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Contents

Federal Register

Vol. 78, No. 207

Friday, October 25, 2013

Agency for Toxic Substances and Disease Registry
NOTICES
Interaction Profiles; Availability:
Chlorinated Dibenzo–p–Dioxins, Polybrominated Diphenol Ethers, and Phthalates, 63981–63982

Agricultural Research Service
NOTICES
Grants of Exclusive Licenses, 63959

Agriculture Department
See Agricultural Research Service
See Animal and Plant Health Inspection Service
See National Agricultural Statistics Service

Animal and Plant Health Inspection Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Animal Carcass Management, 63959–63960

Army Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 63970–63971

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Bureau of Consumer Financial Protection
NOTICES
Proposed Establishment of Joint Standards for Assessing Diversity Policies and Practices of Regulated Entities, 64052–64057

Centers for Disease Control and Prevention
NOTICES
Statement of Organization, Functions, and Delegations of Authority, 63982–63983

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 63983–63984
Medicare and Medicaid Programs:
Applications for Continued Approval of Home Health Agency Accreditation Program; Joint Commission, 63984–63986
Requests for Nominations:
Medicare Program; Medicare Evidence Development and Coverage Advisory Committee, 63986–63987

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Parents and Children Together Evaluation, 63987–63988

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 63962

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 63967–63968

Commodity Futures Trading Commission
NOTICES
Meetings; Sunshine Act, 63968–63969

Comptroller of the Currency
NOTICES
Proposed Establishment of Joint Standards for Assessing Diversity Policies and Practices of Regulated Entities, 64052–64057

Consumer Product Safety Commission
NOTICES
Meetings; Sunshine Act, 63969

Copyright Royalty Board
NOTICES
DART Musical Works Funds Royalties, 64023–64024

Defense Department
See Army Department
See Navy Department
NOTICES
Meetings:
Defense Health Board, Federal Advisory Committee, 63969–63970

Delaware River Basin Commission
NOTICES
Proposed Methodology for the 2014 Delaware River and Bay Water Quality Assessment Report, 63972

Department of Transportation
See Pipeline and Hazardous Materials Safety Administration

Drug Enforcement Administration
NOTICES
Importers of Controlled Substances; Applications:
Cambrex Charles City, Inc., 64013–64014
Noramco, Inc., 64015
Penick Corp., 64014
United States Pharmacopeial Convention, 64014–64015
Wildlife Laboratories, Inc., 64014
Importers of Controlled Substances; Registrations:
Akorn, Inc., 64016
Boehringer Ingelheim Chemicals, 64016
Siegfried USA, LLC, 64015–64016
Stepan Co., 64015

Watson Pharma, Inc., 64016–64017
Manufacturers of Controlled Substances; Applications:
Cambrex Charles City, Inc., 64017
Cedarburg Pharmaceuticals, Inc., 64017
GE Healthcare, 64018
Nektar Therapeutics, 64018
PharmaCore, Inc., 64017
Research Triangle Institute, 64018
Stepan Co., 64018
Manufacturers of Controlled Substances; Registrations:
Agilent Technologies, 64019
Austin Pharma, LLC, 64019
Boehringer Ingelheim Chemicals, Inc., 64018–64019
Chemtos, LLC, 64021
Noramco, Inc., 64021
Penick Corp., 64019–64020
Siegfried USA, LLC, 64020
Sigma Aldrich Research Biochemicals, Inc., 64020

Education Department
PROPOSED RULES
Priorities:
Promise Zones, 63913–63915
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Foreign Schools Eligibility Criteria Apply to Participate in Title IV HEA Programs, 63973–63974
Student Assistance General Provisions, 63972–63973
Student Assistance General Provisions; Subpart K; Cash Management, 63973–63974

Energy Department
See Federal Energy Regulatory Commission
RULES
Energy Conservation Program:
Test Procedures for Television Sets, 63823–63845
PROPOSED RULES
Energy Conservation Program for Consumer Products:
Standards for Residential Furnace Fans, 64068–64139

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Delaware; Infrastructure Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standards, 63877–63878
Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standards for the Liberty–Clairton Nonattainment Area, 63881–63883
Virginia; Revised Ambient Air Quality Standards for Fine Particulate Matter, 63878–63881
Approval and Promulgation of Implementation Plans:
Iowa, 63887–63892
Promulgation of State Implementation Plans:
Utah; Revisions, 63883–63887
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California; El Dorado County Air Quality Management District; Reasonably Available Control Technology for Ozone, 63934–63937
Texas; Revisions to Rules and Regulations for Control of Air Pollution; Permitting of Grandfathered Facilities, 63929–63933
Virginia; Revised Ambient Air Quality Standards for Fine Particulate Matter, 63933–63934
Approval and Promulgation of Implementation Plans:
Iowa, 63937–63938
Pesticide Petitions:
Residues of Pesticide Chemicals in or on Various Commodities, 63938–63941
NOTICES
Environmental Impact Statements; Availability; Weekly Receipt, 63977–63978
Proposed CERCLA Settlements:
Truckers Warehouse Site in Passaic, Passaic County, NJ, 63978

Executive Office of the President
See Presidential Documents
See Privacy and Civil Liberties Oversight Board

Federal Aviation Administration
RULES
Airworthiness Directives:
AgustaWestland S.p.A. (Agusta) Helicopters, 63850–63852
Bell Helicopter Textron, Inc. (Bell) Helicopters, 63858–63860
Eurocopter France (Eurocopter) Helicopters, 63853–63855
Hamilton Standard Division and Hamilton Sundstrand Corporation Propellers; Correction, 63852–63853
The Boeing Company Airplanes, 63855–63858
Amendment of Class D Airspace:
Kwajalein Island, Marshall Islands, RMI, 63860–63861
Modification of Class B Airspace:
Minneapolis, MN, 63861–63865
Restricted Areas:
R–2309 and R–2312, AZ, 63869–63870
R–2515; Muroc Lake, CA, 63868
R–2916, FL and R–7105, PR, 63869
R–5115, New Mexico; R–6316, R–6317, and R–6318, Texas; Change, 63867–63868
R–6901A and R–6901B; Fort McCoy, WI; Modification, 63866–63867
Special Conditions:
Embraer S.A., Model EMB–550 Airplanes; Airplane Electronic System Security Protection from Unauthorized External Access, 63847–63848
Embraer S.A., Model EMB–550 Airplanes; Isolation or Airplane Electronic System Security Protection from Unauthorized Internal Access, 63845–63847
Embraer S.A., Model EMB–550 Airplanes; Sidestick Controllers, 63848–63850
PROPOSED RULES
Airworthiness Directives:
Costruzioni Aeronautiche Tecnam srl Airplanes, 63907–63909
The Boeing Company Airplanes, 63903–63907
Special Conditions:
Embraer S.A., Model EMB–550 Airplanes; Flight Envelope Protection: Normal Load Factor (g) Limiting, 63902–63903
NOTICES
Noise Exposure Maps:
Bob Hope Airport, Burbank, CA, 64048–64049

Federal Deposit Insurance Corporation
NOTICES
Proposed Establishment of Joint Standards for Assessing Diversity Policies and Practices of Regulated Entities, 64052–64057

Federal Energy Regulatory Commission
NOTICES
Activities under Blanket Certificates:
Enable Gas Transmission, LLC, 63974
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 63974–63975
Effectiveness of Exempt Wholesale Generator or Foreign Utility Company Status, 63975–63976
Environmental Assessments; Availability, etc.:
Arlington Storage Company, LLC, LP, 63976
Requests under Blanket Authorizations:
National Fuel Gas Supply Corp, 63976–63977
Waiver Requests:
Enable Bakken Crude Services, LLC, 63977

Federal Reserve System
NOTICES
Changes in Bank Control:
Acquisitions of Shares of a Savings and Loan Holding Company, 63978
Federal Open Market Committee:
Domestic Policy Directive of September 17–18, 2013, 63978–63979
Proposed Establishment of Joint Standards for Assessing Diversity Policies and Practices of Regulated Entities, 64052–64057

