storage of spent nuclear fuel for an indefinitely long period. United States law supports the objective of timely disposal of spent nuclear fuel and high-level radioactive waste in a geologic repository. However, spent nuclear fuel will need to be stored for several decades at either reactor sites or at away-from-reactor sites beyond the licensed life for operations before ultimate disposal in a geologic repository. Having considered all the available information, the Commission believes that a reasonable timeframe for repository availability is within 60 years beyond the licensed life for operation of a reactor. Based on international experience, this timeframe is still a reasonable time for the United States to site, license, construct, and open a geologic repository and is longer than the predicted reasonable period of 25 to 35 years to site and develop a repository. Dresden 1 will be the first reactor to reach 60 years beyond licensed life for operations in 2059, which means that a repository would be needed by 2059 to support the short-term continued storage scenario in the GEIS that sufficient repository capacity becomes available by 60 years after the end of a reactor's licensed life for operation. The 2059 date is several years beyond the DOE's estimate of 2048 to site, license, construct, and open a repository. For new reactors, 60 years beyond the licensed life of the reactor would mean that repository capacity would be available in 120 to 140 years. Therefore, the Commission concludes that it is reasonable to assume the availability of a mined geologic repository is feasible within 60 years beyond the licensed life for operating and planned new reactors.

C3. Storage of Spent Nuclear Fuel

Continued storage of spent nuclear fuel at-reactor or away-from-reactor sites will be necessary until a repository is available for permanent disposal. During the continued storage period, the storage of spent nuclear fuel at a storage facility is focused on safe spent nuclear fuel management. Safe spent nuclear fuel management involves a regulatory framework and the technical feasibility of safe storage. The regulatory framework applicable to both wet (spent fuel pool) and dry storage of spent nuclear fuel is discussed in Section C3.a., *Regulatory Framework,* of this document. The technical feasibility of safe storage of spent nuclear fuel in spent fuel pools is discussed in Section C3.b.i., *Technical Feasibility of Wet Storage,* and in dry cask storage in Section C3.b.ii., *Technical Feasibility of Dry Storage,* of this document (*see* also Section B.3 of Appendix B of the DGEIS).

C3.a. Regulatory Framework

A strong regulatory framework that involves regulatory oversight, continuous improvement based on research and operating experience, and licensee compliance with regulatory requirements is important to the continued safe storage of spent nuclear fuel until repository capacity is available. The regulatory framework was previously addressed in Findings 3 and 5. Finding 3 analyzed whether high-level radioactive waste and spent nuclear fuel would be safely managed until repository capacity is available. Finding 5 dealt with whether safe storage capacity would be made available if necessary. The key question of these Findings is whether a regulatory framework exists to ensure the continued safe management of spent nuclear fuel and whether licensees will do what is necessary to safely store their spent nuclear fuel until repository capacity for their spent nuclear fuel is available.

After the end of a reactor's licensed life for operation, the spent nuclear fuel is stored in either spent fuel pools or in dry cask storage. At-reactor storage of spent nuclear fuel in spent fuel pools is covered by a licensee's 10 CFR parts 50 or 52 license. Monitoring of the structural integrity of the spent fuel pool is addressed through aging management programs. In particular, the aging management program focuses on the pool's water chemistry as it relates to the integrity of the stainless steel liner, spent fuel storage racks, and spent-fuel-storage-racks-neutron-absorbing sheets. Currently only one away-from-reactor ISFSI stores spent nuclear fuel in a spent fuel pool—the GEH-Morris facility. The DGEIS assumes that no new away-from-reactor spent fuel pool storage facilities are constructed.

Spent nuclear fuel can also be stored in dry casks in at-reactor ISFSIs licensed by the NRC under either a specific license or a general license or in an away-from-reactor ISFSI under a specific license. Currently there are 69 ISFSIs licensed to operate in 34 States under either specific (15) or general (54) 10 CFR part 72 licenses.[8]

A specific license for an ISFSI under 10 CFR part 72 can be granted by the NRC after a review of the safety, environmental, and physical security aspects of the proposed ISFSI and the financial aspects of the licensee. If the NRC concludes that the ISFSI can operate safely and prepares either an EA and FONSI or EIS, then a license can be issued. This license contains requirements on topics such as leak testing and monitoring and specifies the quantity and type of material the licensee is authorized to store at the site. Neither the initial nor renewal license terms for an ISFSI are to exceed 40 years from the date of issuance. Part 72 of 10 CFR also contains the regulatory framework for licensing a monitored retrievable storage facility should the need arise.

A general license under subpart K of 10 CFR part 72, ''General License for Storage of Spent Fuel at Power Reactor Sites,'' authorizes storage of spent fuel in casks previously approved by the NRC at a site already licensed to possess fuel to operate a nuclear power reactor. Under 10 CFR 72.210, ''General license issued,'' a general license for the storage of spent nuclear fuel in an ISFSI at power reactor sites is issued to those persons authorized to possess or operate nuclear power reactors under 10 CFR parts 50 or 52. The general license is limited to spent nuclear fuel that the general licensee is authorized to possess at the site under the 10 CFR parts 50 or 52 license for the site. The general license is further limited to storage of spent nuclear fuel in casks approved and fabricated under the provisions of subpart L of 10 CFR part 72, ''Approval of Spent Fuel Storage Casks''; the approved cask designs are listed in 10 CFR 72.214, ''List of approved spent fuel storage casks.'' The NRC has approved 34 designs. The NRC conducts a technical review of each cask design before approving the design and listing it in 10 CFR 72.214. After the NRC staff documents its review of the proposed cask design in a safety evaluation report, the NRC conducts a rulemaking, which includes an environmental review, to add the design to the list of approved cask designs. Licensees that use casks with the approved designs must follow the terms of the Certificate of Compliance and the technical specifications for the design. Licensees must demonstrate that it is safe to store spent fuel in dry casks at their site, including analysis of earthquake intensity and tornado missiles. Licensees also review their programs (such as security and emergency planning) and make any changes to

[8] The Private Fuel Storage (PFS) facility was licensed, however, as a result of legal challenges not related to the NRC licensing proceeding, the proposed PFS ISFSI has not been constructed. On December 20, 2012, PFS submitted a request to the NRC to terminate its license (ADAMS Accession No. ML12356A063). As of publication, that request is pending before the agency.

those programs needed to accommodate an ISFSI at their site.

Parts 50, 52, and 72 of 10 CFR all have provisions for site-specific license renewal. The current regulatory framework for storage of spent nuclear fuel allows for multiple license renewals subject to aging management analysis and planning. An applicant for storage license renewal must provide appropriate technical bases for identifying and addressing aging-related effects and develop specific aging management plans to justify extended operations of ISFSIs under the renewed license term. The regulatory framework for storage is supported by well-developed regulatory guidance; voluntary domestic and international consensus standards; research and analytical studies; and processes for implementing licensing reviews, inspection programs, and enforcement oversight.

With respect to decommissioning, as required under 10 CFR 72.30(b), all ISFSI licensees must provide a decommissioning funding plan to demonstrate reasonable assurance that funds will be available to decommission the ISFSI. Further, the NRC's regulations require that every nuclear power reactor operating license issued under 10 CFR part 50 and every combined license issued under 10 CFR part 52 must contain a condition requiring each licensee to submit written notification to the Commission of the licensee's plan for managing irradiated fuel after reactor shutdown. The submittal, required by 10 CFR 50.54(bb), must include information on how the licensee intends to provide funding for the management of its spent nuclear fuel.

In accordance with the license termination requirements for power reactors in 10 CFR 50.82(a)(3) and 52.110(c), decommissioning is to be completed within 60 years of permanent cessation of operations. Completion of decommissioning beyond 60 years will be approved by the NRC only when necessary to protect public health and safety. Factors that will be considered by the Commission include unavailability of waste disposal capacity and other site-specific factors, including the presence of other nuclear facilities at the site. Given this regulatory framework, it may be reasonably assumed that each nuclear power plant, including its onsite spent fuel pool, will be decommissioned within 60 years of permanent cessation of operations. This is the basis for assuming in the DGEIS that all of the spent nuclear fuel from the spent fuel pool is removed from the pool by the end of the short-term timeframe (*see* Section 2.2.1.1 of the DGEIS for more information on decommissioning during the short-term period).