Fish and Wildlife Service
NOTICES
Environmental Assessments; Availability, etc.:
Barton Springs Pool Habitat Conservation Plan, City of Austin, Travis County, TX, 64001–64002
Environmental Impact Statements; Availability, etc.:
South Farallon Islands Invasive House Mouse Eradication Project, Farallon National Wildlife Refuge, CA, 64002

Food and Drug Administration
RULES
New Animal Drugs; Change of Sponsor:
Gonadorelin, Ivermectin, Ractopamine, Trimethoprim and Sulfadiazine Suspension, Tulathromycin, 63870–63872
Turtles Intrastate and Interstate Requirements, 63872
NOTICES
Clinical Investigator Training Course, 63988–63989
Industry Organizations Interested in Participating in the Selection Process:
Nonvoting Industry Representatives and Request for Nominations for Nonvoting Industry Representatives on the Tobacco Products Scientific Advisory Committee, 63989–63990

Foreign-Trade Zones Board
NOTICES
Approvals of Subzone Status:
Talbots Import, LLC; Lakeville, MA, 63962–63963
Reorganizations under Alternative Site Frameworks:
Foreign-Trade Zone 1 and 111; New York, NY, 63963

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 63979–63981

Health Resources and Services Administration
NOTICES
Application Requirements:
Ryan White HIV/AIDS Program Core Medical Services Waiver, 63990–63993
Low-Income Levels Used for Various Health Professions and Nursing Programs, 63993–63994

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certificate of Housing Counseling; Homeownership and Certificate of Housing Counseling; Home Retention, 64142
Condominium Project Approval Document Collection, 64142–64143
Contractor's Requisition; Project Mortgages, 64143
Father's Day, 64000
FHA-Application for Insurance of Advance of Mortgage Proceeds, 64143–64144
FHA-Insured Mortgage Loan Servicing of Payments, Prepayments, Terminations, Assumptions, and Transfers FHA-Insured Mortgage Loan Servicing of Payments, Prepayments, Terminations, Assumptions, and Transfers, 64147
Housing Finance Agency Risk-Sharing Program, 64145–64146
HUD-Owned Real Estate; Sales Contract and Addendums, 64145
Section 202 Supportive Housing for the Elderly Application Submission Requirements, 64144–64145
Technical Processing Requirements for Multifamily Project Mortgage Insurance, 64146
Federal Property Suitable as Facilities to Assist the Homeless, 64000

Information Security Oversight Office
NOTICES
Meetings:
National Industrial Security Program Policy Advisory Committee, 64024–64025

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Indian Gaming Commission
See National Park Service
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 64057–64063
Meetings:
Taxpayer Advocacy Panel Joint Committee, 64063–64064
Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee, 64064
Taxpayer Advocacy Panel Taxpayer Communications Project Committee, 64063
Taxpayer Advocacy Panel Toll–Free Phone Line Project Committee, 64063

International Trade Administration
NOTICES
Meetings:
Environmental Technologies Trade Advisory Committee, 63963–63964
Manufacturing Council, 63964

International Trade Commission
NOTICES
Antidumping and Countervailing Duty Investigations; Results, Extensions, Amendments, etc.:
Hot-Rolled Steel Products from China, India, Indonesia, Taiwan, Thailand, and Ukraine; Five-Year Review, 64008–64009
Determinations:
Frozen Warmwater Shrimp from China, Ecuador, India, Malaysia, and Vietnam, 64009
Investigations:
Optical Disc Drives, Components Thereof, and Products Containing the Same, 64009–64010
Receipts of Complaint; Solicitations of Comments Relating to the Public Interest, 64010–64011
Tolling of Activity in Antidumping and Countervailing Duty Proceedings, 64011–64012

Judicial Conference of the United States
NOTICES
Meetings:
Judicial Conference Committee on Rules of Practice and Procedure, 64012

Justice Department
See Drug Enforcement Administration
See Prisons Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
2013 Census of Federal, State, and Local Law Enforcement Agencies, 64012–64013
Geospatial Capabilities Survey, 64013

Labor Department
See Labor Statistics Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Program to Prevent Smoking in Hazardous Areas of Underground Coal Mines, 64022–64023
Survivor's Form for Benefits under the Black Lung Benefits Act, 64021–64022

Labor Statistics Bureau
NOTICES
Meetings:
Data Users Advisory Committee, 64023

Land Management Bureau
NOTICES
Alaska Native Claims Selections, 64002–64003
Environmental Impact Statements; Availability, etc.:
Jump Creek, Succor Creek, and Cow Creek Watersheds Grazing Permit Renewal, Owyhee County, ID, 64003–64004
Fee Collections:
Public Lands in the Red Cliffs National Conservation Area, Washington County, UT; Correction, 64004
Meetings:
Farmington District Resource Advisory Council Meeting, NM, 64005
Pecos District Resource Advisory Council Meeting, NM, 64004–64005
Realty Actions:
Public Lands in Storey County, NV, 64005–64006

Library of Congress
See Copyright Royalty Board

National Aeronautics and Space Administration
NOTICES
Meetings:
NASA Advisory Council; Science Committee; Planetary Science Subcommittee, 64024

National Agricultural Statistics Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 63960–63962

National Archives and Records Administration
See Information Security Oversight Office

National Credit Union Administration
NOTICES
Meetings; Sunshine Act, 64025
Proposed Establishment of Joint Standards for Assessing Diversity Policies and Practices of Regulated Entities, 64052–64057

National Foundation on the Arts and the Humanities
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Public Libraries Survey, 64025–64026
Meetings:
Arts Advisory Panel, 64026

National Indian Gaming Commission
RULES
Minimum Internal Control Standards, 63873–63875

National Institute of Standards and Technology
NOTICES
Draft Interagency Reports:
Guidelines for Smart Grid Cyber Security, 63964–63966

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 63995
Eunice Kennedy Shriver National Institute of Child Health and Human Development, 63995–63996
Kidney, Urologic, and Hematologic Diseases Interagency Coordinating Committee Urology Subcommittee Workshop, 63997
National Heart, Lung, and Blood Institute, 63994–63995
National Institute of Allergy and Infectious Diseases, 63996–63998
National Institute of Biomedical Imaging and Bioengineering, 63998–63999
National Institute of Diabetes and Digestive and Kidney Diseases, 63994
National Institute of Nursing Research, 63996–63998
National Institute on Aging, 63999
National Institute on Deafness and Other Communication Disorders, 63994
National Institute on Drug Abuse, 63994–63997
Office of the Director, 63998

Vitamin D Standardization Program Symposium:
Tools to Improve Laboratory Measurement, 63999

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Pollock in Statistical Area 630 in the Gulf of Alaska, 63899–63900
Fisheries of the Northeastern United States:
Monkfish Fishery; Emergency Action Extension, 63892–63899
PROPOSED RULES
Endangered and Threatened Wildlife:
90-Day Finding on Petition to List 23 Species of Corals, 63941–63946
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Revisions to Headboat Reporting Requirements for Species Managed by the Gulf of Mexico Fishery Management Council, 63946–63950
Fisheries of the Exclusive Economic Zone off Alaska:
Bering Sea and Aleutian Islands Management Area; Amendment 99, 63951–63958
NOTICES
Meetings:
Gulf of Mexico Fishery Management Council, 63966
Tidal Datums:
Modified Procedure for Computation of Tidal Datums in Area of Anomalous Sea-Level Change, 63966–63967

National Park Service
NOTICES
Inventory Completions:
Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA, 64006–64007
University of Denver Department of Anthropology and Museum of Anthropology, Denver, CO; Correction, 64007–64008
National Register of Historic Places:
Pending Nominations and Related Actions, 64008

National Transportation Safety Board
NOTICES
Investigative Hearings:
Metro-North Railroad Accidents, 64026–64027

Navy Department
NOTICES
Environmental Impact Statements; Availability, etc.:
Introduction of the P–8A Multi-Mission Maritime Aircraft into the U.S. Navy Fleet; Public Meetings, 63971
Records of Decision:
Outdoor Research, Development, Test and Evaluation Activities at Naval Surface Warfare Center, Dahlgren Division, Dahlgren, VA, 63971–63972

Nuclear Regulatory Commission
PROPOSED RULES
Onsite Emergency Response Capabilities, 63901–63902
NOTICES
Regulatory Guides:
Cost–Benefit Analysis for Radwaste Systems for Light-Water-Cooled Nuclear Power Reactors, 64029–64030
Decommissioning of Nuclear Power Reactors, 64028–64029
Monitoring Criteria and Methods to Calculate Occupational Radiation Doses, 64030–64031
Preoperational Testing of Emergency Core Cooling Systems, 64027–64028

Pension Benefit Guaranty Corporation
NOTICES
Privacy Act; Systems of Records, 64031–64037

Pipeline and Hazardous Materials Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 64049–64051

Postal Regulatory Commission
NOTICES
Meetings; Sunshine Act, 64037

Postal Service
PROPOSED RULES
New Mailing Standards for Domestic Mailing Services Products, 63915–63929

Presidential Documents
ADMINISTRATIVE ORDERS
Congo, Democratic Republic of the; Continuation of National Emergency (Notice of October 23, 2013), 64149–64151

Prisons Bureau
RULES
Progress Reports Rules Revision, 63875–63877

Privacy and Civil Liberties Oversight Board
NOTICES
Public Hearing, 64037–64038

Securities and Exchange Commission
NOTICES
Proposed Establishment of Joint Standards for Assessing Diversity Policies and Practices of Regulated Entities, 64052–64057
Self-Regulatory Organizations; Proposed Rule Changes:
BOX Options Exchange, LLC, 64046–64048
Chicago Mercantile Exchange, Inc., 64038–64039
EDGA Exchange, Inc., 64041–64043
EDGX Exchange, Inc., 64039–64041
New York Stock Exchange, LLC, 64043–64046

Statistical Reporting Service
See National Agricultural Statistics Service

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Missouri Regulatory Program, 63909–63911
Montana Regulatory Program, 63911–63913

Surface Transportation Board
NOTICES
Acquisition Exemptions:
Mule Sidetracks, LLC from Columbiana County Port Authority, 64051–64052

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Transportation Department
See Federal Aviation Administration
See Pipeline and Hazardous Materials Safety Administration
See Surface Transportation Board
NOTICES
Meetings:
Intelligent Transportation Systems Program Advisory Committee, 64048

Treasury Department
See Comptroller of the Currency
See Internal Revenue Service

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Claim for Standard Government Headstone or Marker for Installation in a Private or State Veterans Cemetery, 64065
Principles of Excellence Complaint System Intake, 64064–64065
Discontinuance of Annual Financial Assessments, 64065–64066

Separate Parts In This Issue

Part II
Energy Department, 64068–64139

Part III
Housing and Urban Development Department, 64142–64147

Part IV
Presidential Documents, 64149–64151

Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Administrative Orders:

Notices:

Notice of October 23, 2013 64151

10 CFR

429....63823
430....63823

Proposed Rules:

50....63901
55....63901
429....64068
430....64068

14 CFR

25 (3 documents) 63845, 63847, 63848
39 (5 documents) 63850, 63852, 63853, 63855, 63858
71 (2 documents) 63860, 63861
73 (5 documents) 63866, 63867, 63868, 63869

Proposed Rules:

25....63902
39 (2 documents) 63903, 63907

21 CFR

510....63870
520....63870
522....63870
524....63870
558....63870
1240....63872

25 CFR

543....63873

28 CFR

524....63875

30 CFR

Proposed Rules:

925....63909
926....63911

34 CFR

Proposed Rules:

Ch. I–VI....63913

39 CFR

Proposed Rules:

111....63915

40 CFR

52 (5 documents) 63877, 63878, 63881, 63883, 63887
62....63887
70....63887

Proposed Rules:

52 (4 documents) 63929, 63933, 63934, 63937
62....63937
70....63937
180....63938

50 CFR

648....63892
679....63899

Proposed Rules:

223....63941
224....63941
622....63946
679....63951

Rules and Regulations

Federal Register

Vol. 78, No. 207

Friday, October 25, 2013

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

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DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket No. EERE–2010–BT–TP–0026]

RIN 1904–AC29

Energy Conservation Program: Test Procedures for Television Sets

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: On January 19, 2012, the U.S. Department of Energy (DOE) issued a notice of proposed rulemaking (NOPR) to establish a new test procedure for television sets (TVs). Based on comments received in response to the January 2012 NOPR, DOE performed additional testing and proposed amendments to the TV test procedure in its March 12, 2013 supplemental notice of proposed rulemaking (SNOPR). Following the March 2013 SNOPR, DOE issues this final rule to establish a new test procedure for TVs and respond to any subsequent comments from the March 2013 SNOPR. This rule resolves issues with the October 1979 TV test procedure, repealed by DOE on October 20, 2009, by allowing for accurate measurement of the energy consumption of modern TVs.

DATES: The effective date of this final rule is November 25, 2013.

The incorporation by reference of certain standards in this rulemaking is approved by the Director of the Office of the Federal Register as of November 25, 2013.

ADDRESSES: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at *regulations.gov*. All documents in the docket are listed in the *regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2010-BT-TP-0026.* This Web page will contain a link to the docket for this notice on the *regulations.gov* site. The *regulations.gov* Web page will contain simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov*.

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SUPPLEMENTARY INFORMATION: This final rule incorporates by reference into part 430 the following industry standards:

(1) CEA–770.3–D, Consumer Electronics Association, High Definition TV Analog Component Video Interface, approved February 2008.

CEA standards can be purchased from the Consumer Electronic Association, 1–800–699–9277, 1–734–780–8000, or *http://www.techstreet.com/info/cea.tmpl*.

(2) HDMI Specification Version 1.0, High-Definition Multimedia Interface Licensing, LLC, *High-Definition Multimedia Interface Specification,* Informational Version 1.0, published September 4, 2003.

HDMI standards can be purchased from HDMI Licensing, LLC, 1140 East Arques, Suite 100 Sunnyvale, CA 94085, or *http://www.hdmi.org/contact/index.aspx*.

(3) IEC Standard 933–5:1992, International Electrotechnical Commission, *Audio, video and audiovisual systems—Interconnections and matching values—Part 5: Y/C connector for video systems—Electrical matching values and description of the connector,* First Edition 1992–12. (Note: IEC 933–5 is also known as IEC 60933–5.)

(4) IEC Standard 62087:2011, International Electrotechnical Commission, *Methods of measurement of the power consumption of audio, video, and related equipment,* Edition 3.0, 2011–04.

IEC standards can be purchased from the International Electrotechnical Commission, 3 rue de Varembré, P.O. Box 131, CH–1211 Geneva 20–Switzerland, or *http://www.iec.ch.*

(5) ITU–R BT.470–6, International Telecommunication Union, *Conventional Television Systems,* published November 1998.

ITU standards are freely available from the International Telecommunication Union, *http://www.itu.int/en/ITU-T/publications/Pages/default.aspx.*

(6) SMPTE 170M–2004, *SMPTE Standard for Television—Composite Analog Video Signal—NTSC for Studio Applications,* approved November 20, 2004.

SMPTE standards can be purchased from the Society of Motion Picture and Television Engineers, 3 Barker Ave. 5th Floor, White Plains, NY 10601, *http://www.techstreet.com/products/1228846*.