As part of its oversight, the NRC can issue orders and new or amended regulations to address emerging issues that could affect the storage of spent nuclear fuel. For example, following the terrorist attacks of September 11, 2001, the NRC undertook an extensive reexamination of spent nuclear fuel safety and security issues. In 2002, the NRC issued orders to licensees that required power reactors in decommissioning, wet ISFSIs, and dry storage ISFSIs to enhance security and improve their capabilities to respond to, and mitigate the consequences of, a terrorist attack. These orders required additional security measures, including increased patrols, augmented security forces and capabilities, and more restrictive site access controls to reduce the likelihood of a successful terrorist attack. In 2007, the NRC issued a final rule revising the Design Basis Threat, which also increased the security requirements for power reactors and their spent fuel pools (72 FR 12705; March 19, 2007). More recently in March 2009, the NRC issued a final rule to improve security measures at nuclear power reactors, including spent fuel pools (74 FR 13926; March 27, 2009). The NRC also plans to codify enhanced security measures at ISFSIs in a future rulemaking (74 FR 66589; December 16, 2009).

Section 4.19 of the DGEIS describes the environmental impacts of potential acts of sabotage or terrorism involving the continued storage of spent nuclear fuel. The section acknowledges that as the immediate hazard posed by the high radiation levels of spent nuclear fuel diminishes over time, so does the deterrent to handling by unauthorized persons. The NRC will consider this type of information in evaluating whether additional security requirements are warranted in the future.

Other examples of the NRC's oversight are the additional requirements that the NRC has imposed in response to the March 11, 2011, severe earthquake and subsequent tsunami that resulted in extensive damage to the six-unit Fukushima Dai-ichi Nuclear Power Plant in Japan. On March 12, 2012, the NRC issued multiple orders and a request for information to all of its nuclear power plant licensees. The orders addressed mitigating strategies for beyond-design basis external events and reliable spent fuel pool instrumentation. The request for information was designed to gather information to allow the NRC to reevaluate seismic and flooding hazards at operating reactor sites and to determine whether appropriate staffing and communication can be relied upon to coordinate event response during a prolonged station blackout event, as was experienced at Fukushima Dai-ichi.

Another aspect of the NRC's regulatory program for continued storage, as for reactors and other licensed facilities generally, involves generic communications. Generic communications include, but are not limited to, generic letters, bulletins, information notices, safeguards advisories, and regulatory issue summaries. Generic letters request licensee actions and information to address issues regarding emergent or routine matters of safety, security, safeguards, or environmental significance. Bulletins request licensee actions and information to address significant issues regarding matters of safety, security, safeguards, or environmental significance that have great urgency. Both generic letters and bulletins require a written response from the licensee. Information notices are used to communicate operating or analytical experience to the nuclear industry. The industry is expected to review the information for applicability and consider appropriate actions to avoid similar problems. Regulatory issue summaries are used to communicate and clarify the NRC's technical and policy positions on regulatory matters. Neither an information notice nor a regulatory issue summary requires written responses from licensees.

For example, Information Notice 2012–20, ''Potential Chloride-Induced Stress Corrosion Cracking of Austenitic Stainless Steel and Maintenance of Dry Cask Storage System Canisters'' (ADAMS Accession No. ML12319A440), informed licensees about the potential for chloride-induced stress corrosion cracking of austenitic stainless steel and maintenance of dry cask storage system canisters. Although an immediate safety concern did not exist, the NRC alerted licensees and certificate holders that their monitoring programs need to address this concern as part of an aging management program so that appropriate actions (e.g., maintenance) would be taken to avoid the potential problem.

As demonstrated by these examples, the NRC's regulatory framework allows the Agency to respond to emerging events and take appropriate action to continue to protect the public health and safety and the environment.

To date, the NRC has renewed five specific 10 CFR part 72 ISFSI licenses. These renewals include the 10 CFR part 72 specific licenses for the General Electric Morris Operation (the only wet, or pool-type, ISFSI), as well as the Surry, H.B. Robinson, Oconee, and Fort St. Vrain ISFSIs. Specific licenses for all but one of the ISFSIs will expire by 2048. It is expected that license renewals will be requested by the licensees of these facilities, unless a permanent repository or some other interim storage option is made available. The NRC has received renewal applications for the Calvert Cliffs and Prairie Island ISFSIs. Similarly, renewals will be required for certificates of compliance for storage cask designs approved for use by general licensees in accordance with 10 CFR part 72.

In addition, issuance of Materials License No. SNM–2513 for the Private Fuel Storage, LLC (PFS) facility has confirmed the feasibility of licensing an away-from-reactor ISFSI under 10 CFR part 72. Although there were several issues that prevented the PFS ISFSI from being built and operated, the extensive review of safety, security, and environmental issues associated with licensing the PFS facility provides additional confidence that spent nuclear fuel can be safely stored at an away from reactor ISFSI for long periods after storage at a reactor site.

The NRC will continue its regulatory control and oversight of spent nuclear fuel storage at both operating and decommissioned reactor sites for both specific and general 10 CFR part 72 licenses and 10 CFR parts 50 or 52 licenses. Decades of operating experience and ongoing NRC inspections demonstrate that these reactor and ISFSI licensees continue to meet their obligation to safely store spent fuel in accordance with the requirements of 10 CFR parts 50 and 72. If the NRC were to find noncompliance with these requirements or otherwise identify a concern with the safe storage of the spent fuel, the NRC would evaluate the issue and take action to protect the public health and safety and the environment.

As noted in the preceding paragraphs, licensees have continued to develop and successfully use onsite spent nuclear fuel storage capacity in the form of spent fuel pool and dry cask storage. Based on the preceding discussion, licensees should have the necessary resources to meet obligations related to the storage of any spent nuclear fuel after reactor operations cease. The Commission concludes that the regulatory framework exists to support the conclusion that spent nuclear fuel can be managed in a safe manner until sufficient repository capacity is available.

C3.b. Safe Storage of Spent Nuclear Fuel

Finding 4 assessed the safe storage of spent nuclear fuel pending ultimate disposal at a repository. Issues related to storage focus on the technical feasibility of safe storage of spent nuclear fuel. To address the feasibility of long-term safe storage, the Commission needs to evaluate: (1) The technical feasibility of safe wet storage; and (2) the technical feasibility of safe dry storage. The Commission also needs to evaluate the potential risks of accidents and acts of sabotage at spent nuclear fuel storage facilities. Although the DGEIS does not primarily evaluate safety, it does include evaluations of the environmental impacts attributable to accidents, public health, and safeguards for three different timeframes and contains a discussion on the technical feasibility of safe storage, which support the conclusion in the proposed rule that fuel can be safely stored. The technical feasibility of safe storage beyond a reactor's licensed life for operation is addressed in the following sections.

C3.b.i. Technical Feasibility of Wet Storage

The technical feasibility of continued safe wet storage is supported by a number of technical considerations. First, the integrity of spent fuel and cladding under the controlled water chemistry within the spent fuel pool is supported by operating experience as well as a number of scientific studies. Further, the spent fuel pool's robust technical design protects against a range of natural and human-induced challenges. These considerations are discussed in the following paragraphs.

The Commission found in 1984 that research and experience in the United States and other countries confirmed that long-term storage could be safely undertaken (49 FR 34681–34682; August 31, 1984). In 1990, the Commission determined that experience with water storage of spent nuclear fuel continued to confirm that pool storage is a benign environment for spent nuclear fuel that does not lead to significant degradation of spent nuclear fuel integrity and that the pools in which the assemblies are stored will remain safe for extended periods. Further, degradation mechanisms are well understood and allow time for appropriate remedial action (55 FR 38509–38511; September 18, 1990). In sum, based on both experience and scientific studies, the Commission found wet storage to be a fully-developed technology with no associated major technical problems.