Table of Contents

I. Authority and Background
A. General
B. Test Procedure Rulemaking Process
C. Rulemaking Background
II. Summary of the Final Rule
III. Discussion
A. Incorporated Industry Test Procedures
B. Products Covered by the Proposed Test Procedure
C. Definitions
1. Television Sets
2. On Mode
3. Video Inputs
4. Picture Setting
5. Definitions Incorporated by IEC 62087 Ed. 3.0
D. Measurement Equipment
1. Power Meter Requirements
2. Luminance Meter Requirements
E. General Test Set-up
1. Nominal Voltage and Frequency of the Region
2. International Unit Harmonization
3. Dark Room Conditions
4. Automatic Brightness Control Sensor Configuration
5. Network Connection
6. Configuration of Special Functions
7. Video Input Device Configuration

8. Requirements Incorporated From IEC 62087
F. Steady State Requirement for On Mode Power Measurements
G. On Mode
H. On Mode With ABC Enabled
1. ABC Illuminance Values
2. Test Set-Up
3. Infrared and Ultraviolet Blocking Filter
4. Neutral Density Filter
5. Lamp Specification
I. Luminance Test
J. Standby Mode
1. Standby-Passive Mode
2. Standby-Active, Low Mode
3. Standby-Active, High Mode
K. Off Mode
L. Sampling Plan
M. Output Metrics
N. Represented Power Values
O. Annual Energy Consumption Metric
1. On Mode
2. Standby Mode
3. Off Mode
IV. Procedural Issues and Regulatory Review
A. Review Under Executive Order 12866
B. Review Under the Regulatory Flexibility Act
C. Review Under the Paperwork Reduction Act of 1995
D. Review Under the National Environmental Policy Act of 1969
E. Review Under Executive Order 13132
F. Review Under Executive Order 12988
G. Review Under the Unfunded Mandates Reform Act of 1995
H. Review Under the Treasury and General Government Appropriations Act, 1999
I. Review Under Executive Order 12630
J. Review Under Treasury and General Government Appropriations Act, 2001
K. Review Under Executive Order 13211
L. Review Under Section 32 of the Federal Energy Administration Act of 1974
M. Congressional Notification
V. Approval of the Office of the Secretary

I. Authority and Background

A. General

Title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, et seq.; ''EPCA'' or, ''the Act'') sets forth a variety of provisions designed to improve energy efficiency. (All references to EPCA refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012)). Part B of title III, which for editorial reasons was redesignated as Part A upon incorporation into the U.S. Code (42 U.S.C. 6291–6309, as codified), establishes the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' These include television sets, the subject of today's final rule. (42 U.S.C. 6292(a)(12))

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA, and (2) making representations about the efficiency of those products. Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA.

B. Test Procedure Rulemaking Process

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA provides that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2)) Finally, in any rulemaking to amend a test procedure, DOE must determine to what extent, if any, the proposed test procedure would alter the measured energy efficiency of any covered product as determined under the existing test procedure. (42 U.S.C. 6293(e)(1)) If DOE determines that the amended test procedure would alter the measured efficiency of a covered product, DOE must amend the applicable energy conservation standard accordingly. (42 U.S.C. 6293(e)(2))

The Energy Independence and Security Act of 2007 (EISA 2007), Public Law 110–140 (Dec. 19, 2007) amended EPCA to require DOE to implement a standby and off mode energy consumption measurement, if technically feasible, in test procedures where not previously present. Otherwise, DOE must prescribe a separate standby and off mode energy test procedure, if technically feasible. 42 U.S.C. 6295(gg)(2)(A). EISA 2007 also requires any final rule to establish or revise a standard for a covered product, adopted after July 1, 2010, to incorporate standby mode and off mode energy use into a single amended or new standard, if feasible. 42 U.S.C. 6295(gg)(3)(A). DOE recognizes that the standby and off mode conditions of operation apply to TVs. In response to this requirement, DOE adopts provisions in the test procedures to address standby and off mode as discussed in sections III.J and III.K of this rulemaking.

Today's rule also fulfills DOE's obligation to periodically review its test procedures under 42 U.S.C. 6293(b)(1)(A). DOE anticipates that its next evaluation of this test procedure will occur in a manner consistent with the timeline set out in this provision.

C. Rulemaking Background

In May 2008, the Consumer Electronics Association (CEA) and the California Energy Commission (CEC) petitioned DOE to repeal its TV test procedure, promulgated on June 29, 1979, as, among other things, it was no longer appropriate for measuring the energy consumption of modern TVs.[1] CEC cited the Digital Transition and Public Safety Act of 2005 as a main contributor for their request to repeal the test procedure.[2] The act mandated that as of June 12, 2009, all TV broadcasts must be transmitted digitally, transitioning from analog broadcasts which were formally used for all over the air TV broadcasts.[3] The October 1979 test procedure relied solely on analog test signals for test content and was geared heavily for older screen technologies like cathode ray tubes (CRT) which made it increasingly obsolete. CEA also highlighted the work of the International Electrotechnical Commission (IEC) in the standard IEC 62087 Ed. 1.0 ''Methods of measurement for the power consumption of audio, video, and related equipment'' as a test procedure more suitable for the power consumption of modern TVs. 74 FR 53641.

On October 20, 2009, DOE repealed the TV test procedure and then began a rulemaking process designed to resolve the issues of the former test procedure. 74 FR 53640. As a first step in the rulemaking process, DOE published a request for information and request for comment document (RFI) on September 3, 2010. 75 FR 54048 (September 2010 RFI). In the September 2010 RFI, DOE

[1] *See* Energy Conservation Program: Repeal of Test Procedures for Televisions. 74 FR 53640 (Oct. 20, 2009). *http://www1.eere.energy.gov/buildings/appliance_standards/pdfs/74fr53640.pdf.*

[2] Chamberlain, William M., ''Petition of the California Energy Commission to Repeal the Test Method for Television Sets in 10 C.F.R. Part 430 Subpart B.'' May 23, 2008. *http://www.energy.ca.gov/appliances/2008rulemaking/documents/2008-05-15_workshop/other/Petition_Of_The_CEC_To_Repeal_The_Test_Method_For_Television_Sets_In_10_CFr_Part_430_Subpart_B.pdf.*

[3] Digital transition mandated by Public Safety Act of 2005 *http://www.fcc.gov/cgb/consumerfacts/digitaltv.html.*

evaluated current industry test procedures and requested comment from stakeholders. Following stakeholders' initial comments, DOE published a NOPR which outlined the proposed television test procedure. 77 FR 2830 (January 19, 2012) (the January 2012 NOPR). In the January 2012 NOPR, DOE proposed power consumption tests for on mode, standby-active, high mode, standby-passive mode, and off mode, as well as a luminance test for the home and retail picture setting. In March 2013, DOE published a SNOPR to amend the proposed test procedure and to clarify the intent of the January 2012 NOPR. 78 FR 15808 (March 12, 2013) (the March 2013 SNOPR). The most notable amendments included: (1) The removal of the standby-active, high mode test, (2) the addition of the standby-active, low mode test, (3) the addition of specificity to the on mode test with automatic brightness control (ABC) enabled by default, and (4) the revised picture setting structure for the luminance test. DOE addresses all comments and clarifies the adopted test procedure in today's final rule.

II. Summary of the Final Rule

Today's final rule adopts a new test procedure for TVs. This test procedure is designed to resolve the issues which prompted DOE to repeal the previous test procedure. This test procedure adopts tests for active (on mode), standby mode, off mode, and screen luminance measurements. The data obtained through this test procedure includes the power consumption measurements for all available modes of operation, power factor measurements in on mode, screen luminance values, and an annual energy consumption metric based on the power consumption of individual modes of operation. The adopted tests are based on stakeholder comments in response to the September 2010 RFI, January 2012 NOPR, and March 2013 SNOPR as well as DOE testing. Throughout the rulemaking process, DOE performed several rounds of testing to ensure the adopted tests are repeatable and reproducible.

III. Discussion

A. Incorporated Industry Test Procedures

In preparation for the March 2013 SNOPR, DOE participated as an observing member of the CEA working group meetings regarding TV energy consumption (CEA R4 WG13) to gain a better understanding of industry's position on TV test procedures. DOE based many of its proposals from the March 2013 SNOPR on Draft version 3.5 of the CEA–2037–A standard (October 11, 2012), ''Determination of Television Average Power Consumption''. CEA, Sharp, and Panasonic commented that DOE should incorporate by reference the draft version 3.5 of CEA–2037–A as the DOE test procedure in an effort to harmonize between DOE, industry, and international test procedures (CEA, No. 72 at p. 2; Sharp, No. 68 at p. 1; Panasonic, No. 67 at p. 1). However, as of today, CEA–2037–A is still in draft form and has not yet been finalized. DOE believes it would not be appropriate to reference by incorporation a test method that is still undergoing changes and has not been made publically available. Therefore, while DOE continues to base its test procedure requirements on draft version 3.5 of the CEA–2037–A test method into today's final rule, DOE is not incorporating these sections by reference.

Additionally, CEA, Panasonic, and Sharp also commented that DOE should incorporate requirements from IEC 62087 Ed. 3.0 in its test procedure (CEA, No. 72 at p. A–6; Panasonic, No. 67 at p. 7; Sharp, No. 68 at p. 3). DOE agrees with these comments and incorporates many of today's requirements from IEC 62087 Ed. 3.0. DOE believes that these concepts closely align with those proposed in CEA's draft version 3.5 of CEA–2037–A and will ensure compatibility between the DOE test procedure and industry standards. DOE also recognizes the importance of harmonizing with industry and international test procedures, and takes action by incorporating many industry requirements by reference in today's final rule. DOE is aware that industry and international test procedures are in development, and DOE will consider amending this test procedure to further harmonize with these industry test procedures once any ongoing efforts are finalized.

B. Products Covered by the Proposed Test Procedure

Following the public meeting for the March 2013 SNOPR, California Investor Owned Utilities (CA IOU), CEA, Northwest Energy Efficiency Alliance (NEEA), Panasonic, and Sharp commented that many of the definitions in the proposed TV test procedure contained scoping criteria and requirements that are more suitable for the scope of coverage and product configuration sections, specifically in reference to the definition for television sets (CA IOU, No. 71 at p. 2; CEA, No. 72 at p. A–4; NEEA, No. 66 at p. 2; Panasonic, No. 67 at p. 2; Sharp, No. 68 at p. 2). NEEA commented that while it agreed with this parameter, defining a TV as a product with a diagonal screen size of 15'' or larger may have unintended future consequences (NEEA, No. 66 at p. 2). CEA also commented that restricting the screen size of a TV is not appropriate for a definition (CEA, No. 72 at p. A–4). CA IOU suggested that the size requirement be moved to scope of coverage rather than including it in the definition of a TV (CA IOU, No. 71 at p. 2). DOE agrees with these comments and believes that the screen size requirement should be moved from the definition of a television set and included as part of the scope of the rule, in section 1 of Appendix H to subpart B of 10 CFR part 430. This change allows for a more inclusive definition of a television set, because it is no longer limited to having a screen size of 15 inches or greater. DOE believes that updating the definition allows greater flexibility for other regulating bodies and for future use by DOE. While the definition of a television set no longer contains the provision that the screen size is 15 inches or greater, DOE updates the applicability of the test procedure adopted in today's final rule to only those televisions having a screen size of 15 inches or greater.

In the March 2013 SNOPR, DOE also defined a TV as a product that is ''designed to be powered primarily by mains power . . .'' Following the public meeting for the March 2013 SNOPR, DOE received comment from Panasonic suggesting that ''primarily'' be replaced with ''solely'' to exclude battery powered TVs from the scope of this rulemaking (Panasonic, No. 67 at p. 2). Sharp commented that the terms 'main battery' and 'auxiliary battery' should be defined to help clarify the product coverage of this rulemaking (Sharp, No. 68 at p. 2). DOE agrees with these comments and has added definitions for 'main battery' and 'auxiliary battery' to section 2 of Appendix H to subpart B of 10 CFR part 430. A main battery is defined as a battery capable of powering the TV to produce dynamic video without support of mains power and an auxiliary battery is defined as a battery capable of powering a clock or retaining TV settings but incapable of powering the TV to produce dynamic video. DOE clarifies that the proposed definition of a television in the March 2013 SNOPR was designed to exclude TVs capable of being powered by a main battery from the rulemaking but not to exclude TVs with auxiliary batteries. While the definition of a television set no longer contains the provision that it must designed to be powered primarily by mains power, DOE updates the

applicability of the test procedure adopted in today's final rule to only those televisions that are powered by mains power (including TVs with auxiliary batteries but not TVs with main batteries).

Sharp also suggested that TVs with non-removable main batteries should not be tested while TVs with removable main batteries should be tested (Sharp, No. 68 at p. 2). DOE believes that testing TVs that have main batteries may result in energy consumption values that are not appropriate for these products due to a different usage profile. Main battery-powered TVs are typically designed for portability and are not intended to be used for several hours a day with their batteries removed. Additionally, these products represent a limited cross-section of the TV market. DOE believes including main battery-powered devices would create unnecessary test burden and result in atypical energy consumption measurements for these products. While DOE believes these products still meet the definition of a TV, they follow a different usage profile than products that fall under the scope of this rulemaking.

However, DOE believes TVs that have auxiliary batteries should be included within the scope of coverage of this test procedure. DOE believes that nearly all TVs have at least one auxiliary battery and this clarification does not change the scope of this rulemaking.

In today's final rule, DOE clarifies its position for TVs powered by mains and batteries as part of the scope of coverage rather than the definition of a television set. DOE also clarifies that TVs powered by main batteries shall be excluded from today's rule, while TVs with auxiliary batteries shall be included in the scope for today's rulemaking, located in section 1 of Appendix H to subpart B of 10 CFR part 430.

C. Definitions

1. Television Sets

As discussed in section III.B of this rule, DOE has updated the scope of coverage to incorporate elements formerly proposed in the TV definition. As a result, DOE broadened the TV definition, located in 10 CFR 430.2, to mean a product designed to produce dynamic video, contains an internal TV tuner encased within the product housing, and that is capable of receiving dynamic visual content from wired or wireless sources.

The scope of coverage includes a requirement for a minimum screen size as well as an exclusion for TVs powered by a main battery. These limitations in scope are consistent with the limitations previously proposed in the TV definition in the March 2013 SNOPR. Moving these requirements to the scope of coverage allows for a broader definition of a TV that is consistent with industry practice while retaining the more narrow scope of coverage proposed under the January 2012 NOPR and the March 2013 SNOPR.

DOE also notes that the internal TV tuner requirement proposed in the March 2013 SNOPR is still appropriate for the TV definition. 78 FR 15811. In the All-Channel Receiver Act, the Federal Communication Commission (FCC) has the authority to require that all products marketed as a TV shall include a TV tuner within the product housing. 47 U.S.C. 303(s). A TV tuner is a key defining characteristic between TVs, displays, and digital picture frames, and as discussed in the January 2012 NOPR, the convergence of these products makes distinguishing their features critical for this rulemaking. Thus, DOE believes that a TV tuner is necessary for the definition of a TV. NEEA commented that they support a TV tuner requirement for the definition of a TV (NEEA, No. 66 at p. 2). As part of today's final rule, DOE adopts the updated definition of a television set in 10 CFR 430.2 in response to comments from the March 2013 SNOPR.

2. On Mode

In response to the March 2013 SNOPR, Panasonic commented that the definition of on mode should be updated from ''providing one or more principle functions'' to ''providing both picture and sound'' (Panasonic, No. 67 at p. 7). Although DOE agrees that this language would clarify the intent of a 'principle function', DOE does not believe sound should be included as a principle function. DOE does not require that a TV produce sound under the scope of this rulemaking and believes this change may inadvertently exclude TVs that do not have speakers. DOE agrees with the Panasonic's intentions of clarifying the primary functions of a TV and therefore updates this language in the definition of on mode to ''producing dynamic video'' in section 2.14 of Appendix H to subpart B of 10 CFR part 430.