Almost 30 years of additional experience has been gained since the publication of the Waste Confidence rulemaking in 1984 during which time the technical basis for very slow degradation rates of spent nuclear fuel in spent fuel pools has continued to grow. For example, several studies have supported the low degradation of cladding material (IAEA TECDOC–1012, *Durability of Spent Nuclear Fuels and Facility Components in Wet Storage,* 1988*;* IAEA TECDOC–1343, *Spent Fuel Performance Assessment and Research: Final Report of a Cordinated Research Project on Spent Fuel Performance Assessment and Research (SPAR) 1997–2001,* 2003; IAEA Technical Report Series No. 443, *Understanding and Managing Ageing of Materials in Spent Fuel Storage Facilities,* 2006). The IAEA TECDOC–1012 noted that ''[t]he zirconium alloys represent a class of materials that is highly resistant to degradation in wet storage, including some experience in aggressive waters. The only adverse experience involves Zircaloy clad metallic uranium where mechanical damage to the cladding was a prominent factor during reactor discharge, exposing the uranium metal fuel to aqueous corrosion. Otherwise, the database for the zirconium alloys supports a judgment of satisfactory wet storage in the time frame of 50 to 100 years or more'' (p. 5). The IAEA TECDOC 1343, in discussing spent nuclear fuel storage experience, reported on a detailed review of the degradation mechanisms of spent nuclear fuel under wet storage and stated that ''wet storage of spent fuel only appears to be limited by adverse pool chemistry conditions or the deterioration of the fuel storage pool structure.''

The IAEA Technical Report Series No. 443 stated that ''[d]estructive and non-destructive examinations of fuel rods, visual evidence and coupon studies [11, 13, 54–58] all support resistance to aqueous corrosion. There have been no reports of fission gas evolution, indicative of cladding failure in wet storage. Rod consolidation campaigns have been conducted without any indication of storage induced degradation. There is a sufficient database to indicate that wet storage of fuel with zirconium alloy cladding can be extended for at least several decades.''

Based on available information and operating experience, degradation of the fuel cladding occurs slowly over time in the spent fuel pool environment. Degradation of the spent nuclear fuel

should be minimal, particularly over the short-term storage period. Therefore, the NRC expects that only routine maintenance will be needed over the short-term storage period. The DGEIS assumes that the spent fuel pool will be decommissioned before the end of the short-term storage period. However, the NRC is not aware of any information that would call into question the technical feasibility of continued safe storage of spent fuel in spent fuel pools beyond the short-term storage period (*see* Section B.3.1 of Appendix B of the DGEIS).

In its initial Waste Confidence Decision, the Commission found that the risks of major accidents at spent fuel pools resulting in offsite consequences were remote because of the secure and stable character of the spent nuclear fuel in the storage pool environment and the absence of reactive phenomena that might result in dispersal of radioactive material. The Commission noted that storage pools and ISFSIs are designed to safely withstand accidents caused by either natural or man-made phenomena (49 FR 34658; pp. 34684–34685; August 31, 1984). By 1990, the NRC staff had spent several years studying the potential for a catastrophic loss of reactor spent fuel pool water, which could lead to a fuel fire. The NRC concluded that, because of the large inherent safety margins in the design and construction of a spent fuel pool, no action was needed to further reduce the risk (55 FR 38472; p. 38511; September 18, 1990).

The NRC has continued its examination of spent fuel pool storage to ensure that adequate safety is maintained and that there are no adverse environmental effects from the storage of spent nuclear fuel in spent fuel pools. In 1997, the safety and environmental effects of spent fuel pool storage were addressed in conjunction with regulatory assessments of permanently shutdown nuclear plants and decommissioning nuclear power plants in NUREG/CR–6451, ''A Safety and Regulatory Assessment of Generic BWR and PWR Permanently Shutdown Nuclear Power Plants'' (ADAMS Accession No. ML082260098). The study provided reasonably bounding estimates of fuel coolability and offsite consequences for the most severe accidents, which would involve draining of the spent fuel pool.

In 2001, the NRC issued NUREG–1738, ''Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants'' (ADAMS Accession No. ML010430066), which examined spent fuel pool accident risk at decommissioning nuclear power plants and provides a newer and more robust analysis of the safety and environmental effects of spent fuel pool storage. This study provided the results of the NRC staff's latest evaluation of the accident risk in a spent fuel pool at decommissioning plants. The NUREG–1738 found that a postulated accident causing a zirconium cladding fire could result in unacceptable offsite doses; however, the likelihood for such an accident to occur was estimated to be less than three chances in one million (p. 3–29). The NUREG–1738 states: ''[T]he risk at decommissioning plants is low and well within the Commission's safety goals. The risk is low because of the very low likelihood of a zirconium fire even though the consequences from a zirconium fire could be serious.'' (p. 5–3). In arriving at this conclusion, NUREG–1738 considered a wide range of initiating events (pp. 3–2, 3–3), including, but not limited to, events that might lead to rapid loss of pool water, such as seismic events, cask drop, aircraft impact, and missiles generated by tornados. The low probability for these varied events to initiate a rapid loss of water from the pool is a direct result of the robustness of the structural design of the spent fuel pool. The results of NUREG–1738, as well as other studies, are discussed in more detail in Appendix F of the DGEIS. Appendix F also contains information on actions that the NRC has required licensees to take in response to significant events including the September 11, 2001, terrorist attack and the March 11, 2011, Fukushima Dai-ichi event in Japan.

Given the physical robustness of the pools, the physical security measures, and the spent fuel pool mitigation measures, and based upon the NRC's site evaluations of every spent fuel pool in the United States, the NRC has determined that the risk of a spent fuel pool zirconium fire, whether caused by an accident or a terrorist attack, is very low. In addition, the NRC has approved license amendments and issued safety evaluations to incorporate mitigation measures into the plant licensing bases of all operating nuclear power plants in the United States (*see* 73 FR 46207–46208; August 8, 2008; and Sections 4.18, 4.19, 5.18, 5.19, and Appendix F of the DGEIS).

Monitoring of the structural integrity of the spent fuel pool is addressed through aging management programs. All nuclear power plants and GEH-Morris have specific aging management programs to inspect, monitor, detect, and trend the aging of the spent fuel pool structure concrete, liner plate, and structural steel that support different commodities. The aging management program also focuses on the pool's water chemistry as it relates to the integrity of the stainless steel liner, spent fuel storage racks, and spent-fuel-storage-racks-neutron-absorbing sheets.

Another issue related to storage of spent nuclear fuel in a spent fuel pool is possible leakage of water from the pool into the environment. The spent fuel pool liner and the leakage collection system normally prevent spent fuel pool water from leaking into the environment. However, leaks can occur. Available data indicate that spent fuel pool leakage has occurred at several nuclear power plant sites. The DGEIS provides a detailed description and evaluation of the historical data on spent fuel leakage and the offsite environmental impacts that may occur during the period of continued storage. In particular, Appendix E determined the impact to public health from spent fuel pool leakage would be SMALL (*see* Appendix E of the DGEIS for information on spent fuel pool leaks).

In summary, spent fuel pools are massive, seismically-designed structures that are constructed from thick, reinforced concrete walls and slabs designed to be seismically robust. Thus, the likelihood of major accidents at spent fuel pools resulting in offsite consequences is remote. The NRC is not aware of any additional studies that would question the low probability of spent fuel pool accidents and thereby also question the technical feasibility of continued safe storage of spent nuclear fuel in spent fuel pools for the 60 years after licensed life for operation considered in the DGEIS. Further, as described in Appendix E of the DGEIS, the public health Impacts from potential spent fuel pool leaks is SMALL.

C3.b.ii. Technical Feasibility of Dry Storage

The feasibility of safe dry cask storage is supported by years of experience as well as technical studies and the NRC's reviews that have examined and confirmed the integrity of spent nuclear fuel and cladding under the controlled and relatively benign environment within dry cask storage systems and the robustness of the structural design of the dry cask storage system against a variety of challenges both natural and human-induced. Those features are addressed in the following paragraphs and in Section B.3.2 of Appendix B of the DGEIS.