3. Video Inputs

In the March 2013 SNOPR, DOE proposed definitions for video inputs as a way to clearly specify the connection between the TV and the video input device. 78 FR 15812–15813. These definitions were based on industry standards and harmonized with the Set-top Box (STB) Test Procedure NOPR. Docket No. EERE–2–12–BT–TP–0046, 78 FR 5076. Sharp provided comment on the proposed video input definitions, specifically High-Definition Multimedia Interface (HDMI), S-video, composite video, and component video. Sharp agrees with the definition for HDMI but recommends that the HDMI connection should be compatible with all HDMI versions (Sharp, No, 68 at p. 6). DOE agrees with this comment and clarifies the definition of HDMI in 10 CFR 430.2 by requiring that the video input must at least meet HDMI Version 1.0, but accepts higher versions as they are backwards compatible. DOE recognizes that next generation versions of this format will be released, but the criteria in version 1.0 meets the minimum requirements to measure the power consumption of this test procedure. Additionally, DOE does not believe that it is necessary to require updated HDMI versions that have been updated with capabilities not tested in this procedure such as 3D and 4k resolution.

In response to the S-video definition, Sharp commented that S-video should be defined according to IEC 60933–5 (Sharp, No, 68 at p. 7). IEC 60933–5 is consistent with DOE's definition in the March 2013 SNOPR, and including this reference can help to clarify this video input connection. DOE agrees with Sharp's comment and updates the definition of S-video in 10 CFR 420.2 to reference IEC 60933–5.

Sharp commented that the composite video definition should use the SMPTE 170 M standard for 60 Hz signals and ITU BT.470–6 standard for 50 Hz signals (Sharp, No, 68 at p. 6). In the March 2013 SNOPR, DOE proposed that the composite video input should use the National Television System Committee (NTSC) format for a 60 Hz signal. Although NTSC is the correct format for a 60 Hz video signal, DOE agrees that using the SMTPE is more appropriate because it is a standard. Additionally, adding a standard for a 50 Hz signal allows this test procedure to be used internationally. Thus, DOE clarifies the SMPTE and ITU standards to be used in the definition of composite video in 10 CFR 430.2.

Sharp commented that they support the definition for component video proposed in the March 2013 SNOPR, and therefore DOE retains its proposal and adopts this definition for component video in 10 CFR 430.2 (Sharp, No. 68 at p. 6).

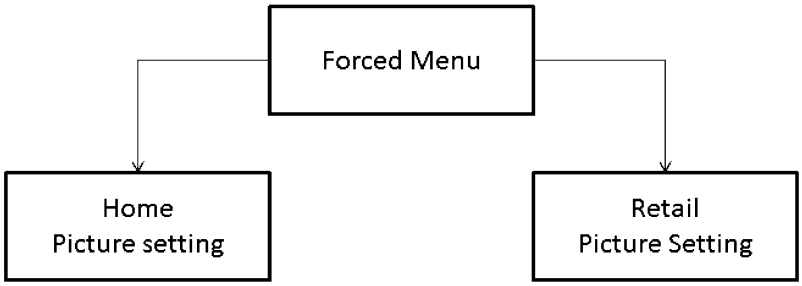
CEA also provided comment on the video input definitions, and suggested, along with Sharp, that the definition for direct video connection should be removed because it is not used in the test procedure (CEA, No. 72 at p. A–5;

Sharp, No. 68 at p. 6). DOE originally proposed this definition to harmonize with the STB video input definitions proposed in the STB test procedure NOPR. Docket No. EERE–2–12–BT–TP–0046, 78 FR 5076. Because DOE did not use the term in the TV test procedure, DOE agrees with commenters and removes the definition for direct video connection from today's final rule. DOE also clarifies that symbol definitions for videocassette recorder (VCR), L_{ratio}, and light measuring device (LMD) have been removed because these terms are no longer used in the test procedure.

4. Picture Setting

In the January 2012 NOPR, DOE proposed definitions for home and retail picture settings to create a picture setting structure consistent with the ENERGY STAR Program Requirements for Televisions, Version 4.1 (ENERGY STAR v. 4.1). 77 FR 2837. These definitions established a picture setting structure as depicted in Figure 1. In preparation of the January 2012 NOPR, DOE performed testing and discovered a TV that was unable to enter the retail picture setting after selecting the home picture setting. DOE was concerned that that this issue would prevent the luminance test from being performed on certain TVs, and therefore DOE proposed that the retail picture setting luminance measurement shall be performed first, followed by the home picture setting. Additionally, the on mode test would be performed after the luminance test so that the home picture setting would not need to be changed between tests. The proposed testing order was slightly different from other industry test procedures, which tested on mode before luminance. DOE found this difference necessary to ensure that all TVs were capable of entering both the home and retail picture settings for the luminance test.

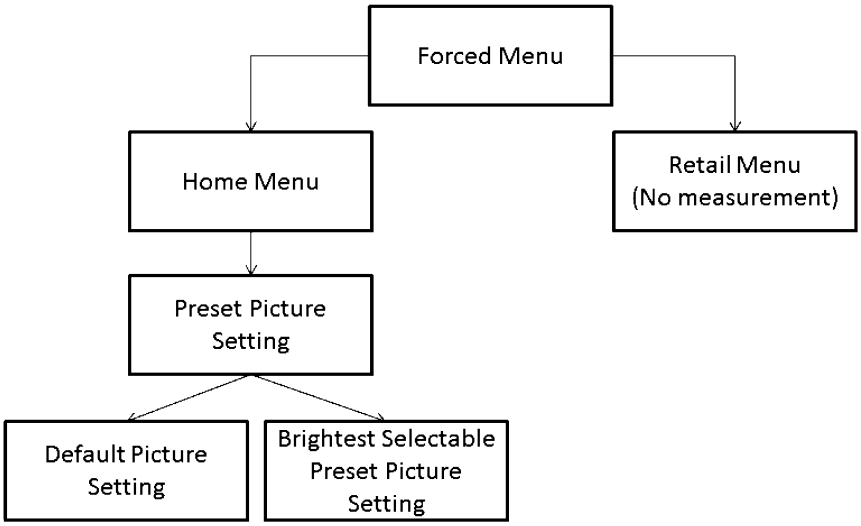
Figure 1: Picture Setting Structure Proposed in the January 2012 NOPR



In response to the January 2012 NOPR picture setting proposals, Sharp commented that the retail picture setting may not be the brightest picture setting as defined in the January 2012 NOPR (Sharp, No. 45 at p. 2). Sharp also commented that the proposed testing order could lead to double testing for manufacturers that test their products with multiple test procedures (Sharp, No. 45 at p. 3). Panasonic suggested that either the brightest selectable picture setting or the retail picture setting should be tested as the picture setting that measures the highest luminance in on mode (Panasonic No. 50 at p. 2). NEEA recommended that the retail picture setting should be defined as the picture setting which produces the highest attainable luminance from a factory defined menu option (NEEA No. 43 at p. 2). Mitsubishi Electric Visual Solutions America, Inc. (MEVSA) commented that 'preset picture setting' should be defined to help clarify the retail picture setting definition (MEVSA, No. 44 at p. 5).

Based on these comments, DOE proposed a definition in the March 2013 SNOPR for the brightest selectable preset picture setting as the picture setting which produces the highest luminance during on mode. 78 FR 15813–15815. The luminance of this picture setting was also measured instead of the retail picture setting (see Figure 2). Additionally, DOE clarified that the brightest selectable preset picture setting was only available from within the home menu. Once DOE proposed that the brightest selectable preset picture setting be measured within the home menu, 'home picture setting' was no longer an appropriate term for measuring the default screen luminance. DOE therefore replaced the term 'home picture setting' with the term 'default picture setting' (which maintained the same meaning as had been previously given to 'home picture setting') to measure the default screen luminance. DOE also proposed a definition for preset picture setting to help distinguish these picture settings within the home menu. The proposed testing structure no longer tested picture settings in the retail menu, and DOE was able to harmonize the test order with other industry procedures. Thus, the new testing order in the March 2013 SNOPR tested on mode in the default picture setting followed by the luminance test in the default and brightest selectable preset picture setting. NRDC and Sharp commented that they support the definition for brightest selectable preset picture setting (NRDC, No. 64 at p. 4; Sharp, No. 68 at p. 3). Additionally, Panasonic and Sharp commented that they support the definition for default picture setting (Panasonic, No. 67 at p. 3; Sharp, No. 68 at p. 3).

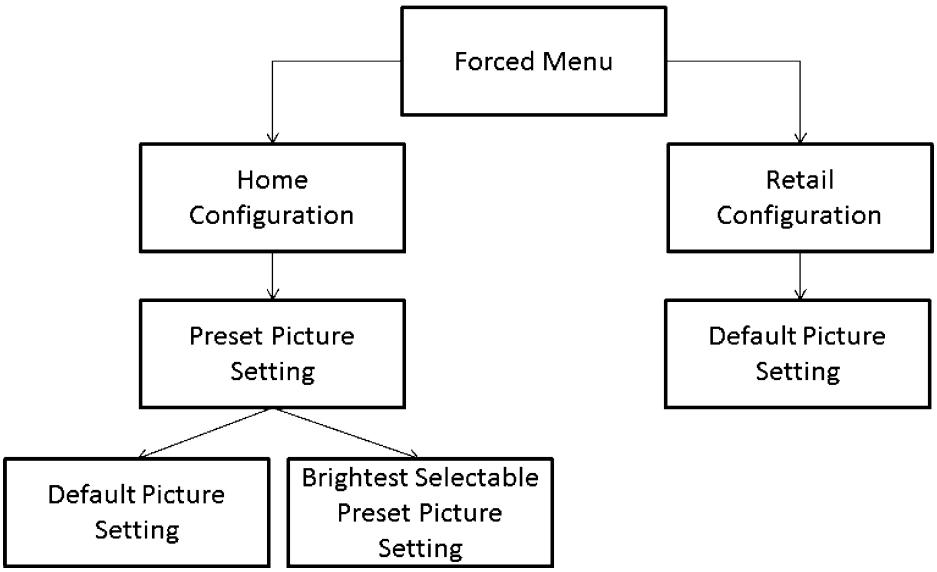
Figure 2: Picture Setting Structure Proposed in March 2013 SNOPR



Based on DOE's proposal in the March 2013 SNOPR, CA IOU, CEA, and NEEA recommended that DOE broaden its definition of preset picture setting to include picture settings within the retail menu (CA IOU, No. 71 at p. 3; CEA, No. 72 at p. A–7; NEEA, No. 66 at p. 2). Broadening the definition for preset picture setting allows the brightest selectable preset picture setting to be found in either the home or retail menu. Panasonic, Sharp, and CEA also commented that 'home mode', 'retail mode', and 'forced menu' should be defined to help clarify the picture setting structure (Panasonic, No. 67 at p. 3; Sharp, No. 68 at p. 3; CEA, No. 72 at p. A–8). DOE agrees with these comments and adopts definitions for 'home configuration', 'retail configuration', and 'forced menu' in today's final rule.

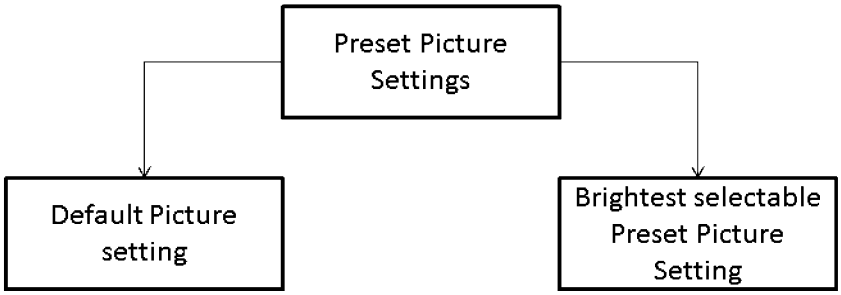
In the March 2013 SNOPR, although DOE did not include definitions for 'home mode' and 'retail mode', these terms were discussed in the preamble as 'home menu' and 'retail menu'. DOE intentionally avoided using the term 'mode' to prevent confusion with the modes of operation. Although this is still a concern, DOE believes that defining similar terms would be beneficial by clearly describing the picture setting structure. DOE therefore adopts the terms ''home configuration'', ''retail configuration'', and ''forced menu'' in sections 2.6, 2.16, and 2.5 respectively of Appendix H to subpart B of 10 CFR part 430. The picture setting structure adopted in today's final rule can also be seen in Figure 3. When developing this picture setting structure, DOE determined that 'configuration' would be more appropriate to describe the function of the 'home' and 'retail' than the term 'menu', since these selections do not present their own sub-menus.

Figure 3: Final Rule Picture Setting Structure



Throughout this rulemaking, DOE has received many comments highlighting the difficulties of defining a single picture setting that exhibits the highest screen luminance value for all TVs. To mitigate this issue, DOE adopts a picture setting structure which defines both the brightest selectable preset picture setting within the home configuration and the default picture setting within the retail configuration. This structure is designed to measure the brightest picture setting of the TV regardless of whether it is in the home or retail configuration. Thus, DOE adopts the definitions for the brightest selectable preset picture setting and the default picture setting in sections 2.3 and 2.4 respectively of Appendix H to subpart B of 10 CFR part 430. DOE also notes that the picture setting structure depicted in Figure 3 only applies to TVs that have a forced menu, rather than all TVs. For TVs with a forced menu, the luminance test measures the screen luminance of three defined picture settings. For TVs that do not have a forced menu, the luminance test measures the screen luminance of two defined picture settings, as shown in Figure 4. The adopted luminance test can be found in section 7.4 of Appendix H to subpart B of 10 CFR part 430.

Figure 4: Final Rule Picture Setting Structure without Forced Menu



5. Definitions Incorporated by IEC 62087 Ed. 3.0

In the March 2013 SNOPR, DOE proposed that the definitions and configuration requirements for additional and special functions be incorporated by reference from IEC 62087 Ed. 3.0. 78 FR 15812. Panasonic and Sharp agreed with these proposals, and therefore DOE adopts definitions for additional and special functions in sections 2.1 and 2.17 respectively of Appendix H to subpart B of 10 CFR part 430 (Panasonic, No. 67 at p. 3; Sharp, No. 68 at p. 2).

DOE clarifies that the definition of ''TV combination unit'' has been removed as part of today's final rule. This term was not used in the test procedure and is already included under the definition of additional functions as part of section 2.1 of Appendix H to subpart B of 10 CFR part 430. CEA also recommended that this definition be removed (CEA, No. 72 at p. A–8).

D. Measurement Equipment

1. Power Meter Requirements

In the January 2012 NOPR, DOE proposed power meter requirements based on section 5.1.5 of IEC 62087 Ed. 3.0. 77 FR 2838. These requirements specify the type of meter, the measured uncertainty, and resolution of the measurements. DOE's proposal differed from IEC 62087 Ed. 3.0 in that it required the sampling rate of at least 1 measurement per second and it required power factor to be measured simultaneous to real power. DOE maintained this proposal in the March 2013 SNOPR, and, in response, CEA commented that it agrees with these requirements (CEA, No. 72 at p. A–9). In today's final rule, DOE adopts these power meter requirements as proposed in the March 2013 SNOPR.