In 1984, the Commission based its findings regarding the safety of dry storage on an understanding of the material degradation processes, derived largely from technical studies, together with the recognition that dry storage

systems are simple and easy to maintain (49 FR 34683–34684; August 31, 1984). By 1990, the NRC and ISFSI licensees had considerable experience with dry storage. The NRC staff's safety reviews of topical reports on storage system designs, the licensing and inspection of dry storage at two nuclear power plant sites under 10 CFR part 72, and the NRC's promulgation of an amendment to 10 CFR part 72 that incorporated a monitored retrievable storage installation (a dry storage facility) into the regulations confirmed the 1984 conclusions on the safety of dry storage (55 FR 38509–38513; September 18, 1990).

Spent fuel has been safely stored in dry casks for more than 25 years. As with wet storage, the overall experience with dry cask storage of similar fuel types, including the cladding, has been similar—slow degradation. Spent nuclear fuel is allowed to cool in a spent fuel pool before being transferred into dry cask storage, which reduces the potential for significant degradation. Recent studies have confirmed the reliability of dry cask storage. For example, a dry cask storage characterization project examined and tested a dry cask storage system. The 2003 Argonne National Laboratories report prepared for the NRC, NUREG/CR–6831, ''Examination of Spent PWR Fuel Rods after 15 Years in Dry Storage'' (ADAMS Accession No. ML032731021), suggested that the spent fuel cladding could viably remain as a barrier to fission product release during extended storage up to 100 years in a dry cask environment (p. xi). These results were for spent fuel with a burnup limit of 35 gigawatt days per metric ton Uranium (GWd/MTU). The IAEA Technical Report Series No. 443 stated that ''[p]ower reactor fuel with zirconium alloy cladding has been placed into dry storage in approximately a dozen countries. The technical basis for satisfactory dry storage of fuel clad with zirconium alloys includes hot cell tests on single rods, whole assembly tests, demonstrations using casks loaded with irradiated fuel assemblies and theoretical analysis.''

Although the current record for dry cask storage supports the technical feasibility of continued safe storage, the NRC constantly works to investigate and monitor the behavior of the spent fuel storage systems to identify any unexpected and deleterious safety conditions before a problem develops. The NRC is aware of concerns regarding the potential detrimental effects of hydride reorientation on cladding behavior, such as reduced ductility. Reduced ductility, making the cladding more brittle, increases the difficulty of keeping spent nuclear fuel assemblies intact during handling operations and transportation. Research performed in Japan and the United States indicated that: (1) Hydrides could reorient at a significantly lower stress than previously believed and (2) high burn-up fuel could exhibit a higher ductile-to-brittle transition temperature due to the presence of radial hydrides (Billone, M.C., T.A. Burtseva, and R.E. Einziger.2013 ''Ductile-to-Brittle Transition Temperature for High-Burnup Cladding Alloys Exposed to Simulated Drying-Storage Conditions.'' Journal of Nuclear Materials 433(1–3): 431–448 (available at *http://www.sciencedirect.com/science/article/pii/S0022311512005181*)). This phenomenon could influence the approach used for re-packaging spent nuclear fuel, but the NRC is not aware of information that would require the NRC to conclude that high burn-up fuel would need to be repackaged during the short-term time period in the DGEIS. Should spent fuel cladding be more brittle, greater care could be required during handling operations, regardless of when repackaging would occur, to limit the potential for damage to spent nuclear fuel assemblies that could affect easy retrievability of the spent nuclear fuel and complicate repackaging operations.

Based on available information and operating experience, degradation of the spent nuclear fuel should be minimal over the short-term storage period, if the conditions inside the canister are appropriately maintained (*i.e.,* consistent with the technical specifications for storage). Thus, as discussed in more detail in the DGEIS, it is expected that only routine maintenance will be needed over the short-term storage period and no re-packaging is anticipated during that timeframe (i.e., no large-scale repacking of dry cask storage systems). The DGEIS assumes that the repackaging of spent nuclear fuel would occur every 100 years if storage continues beyond the short-term storage period, which may include different approaches for repackaging at times significantly beyond the short-term storage period (*e.g.,* placement of damaged spent nuclear fuel in smaller canisters). The NRC is not aware of any additional studies that would question the technical feasibility of continued safe storage of spent nuclear fuel in dry casks for the time periods considered in the DGEIS.

In 2007, the NRC published a pilot probabilistic risk assessment methodology that assessed the risk to the public and identified the dominant contributors to risk associated with a welded canister dry spent fuel storage system at a specific boiling water reactor site (NUREG–1864, ''A Pilot Probabilistic Risk Assessment of a Dry Cask Storage System at a Nuclear Power Plant'' March 2007 (ADAMS Accession No. ML071340012)). The NRC study developed and assessed a comprehensive list of initiating events, including dropping the cask during handling and external events during onsite storage (such as earthquakes, floods, high winds, lightning strikes, accidental aircraft crashes, and pipeline explosions) and reported that the analyses indicate that the risk is solely from latent cancer fatalities and that the overall risk of dry cask storage was found to be extremely low. (The NRC determined that the estimated aggregate risk is an individual probability of a latent cancer fatality of 1.8×10^{-12} during the period encompassing the initial cask loading and first year of service and 3.2×10^{-14} per year during subsequent years of storage (p. 9–2).)

Several characteristics of dry cask storage contribute to the low risk associated with dry cask storage. First, these systems are passive. Second, they rely on natural air circulation for cooling during storage of the spent nuclear fuel. Third, they are inherently robust, massive concrete and steel structures that are highly damage resistant. The robustness of these dry cask storage systems has been tested by significant challenges, such as the 2011 Mineral, Virginia earthquake that affected North Anna Nuclear Plant and the 2011 earthquake and tsunami that damaged the Fukushima Dai-ichi Nuclear Power Plant. Neither event resulted in significant damage to or the release of radionuclides from the dry cask storage containers. The NRC and licensee experience to date with ISFSIs and with certification of casks indicates that interim storage of spent nuclear fuel at reactor sites can be safely and effectively conducted using passive dry storage technology. Although routine inspections have identified several performance issues for individual dry storage components (such as problems with cask seals and concrete cracking), prompt mitigation of these issues has prevented any safety problems from occurring. If problems were to occur, the NRC would take appropriate action to address the problem and verify that licensees take corrective actions to prevent recurrence.

Therefore, technical studies and practical operating experience to date confirm the physical integrity of dry cask storage structures and thereby

demonstrate the technical feasibility of continued safe storage of spent nuclear fuel in dry cask storage systems for the time periods considered in the DGEIS. The DGEIS conservatively assumes that the dry casks would need to be replaced if storage continues beyond the short-term time period. The DGEIS considers replacement of dry casks after 100 years of service life, even though studies and experience to date do not preclude a longer service life. The NRC continues to perform technical studies, evaluate aging management programs, and provide oversight of dry cask storage operations. The NRC will be able to update its service life conclusions as necessary and consider any circumstances that might require repackaging of spent fuel earlier than anticipated.

C3.b.iii. Summary of Technical Feasibility of Spent Nuclear Fuel Storage

In summary, storage of spent nuclear fuel will be necessary until a repository is available for permanent disposal. The storage of spent nuclear fuel in any combination of storage in spent fuel pools or dry casks will continue as a licensed activity under regulatory controls and oversight. Licensees continue to develop and successfully use onsite spent nuclear fuel storage capacity in the form of spent fuel pools and dry cask storage in a safe and environmentally sound fashion. Technical understanding and experience continues to support the technical feasibility of safe storage of spent nuclear fuel in spent fuel pools and in dry casks, based on their physical integrity over long periods of time (*e.g.,* slow degradation of spent fuel during storage in spent fuel pools and dry casks and engineered features of storage pools and dry casks to safely withstand accidents caused by either natural or man-made phenomena). Additionally, regulatory oversight has been shown to enhance safety designs and operations as concerns and information evolve over time (*e.g.,* security and safety enhancements made after the September 11, 2001, terrorist attacks and the March 2011 Fukushima Dai-ichi disaster and corrective actions to address spent fuel pool leaks are discussed in Appendix E of the DGEIS).

Based on the technical information and the national and international experience with wet and dry storage of spent fuel, the NRC believes that it is technically feasible to safely and securely store spent fuel in either wet or dry storage for at least 60 years beyond a reactor's licensed life for operation with only routine maintenance (*i.e.,* no large-scale replacement of spent fuel pools or dry cask storage systems). This time period represents a potential service life for the spent fuel pools and dry cask storage systems on the order of 100 to 140 years when considering any storage that occurs during reactor operations. The Commission concludes that spent fuel can continue to be safely managed in spent fuel pools and dry casks and that regulatory oversight exists to ensure the aging management programs continue to be updated to address the monitoring and maintenance of structures, systems, and components that are important to safety. Based on all of the information set forth in Appendix B of the DGEIS and Section III.C3., *Storage of Spent Nuclear Fuel,* of this document, the Commission concludes that spent nuclear fuel can be safely managed in spent fuel pools in the short-term timeframe and dry casks during the short-term, long-term, and indefinite timeframes evaluated in the DGEIS.

IV. Additional Issues for Public Comment

The Commission is specifically seeking comment on four issues:

Issue 1: The Commission seeks comment on whether specific policy statements regarding the timeline for repository availability should be removed from the rule text. The Commission's proposed revisions to 10 CFR 51.23 include statements regarding the feasibility of safe continued spent nuclear fuel storage and the timeframe for the availability of a repository. These conclusions are supported by the analysis contained in Appendix B of the DGEIS. Although conclusions about repository availability have been included in Waste Confidence proceedings since 1984, these statements are not necessary to the environmental review or for fulfilling the NRC's NEPA obligations. There are national policy decisions, and societal and political factors that can significantly influence the actual timing of the availability of mined geologic repository, and these policy decisions are outside the Commission's control.

Issue 2: The Commission seeks public comment on whether specific policy statements regarding the safety of continued spent fuel storage should be made in the rule text given the expansive and detailed information in the DGEIS. Historically, a policy statement related to the safety of continued storage has been included in the Waste Confidence proceedings since 1984. However, the policy statement on safety is not related to, or necessary for, the generic determination on environmental impacts of continued storage, nor does it provide the safety analysis for storage in a particular dry cask or storage at a particular site: A safety evaluation is still required to support approval of new cask designs, to support a site-specific license for dry storage, or to store spent nuclear fuel in a spent fuel pool.

The DGEIS analyzes the impacts from continued storage of spent nuclear fuel and makes generic determinations of the foreseeable environmental impacts stemming from continued storage; the proposed rule codifies the conclusions from the DGEIS so that those determinations do not need to be made in individual actions. This rule is not a licensing decision for nuclear power plants or ISFSIs, or for the renewal of those licenses. The rule does not authorize the storage of spent nuclear fuel in spent fuel pools or ISFSIs.

Issue 3: The Commission seeks public comment on whether the Discussion portion (Section III of this document) of the Statement of Considerations should be streamlined by removing content that is repeated from the DGEIS in order to improve clarity of the discussion, now that the NRC has prepared an EIS to support the rule.

Issue 4: Finally, the Commission is seeking specific comment on whether the title of the rule should be changed in light of a GEIS being issued instead of a separate Waste Confidence Decision.

V. Discussion of Proposed Amendments by Section

Section 51.23 Environmental Impacts of Storage of Spent Nuclear Fuel Beyond the Licensed Life for Operation of a Reactor

The title of the section would be revised to reflect that the section is no longer based on an EA and FONSI, but on an EIS and that environmental effects of continued storage are included in the section.

Paragraph (a) of 10 CFR 51.23 would be revised to provide the Commission's generic determination on the continued storage of spent nuclear fuel. The proposed amendments would state that the Commission has developed a generic environmental impact statement (NUREG–2157). The proposed rule would further indicate that the Commission has concluded that the analysis generically addresses the environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor and supports the determinations that it is feasible to safely store spent nuclear fuel beyond the licensed life for

operation of a reactor and to have a mined geologic repository within 60 years following the licensed life for operation of a reactor.

Paragraph (b)(1) of 10 CFR 51.23 would be revised to clarify that ISFSI license renewals are included in the scope of the generic determination.

Section 51.61 Environmental Report—Independent Spent Fuel Storage Installation (ISFSI) or Monitored Retrievable Storage Installation (MRS) License

Section 51.61 of 10 CFR would be revised to clarify that ISFSI renewals are included in the scope of the generic determination in 10 CFR 51.23.

Section 51.80 Draft Environmental Impact Statement—Materials License

Paragraph (b) of 10 CFR 51.80 would be revised to clarify that ISFSI renewals are included in the scope of the generic determination in 10 CFR 51.23.

Section 51.97 Final Environmental Impact Statement—Materials License

Paragraph (a) of 10 CFR 51.97 would be revised to clarify that ISFSI renewals are included in the scope of the generic determination in 10 CFR 51.23.

Table B–1—Summary of Findings on NEPA Issues for License Renewal of Nuclear Power Plants

Table B–1 addresses the environmental impacts of license renewal activities by resource area. When the Commission issued the final rule on the environmental effects of license renewal (78 FR 37282; June 20, 2013), it was not able to rely on the Waste Confidence rule for two of the issues. The Commission noted that upon issuance of the GEIS and rule, the NRC would make any necessary conforming changes to the license renewal rule. This proposed rule would revise these two Table B–1 finding column entries to address Waste Confidence. The ''Offsite radiological impacts of spent nuclear fuel and high-level waste disposal'' issue would be reclassified as a Category 1 impact and the finding column entry would be revised to address Waste Confidence. For the ''Onsite storage of spent nuclear fuel'' issue, the finding column entry would be revised to include the period of continued storage beyond the licensed life for operation of a reactor. Additionally footnote 7 of Table B–1 would be removed. While footnotes 1, 2, and 3 are laid out in the regulatory text, they are not being amended but are included to meet an Office of the Federal Register publication requirement.

VI. Availability of Documents

The NRC is making the documents identified in the following table available to interested persons through one or more of the methods provided in Section I.A., *Accessing Information,* of this document, as indicated.

References are also available through the Waste Confidence Decision Web site at *www.nrc.gov.* References are organized by the document in which the reference appears (DGEIS chapter and appendix and the proposed rule **Federal Register** notice), and in alphabetical order by author with links to electronically available documents.

Document	PDR	Web (*www.regulations.gov* unless otherwise indicated)	ADAMS
Waste Confidence Related Documents			
Federal Register notice—Notice of Intent Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation (77 FR 65137; October 25, 2012).	X	X	ML12305A035.
Draft NUREG-2157, ''Waste Confidence Generic Environmental Impact Statement''.	X	X	ML13224A106.
''Waste Confidence Generic Environmental Impact Statement Scoping Process Summary Report''.	X	X	ML13060A128.
''Scoping Comments on the Waste Confidence Generic Environmental Impact Statement''.	X	X	ML13060A130.
Transcript of November 14, 2012, Waste Confidence Scoping Meeting—Afternoon Session.	X	X	ML12331A347.
Transcript of November 14, 2012, Waste Confidence Scoping Meeting—Evening Session 9pm–12am.	X	X	ML12331A353.
Transcript of Scoping Meeting for the Waste Confidence Environmental Impact Statement: Webinar December 5, 2012.	X	X	ML12355A174.
December 6, 2012 Waste Confidence Scoping Webinar Transcript.	X	X	ML12355A187.
Minnesota v. *NRC,* 602 F.2d 412 (D.C. Cir. 1979)	.....	*http://scholar.google.com/scholar_case?case=155447492178518_99941.* **Note:** this link directs the reader to an unofficial copy of this case.	
(*New York* v. *NRC,* 681 F.3d 471 (D.C. Cir. 2012)	.....	*http://www.cadc.uscourts.gov/internet/opinions.nsf/57ACA94A8FFAD8AF85257A1700502AA4/$file/11-1045-1377720.pdf.*	
Federal Register notice announcing generic proceeding on Waste Confidence (44 FR 61372, 61373; October 25, 1979).	X		
Federal Register notice—1984 Waste Confidence Final Rule (49 FR 34688; August 31, 1984).	X	.....	ML033000242.

Document	PDR	Web (*www.regulations.gov* unless otherwise indicated)	ADAMS
Federal Register notice—1984 Final Waste Confidence Decision (49 FR 34658; August 31, 1984).	X	.....	ML033000242.
Federal Register notice—1990 Waste Confidence Final Rule (55 FR 38472; September 18, 1990).	X	.....	ML031700063.
Federal Register notice—1990 Waste Confidence Decision (55 FR 38474; September 18, 1990).	X	.....	ML031700063.
Federal Register notice—1999 Waste Confidence Decision Review (64 FR 68005; December 6, 1999).	X	.....	ML003676331.
Federal Register notice—2010 Waste Confidence Final Rule (75 FR 81037; December 23, 2010).	X	.....	ML103350175.
Federal Register notice—2010 Waste Confidence Decision Update (75 FR 81032; December 23, 2010).	X	.....	ML120970147.
Commission Order CLI–12–16	X	.....	ML12220A094.
SRM–COMSECY–12–0016—Approach for Addressing Policy Issues Resulting from Court Decision to Vacate Waste Confidence Decision and Rule.	X	.....	ML12250A032.
Waste Confidence References—NRC Documents			
Federal Register notice announcing the 1977 Denial of PRM–50–18 (42 FR 34391; July 5, 1977).	X		
Federal Register notice—Final Rule to Amend 10 CFR 73.1: Design Basis Threat (72 FR 12705; March 19, 2007).	X	.....	ML070520692.
Federal Register notice—Power Reactor Security Requirements Final Rule (74 FR 13926; March 27, 2009).	X	.....	ML083380546.
Federal Register notice—Denial of Petitions for Rulemaking (PRM–51–10 and PRM–51–12) (73 FR 46204: August 8, 2008).	X	.....	ML081890124.
Federal Register notice—''Draft Technical Basis for Rulemaking Revising Security Requirements for Facilities Storing SNF and HLW; Notice of Availability and Solicitation of Public Comments'' (74 FR 66589; December 16, 2009).	X	.....	ML093340103.
Federal Register notice—Decommissioning Planning Rule (76 FR 35512; June 17, 2011).	X	.....	ML103510117.
Federal Register notice—License Renewal GEIS Final Rule (78 FR 37282: June, 20, 2013).	X	.....	ML13101A059.
Department of Energy; Notice of Acceptance for Docketing of a License Application for Authority to Construct a Geologic Repository at a Geologic Repository Operations Area at Yucca Mountain, Nevada (73 FR 53284; September 15, 2008).	X	.....	ML082490757.
NUREG–0586,''Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities, Supplement 1: Regarding the Decommissioning of Nuclear Power Reactors,'' Volume 1 Main report. November 2002.	X	.....	ML023500395.
NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants'' 2013.	.....	.....	ML13106A241 for main volume 1, ML13106A242 for volume 2, and ML13106A244 for volume 3.
NUREG–1738, ''Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants''.	X	.....	ML010430066.
NUREG–1864, ''A Pilot Probabilistic Risk Assessment of a Dry Cask Storage System at a Nuclear Power Plant''.	X	.....	ML071340012.
NUREG–2107, ''Technical Evaluation Report on the Content of the U.S. Department of Energy's Yucca Mountain Repository License Application—Postclosure Volume: Repository Safety After Permanent Closure''.	X	.....	ML11223A273.
NUREG–2108, ''Technical Evaluation Report on the Content of the U.S. Department of Energy Yucca Mountain Repository License Application—Preclosure Volume: Repository Safety Before Permanent Closure''.	X	.....	ML11250A093.
NUREG/CR–6451, ''A Safety and Regulatory Assessment of Generic BWR and PWR Permanently Shutdown Nuclear Power Plants''.	.....	*http://www.osti.gov/bridge/servlets/purl/510336-qmwPBP/webviewable/510336.pdf.*	
NUREG/CR–6831, ''Examination of Spent PWR Fuel Rods after 15 Years in Dry Storage''.	.....	.....	ML032731021.
Regulatory Guide 4.22, Decommissioning Planning During Operations.	X	.....	ML12158A361.

Document	PDR	Web (*www.regulations.gov* unless otherwise indicated)	ADAMS
NRC Information Notice IN 2012–20, ''Potential Chloride-Induced Stress Corrosion Cracking of Austenitic Stainless Steel and Maintenance of Dry Cask Storage System Canisters''.	X	.....	ML12319A440.
NRC Order Number EA–12–049, Issuance of Order to Modify Licenses With Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events.	.....	.....	ML12054A735.
NRC Order EA-12-051, Issuance of Order to Modify Licenses With Regard to Reliable Spent Fuel Pool Instrumentation.	.....	.....	ML12054A679.
Luminant Generation Co. LLC (Comanche Peak Nuclear Power Plant, Units 3 and 4), et al., CLI–12–7, 75 NRC 379, 391–92 (March 16, 2012).	X	.....	ML12076A190.
Waste Confidence References—Non-NRC Documents			
NRDC v. *NRC*, 582 F.2d 166 (2d Cir. 1978)	.....	*http://scholar.google.com/scholar_case?case=1292280692394324643*. **Note:** This link directs the reader to an unofficial copy of this case.	
Village of Bensenville v. *Federal Aviation Administration,* 457 F.3d 52, 71–72 (D.C. Cir. 2006).	.....	*http://scholar.google.com/scholar_case?case=6559910666849441800*. **Note:** This link directs the reader to an unofficial copy of this case.	
Marsh v. *Oregon Natural Resources Council,* 490 U.S. 360, 374 (1989).	.....	*http://scholar.google.com/scholar_case?case=10887052189863115558&q*. **Note:** This link directs the reader to an unofficial copy of this case.	
Nuclear Waste Policy Act 96 Stat. 2201 (1983) (current version at 42 U.S.C. 10132 (2006)).	.....	*http://www.epw.senate.gov/nwpa82.pdf*.	
Blue Ribbon Commission on America's Nuclear Future, Report to the Secretary of Energy.	X	.....	ML120970375.
DOE, Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste.	X	.....	ML13011A138.
DOE Yucca Mountain FEIS, ''Final Supplemental Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County Nevada'' (Yucca Mountain FEIS)).	X	.....	ML081750212.
Letter from J M Maddox, Eddy-Lea Energy Alliance, LLC, to C Haney, NMSS, re Notice of Intent to Submit a License Application for Consolidated Used Nuclear Fuel Storage Facility, February 26, 2013.	X	.....	ML13067A278.
DOE Motion to Withdraw Application for Yucca Mountain	X	.....	ML100621397.
Request for Termination of NRC License No. SNM–2513 for Private Fuel Storage LLC.	X	.....	ML12356A063.
Billone, M.C., T.A. Burtseva, and R.E. Einziger. 2013 ''Ductile-to-Brittle Transition Temperature for High-Burnup Cladding Alloys Exposed to Simulated Drying-Storage Conditions.'' Journal of Nuclear Materials 433(1–3): 431–448.	.....	*http://www.sciencedirect.com/science/article/pii/S0022311512005181*.	
IAEA, ''Scientific and Technical Basis for the Geologic Disposal of Radioactive Wastes, Technical Reports Series No. 413''.	.....	*http://www-pub.iaea.org/MTCD/Publications/PDF/TRS413_web.pdf*.	
IAEA Technical Report Series No. 443, ''Understanding and Managing Ageing of Materials in Spent Fuel Storage Facilities''.	.....	*http://www-pub.iaea.org/MTCD/publications/PDF/TRS443_web.pdf*.	
IAEA, ''Radioactive Waste Management Studies and Trends, IAEA/WMDB/ST/4''.	.....	*http://www-pub.iaea.org/MTCD/Publications/PDF/WMDB-ST-4.pdf*.	
IAEA TECDOC–1012, ''Durability of Spent Nuclear Fuels and Facility Components in Wet Storage''.	.....	*http://www-pub.iaea.org/MTCD/publications/PDF/te_1012_prn.pdf*.	
IAEA, ''The Use of Scientific and Technical Results from Underground Research Laboratory Investigations for the Geologic Disposal of Radioactive Waste, IAEA–TECDOC–1243''.	.....	*http://www-pub.iaea.org/MTCD/Publications/PDF/te_1243_prn.pdf*.	

Document	PDR	Web (*www.regulations.gov* unless otherwise indicated)	ADAMS
IAEA TECDOC1343, ''Spent Fuel Performance Assessment and Research: Final Report of a Cordinated Research Project on Spent Fuel Performance Assessment and Research (SPAR). 1997–2001''	.....	*http://www-pub.iaea.org/MTCD/publications/PDF/te_1343_web.pdf.*	
IAEA, ''Joint Convention on Safety of Spent Fuel Management and on Safety of Radioactive Waste Management, INFCIRC/546''.	.....	*http://www.iaea.org/Publications/Documents/Infcircs/1997/infcirc546.pdf.*	
Organisation for Economic Cooperation and Development, Nuclear Energy Agency, ''Lessons Learnt from Ten Performance Assessment Studies,'' 1997.	.....	*http://www.oecd-nea.org/rwm/reports/1997/ipag.pdf.*	
Organisation for Economic Cooperation and Development, Nuclear Energy Agency, ''Moving Forward with Geological Disposal of Radioactive Waste,'' 2008.	.....	*http://www.oecd-nea.org/rwm/reports/2008/nea6433-statement.pdf.*	
Canadian Nuclear Fuel Waste Disposal Concept Environmental Assessment Panel, *Report of the Nuclear Fuel Waste Management and Disposal Concept Environmental Assessment Panel.*	.....	*http://www.ceaa.gc.ca/default.asp?lang=En&n=0B83BD43-1&xml=0B83BD43-93AA-4652-9929-3DD8DA4DE486&toc=show.*	
NWMO, *Annual Report 2007: Moving Forward Together*	.....	*http://www.nwmo.ca/uploads_managed/MediaFiles/327_NWMO_2007_Annual_Report_E.pdf.*	
NWMO, *Learning More Together—Annual Report for 2012* ..	.....	*http://nwmo.ca/uploads_managed/MediaFiles/2089_ar2012_english_web.pdf.*	

VII. Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** (62 FR 46517; September 3, 1997), this proposed rule would be classified as Compatibility Category ''NRC.'' The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of Title 10 of the CFR. These program elements are not adopted by Agreement States.

VIII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883). The NRC requests comment on the proposed rule with respect to the clarity and effectiveness of the language used.

IX. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC would modify its generic determination on the consideration of environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for reactor operations. The NRC is not aware of any voluntary consensus standards that address the proposed subject matter of this proposed rule. The NRC will consider using a voluntary consensus standard if an appropriate standard is identified. If a voluntary consensus standard is identified for consideration, the submittal should explain why the standard should be used.

X. Draft Environmental Impact Statement: Availability

As required by the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, the NRC has prepared a Draft Generic Environmental Impact Statement (NUREG–2157) to support this proposed rule. Concurrently with this proposed rule, the NRC published a document requesting comment on NUREG–2157 (same NRC Docket ID as this proposed rule, NRC–2012–0246) in the Proposed Rule section of this issue of the **Federal Register**. In addition, an interested person may access this environmental impact statement as indicated under Section VI of this document, ''Availability of Documents.''

The NRC requests public comment on the DGEIS. The NRC has sent a copy of the DGEIS and this proposed rule to every State Liaison Officer and requested their comments on the draft statement.

XI. Paperwork Reduction Act Statement

This proposed rule does not contain new or amended information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval number 3150–0021.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

XII. Regulatory Analysis

A draft regulatory analysis has not been prepared for this proposed regulation because this regulation does not establish any requirements that would place a burden on licensees. A cost-benefit analysis of the alternatives considered in the DGEIS was prepared as part of the DGEIS (Chapter 7). If continued storage of spent nuclear fuel beyond the licensed life for operations

must be assessed in site-specific licensing actions, the primary costs accrue to the NRC and to licensees and license applicants. Licensees and license applicants ultimately shoulder the majority of costs incurred to the NRC in the course of licensing actions through the NRC's license-fee program. Costs also accrue through the NRC's adjudicatory activities, which affect the NRC, licensees, license applicants, and petitioners or intervenors. The DGEIS contains an estimate that it could cost over $24 million to address continued storage in site-specific proceedings.

XIII. Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule would not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule would modify the generic determination on the consideration of environmental impacts of continued storage of spent nuclear fuel beyond the end of the licensed life for reactor operations. This generic determination provides that no discussion of any environmental impact of spent nuclear fuel storage in reactor facility storage pools or ISFSIs for the period following the term of the reactor operating license or amendment or initial ISFSI license or amendment for which application is made is required in any environmental report, environmental impact statement, environmental assessment, or other analysis prepared in connection with certain actions. The proposed rule would affect only the licensing of nuclear power plants or ISFSIs. Entities seeking or holding NRC licenses for these facilities do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC at 10 CFR 2.810.

XIV. Backfitting and Issue Finality

The NRC has determined that the backfit rules (§§ 50.109, 70.76, 72.62, or 76.76) and the issue finality provisions in 10 CFR part 52 do not apply to this proposed rule because this amendment does not involve any provisions that will either impose backfits as defined in 10 CFR chapter I, or represent non-compliance with the issue finality of provisions in 10 CFR part 52. Therefore, a backfit analysis is not required for this proposed rule, and the NRC did not prepare a backfit analysis for this proposed rule.

List of Subjects in 10 CFR Part 51

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

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR part 51.

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

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

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

■ 2. In § 51.23, revise the section heading and paragraphs (a) and (b) to read as follows:

§ 51.23 Environmental impacts of storage of spent nuclear fuel beyond the licensed life for operation of a reactor.

(a) The Commission has developed a generic environmental impact statement (NUREG–2157) analyzing the environmental impacts of storage of spent nuclear fuel beyond the licensed life for operation of a reactor. The Commission has concluded the following:

(1) The analysis in NUREG–2157 generically addresses the environmental impacts of storage of spent nuclear fuel beyond the licensed life for operation of a reactor; and

(2) The analysis in NUREG–2157 supports the Commission's determinations that it is feasible to:

(i) Safely store spent nuclear fuel following the licensed life for operation of a reactor and

(ii) have a mined geologic repository within 60 years following the licensed life for operation of a reactor.

(b) As provided in §§ 51.30(b), 51.53, 51.61, 51.80(b), 51.95, and 51.97(a), and within the scope of the generic determinations in paragraph (a) of this section, no discussion of environmental impacts of spent nuclear fuel storage in reactor facility storage pool or an independent spent fuel storage installations (ISFSI) for the period following the term of the reactor operating license or amendment, reactor combined license or amendment, or ISFSI license, renewal, or amendment for which application is made, is required in any environmental report, environmental impact statement, environmental assessment, or other analysis prepared in connection with the issuance or amendment of an operating license for a nuclear power reactor under parts 50 and 54 of this chapter, or issuance or amendment of a combined license for a nuclear power reactor under parts 52 and 54 of this chapter, or the issuance of a license for storage of spent nuclear fuel at an ISFSI, or any amendment thereto.

* * * * *

■ 3. Section 51.61 is revised to read as follows:

§ 51.61 Environmental report—independent spent fuel storage installation (ISFSI) or monitored retrievable storage installation (MRS) license.

Each applicant for issuance of a license for storage of spent fuel in an independent spent fuel storage installation (ISFSI) or for the storage of spent fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS) pursuant to part 72 of this chapter shall submit with its application to: ATTN: Document Control Desk, Director, Office of Nuclear Material Safety and Safeguards, a separate document entitled, ''Applicant's Environmental Report—ISFSI License;'' or ''Applicant's Environmental Report—MRS License,'' as appropriate. If the applicant is the U.S. Department of Energy, the environmental report may be in the form of either an environmental impact statement or an environmental assessment, as appropriate. The environmental report shall contain the information specified in § 51.45 and shall address the siting evaluation factors contained in subpart E of part 72 of this chapter. Unless otherwise required by the Commission, in accordance with the generic determination in § 51.23(a) and the provisions in § 51.23(b), no discussion of the environmental impact of the storage of spent fuel at an ISFSI beyond the term of the license or amendment applied for is required in an

environmental report submitted by an applicant for an initial license for storage of spent fuel in an ISFSI, or any amendment or renewal thereto.

■ 4. In § 51.80, paragraph (b)(1) is revised to read as follows:

§ 51.80 Draft environmental impact statement—materials license.

* * * * *

(b)(1) *Independent spent fuel storage installation (ISFSI).* Unless otherwise determined by the Commission and in accordance with the generic determination in § 51.23(a) and the provisions of § 51.23(b), a draft environmental impact statement on the issuance of an initial license for storage of spent fuel at an ISFSI or any amendment thereto, will address environmental impacts of spent fuel only for the term of the license, amendment, or renewal applied for.

* * * * *

■ 5. In § 51.97, paragraph (a) is revised to read as follows:

§ 51.97 Final environmental impact statement—materials license.

(a) *Independent spent fuel storage installation* (*ISFSI*). Unless otherwise determined by the Commission, and in accordance with the generic determination in § 51.23(a) and the provisions of § 51.23(b), a final environmental impact statement on the issuance of an initial license for the storage of spent fuel at an ISFSI or any amendment or renewal thereto, will address environmental impacts of spent fuel storage only for the term of the license or amendment applied for.

* * * * *

■ 6. In appendix B to subpart A of part 51, footnote 7 is being removed from the table and the entries for ''Onsite storage of spent nuclear fuel'' and ''Offsite radiological impacts of spent nuclear fuel and high-level waste disposal'' under the ''Waste Management'' section of Table B–1 are revised to read as follows:

Appendix B to Subpart A of Part 51—Environmental Effect of Renewing the Operating License of a Nuclear Power Plant

* * * * *

TABLE B–1—SUMMARY OF FINDINGS ON NEPA ISSUES FOR LICENSE RENEWAL OF NUCLEAR POWER PLANTS [1]

Issue	Category [2]	Finding [3]
*	*	* * * * *
Waste Management		
*	*	* * * * *
Onsite storage of spent nuclear fuel.	1	SMALL. The expected increase in the volume of spent fuel from an additional 20 years of operation can be safely accommodated onsite with small environmental effects through dry or pool storage at all plants, if a permanent repository or monitored retrievable storage is not available.
Offsite radiological impacts of spent nuclear fuel and high-level waste disposal.	1	For the high-level waste and spent-fuel disposal component of the fuel cycle, the EPA established a dose limit of 15 millirem (0.15 mSv) per year for the first 10,000 years and 100 millirem (1.0 mSv) per year between 10,000 years and 1 million years for offsite releases of radionuclides at the proposed repository at Yucca Mountain, Nevada. The Commission concludes that the impacts would not be sufficiently large to require the NEPA conclusion, for any plant, that the option of extended operation under 10 CFR part 54 should be eliminated. Accordingly, while the Commission has not assigned a single level of significance for the impacts of spent fuel and high level waste disposal, this issue is considered Category 1.
*	*	* * * * *

[1] Data supporting this table are contained in NUREG–1437, Revision 1, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants'' (June 2013).

[2] The numerical entries in this column are based on the following category definitions:

Category 1: For the issue, the analysis reported in the Generic Environmental Impact Statement has shown:

(1) The environmental impacts associated with the issue have been determined to apply either to all plants or, for some issues, to plants having a specific type of cooling system or other specified plant or site characteristic;

(2) A single significance level (i.e., small, moderate, or large) has been assigned to the impacts (except for Offsite radiological impacts—collective impacts from other than the disposal of spent fuel and high-level waste l); and

(3) Mitigation of adverse impacts associated with the issue has been considered in the analysis, and it has been determined that additional plant-specific mitigation measures are not likely to be sufficiently beneficial to warrant implementation.

The generic analysis of the issue may be adopted in each plant-specific review.

Category 2: For the issue, the analysis reported in the Generic Environmental Impact Statement has shown that one or more of the criteria of Category 1 cannot be met, and therefore additional plant-specific review is required.

[3] The impact findings in this column are based on the definitions of three significance levels. Unless the significance level is identified as beneficial, the impact is adverse, or in the case of ''small,'' may be negligible. The definitions of significance follow:

SMALL—For the issue, environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource. For the purposes of assessing radiological impacts, the Commission has concluded that those impacts that do not exceed permissible levels in the Commission's regulations are considered small as the term is used in this table.

MODERATE—For the issue, environmental effects are sufficient to alter noticeably, but not to destabilize, important attributes of the resource.

LARGE—For the issue, environmental effects are clearly noticeable and are sufficient to destabilize important attributes of the resource.

For issues where probability is a key consideration (i.e., accident consequences), probability was a factor in determining significance.

Dated at Rockville, Maryland, this 30th day of August, 2013.

For the Nuclear Regulatory Commission.

Kenneth R. Hart,

Acting Secretary of the Commission.

[FR Doc. 2013–21708 Filed 9–12–13; 8:45 am]

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FEDERAL REGISTER

Vol. 78 Friday,
No. 178 September 13, 2013

Part III

The President

Proclamation 9015—Patriot Day and National Day of Service and Remembrance, 2013

Federal Register
Vol. 78, No. 178
Friday, September 13, 2013

Presidential Documents

Title 3—

The President

Proclamation 9015 of September 10, 2013

Patriot Day and National Day of Service and Remembrance, 2013

By the President of the United States of America

A Proclamation

Twelve years ago this month, nearly three thousand innocent men, women, and children lost their lives in attacks meant to terrorize our Nation. They had been going about their day, harming no one, when sudden violence struck. We will never undo the pain and injustice borne that terrible morning, nor will we ever forget those we lost.

On September 11, 2001, amid shattered glass, twisted steel, and clouds of dust, the spirit of America shone through. We remember the sacrifice of strangers and first responders who rushed into darkness to carry others from danger. We remember the unbreakable bonds of unity we felt in the long days that followed—how we held each other, how we came to our neighbors' aid, how we prayed for one another. We recall how Americans of every station joined together to support the survivors in their hour of need and to heal our Nation in the years that followed.

Today, we can honor those we lost by building a Nation worthy of their memories. Let us also live up to the selfless example of the heroes who gave of themselves in the face of such great evil. As we mark the anniversary of September 11, I invite all Americans to observe a National Day of Service and Remembrance by uniting in the same extraordinary way we came together after the attacks. Like the Americans who chose compassion when confronted with cruelty, we can show our love for one another by devoting our time and talents to those in need. I encourage all Americans to visit www.Serve.gov, or www.Servir.gov for Spanish speakers, to find ways to get involved in their communities.

As we serve and remember, we reaffirm our ties to one another. On September 11, 2001, no matter where we came from, what God we prayed to, or what race or ethnicity we were, we were united as one American family. May the same be said of us today, and always.

By a joint resolution approved December 18, 2001 (Public Law 107–89), the Congress has designated September 11 of each year as ''Patriot Day,'' and by Public Law 111–13, approved April 21, 2009, the Congress has requested the observance of September 11 as an annually recognized ''National Day of Service and Remembrance.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 11, 2013, as Patriot Day and National Day of Service and Remembrance. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff on Patriot Day and National Day of Service and Remembrance in honor of the individuals who lost their lives on September 11, 2001. I invite the Governors of the United States and the Commonwealth of Puerto Rico and interested organizations and individuals to join in this observance. I call upon the people of the United States to participate in community service in honor of those our Nation lost, to observe this day with appropriate ceremonies and activities, including remembrance services, and to observe a moment of silence beginning at 8:46 a.m. Eastern

Daylight Time to honor the innocent victims who perished as a result of the terrorist attacks of September 11, 2001.

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

[FR Doc. 2013–22521
Filed 9–12–13; 11:15 am]
Billing code 3295–F3

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