2. Luminance Meter Requirements

In the January 2012 NOPR, DOE proposed requirements for luminance and illuminance meters under a single requirement for light measurement devices. 77 FR 2838–2839. These requirements included an accuracy of ± 2% ± 2 digits of resolution, a repeatability of 0.4% ± 2 digits of resolution, and an acceptance angle of 3 degrees or less. In response to this proposal, Sharp commented that it was in support of these tolerance requirements, while MEVSA and NEEA requested that DOE clarify these tolerance requirements (Sharp, No. 45 at p. 3; MEVSA, No. 44 at p. 29; NEEA, No. 43 at p. 2). In the March 2013 SNOPR, DOE included an example in the rule language to clarify the accuracy requirement of a light measurement device. Additionally, DOE reevaluated the overall tolerance requirements and determined that a repeatability requirement may not be appropriate for all measurement equipment. Thus, in the March 2013 SNOPR, DOE removed the repeatability requirement. DOE also determined that it could be misinterpreted in the proposed text that the acceptance angle requirement applied to both luminance and illuminance meters, which was not the intent. Thus, DOE clarified that the acceptance angle requirement is only applicable for luminance meters. 78 FR 15815–15816.

In response to the March 2013 SNOPR, Panasonic commented they were in support of the accuracy requirement. (Panasonic, No. 67 at p. 3).Sharp also commented during the SNOPR public meeting that including both luminance and illuminance specifications together may be confusing, especially when attempting to make a distinction between the two (Sharp, No. 65 at p. 173). DOE agrees with these comments and separates the light measurement device specification into two individual requirements for luminance and illuminance meters in sections 3.4 and 3.5 respectively of Appendix H to subpart B of 10 CFR part 430. DOE also notes that these separate requirements maintain the accuracy requirement proposed in the March 2013 SNOPR.

Additionally, Sharp and CEA commented that the acceptance angle specification for luminance meters should only apply to non-contact meters (Sharp, No. 68 at p. 3; CEA, No. 72 at p. A–10). DOE agrees with these comments because a contact luminance meter measures screen luminance while making contact with the screen and eliminates any concern with accepting unwanted light. DOE therefore clarifies that the acceptance angle specification for luminance meters is only applicable

to non-contact luminance meters in today's final rule.

E. General Test Set-up

1. Nominal Voltage and Frequency of the Region

In the January 2012 NOPR, DOE proposed the voltage and frequency requirements of 115 V ± 1%, 60 Hz ± 1%, and a total harmonic distortion (THD) of less than 5%. 77 FR 2838. Panasonic recommended that section 5.1.1 of IEC 62087 Ed. 3.0 be referenced to include a voltage and frequency tolerance of ± 2% and a THD of less than 5% (Panasonic, No. 50 at p. 2). DOE believed that the tolerance levels set in the January 2012 NOPR were appropriate, but also agreed that incorporating a requirement from an industry test procedure would be beneficial. Therefore, in the March 2013 SNOPR, DOE proposed that the voltage and frequency specifications be incorporated by reference from section 4.3.1 of IEC 62301 Ed. 2.0. 78 FR 15815. Although Panasonic recommended incorporating section 5.1.1 of IEC 62087 Ed. 3.0, DOE incorporated IEC 62301 Ed. 2.0 to maintain the same requirements as the January 2012 NOPR. DOE also harmonized with IEC 62301 Ed. 2.0 because it includes a table which specifies the nominal voltage and frequency by region to allow for international adoption. Additionally, DOE clarified that the THD requirement remains the same as the January 2012 NOPR proposal, at less than 5%.

Based on this proposal in the March 2013 SNOPR, Sharp recommended that DOE use the term ''rated voltage and frequency'' rather than ''nominal voltage and frequency'' as this was the intention of IEC in IEC 62301 Ed. 2.0 (Sharp, No. 68 at p. 3). DOE agrees with this recommendation and updates the voltage and frequency requirement to specify the rated values of the region and incorporates section 4.3.1 of IEC 62301 Ed. 2.0 in section 3.1 of Appendix H to subpart B of 10 CFR part 430.

2. International Unit Harmonization

To further harmonize with international standards, Sharp suggested that distance be measured in metric rather than imperial units, and offered a recommendation of 1.5 ± 0.1 meters (m) for the on mode with ABC enabled test set-up (Sharp, No. 68 at p. 5). DOE agrees with Sharp's comment because using metric units will limit manufacturer burden when testing multiple procedures. DOE also agrees with Sharp's distance recommendation of 1.5 m because it is roughly 4.92 feet (ft) and falls within the proposed tolerance for the previous 5 ft requirement. DOE therefore adopts the use of metric units for all distance requirements in today's final rule.

3. Dark Room Conditions

In response to the January 2012 NOPR, MEVSA recommended that DOE clarify dark room conditions (MEVSA, No. 44 at p. 2). Panasonic also noted that wall reflectivity of a room may play a role in illuminance measurements (Panasonic, No. 50 at p. 4). In response to these comments, DOE performed testing to help provide additional clarification. In the March 2013 SNOPR, DOE proposed a definition for a dark room that the room illuminance shall not exceed 1.0 lux (lx) measured at the ABC sensor. 78 FR 15813. DOE also proposed that the ABC sensor shall be at least 2 ft from any wall surface.

Based on these requirements, CEA agreed with DOE's proposal to measure the room illuminance at the ABC sensor (CEA, No. 72 at p. A–6). Sharp commented that the requirements for dark room conditions are embedded in the definition for a dark room (Sharp, No. 68 at p. 7). DOE agrees with Sharp's comment and removes the definition for dark room in favor of a requirement for ambient light conditions, located in section 4.3 of Appendix H to subpart B of 10 CFR part 430. DOE clarifies that this change is purely stylistic and maintains a requirement of no more than 1.0 lx measured at the ABC sensor and that the ABC sensor shall be no less than 2 ft from any wall surface. DOE also clarifies that 'wall surfaces' specified in this requirement do not include the surface on which the TV stand rests upon nor the rear wall which the back of the TV faces. Panasonic supported this proposal (Panasonic, No. 67 at p. 3). Additionally, based on comments addressed in section III.E.2, DOE updates the distance requirement in this section from 2 ft to 0.5 m to adhere with metric units.

4. Automatic Brightness Control Sensor Configuration

In the March 2013 SNOPR, DOE proposed a requirement to disable the ABC sensor for the luminance measurement. 78 FR 15832. Panasonic and Sharp commented that some TVs do not have the option to disable the ABC sensor from a settings menu, and should be disabled by directing at least 300 lx into the sensor (Panasonic, No. 67 at p. 4; Sharp, No. 68 at p. 3). DOE agrees with these comments and clarifies in section 7.4.1.2 of Appendix H to subpart B of 10 CFR part 430 that if the ABC sensor cannot be disabled through a settings menu, at least 300 lx shall be directed into the ABC sensor.

In the March 2013 SNOPR, DOE also proposed that at least 300 lx shall be directed into the ABC sensor during the on mode stabilization test. 78 FR 15817. Unlike the luminance test, DOE believes that the ABC sensor should not be disabled through the TV menu because it would need to be re-enabled in the subsequent on mode test. Sharp commented that saturating the ABC sensor by directing at least 300 lx into it would achieve repeatable results for all TVs, regardless of whether some TVs have the option to disable ABC through a settings menu (Sharp, No. 68 at p. 3). DOE agrees with Sharp's comment because it promotes a repeatable test set-up and avoids the potential for undesired TV menu selections. DOE therefore adopts an ABC configuration requirement that directs at least 300 lx shall of light into the ABC sensor for the on mode stabilization test in section 7.1 of Appendix H to subpart B of 10 CFR part 430.

5. Network Connection

In the March 2013 SNOPR, DOE proposed a network hierarchy (see Table 1) for the standby-active, low mode test. 78 FR 15824. In response to this proposal, Panasonic and Sharp commented that only Wi-Fi and Ethernet connections are appropriate for network-enabled TVs (Panasonic, No. 67 at p. 6; Sharp, No. 68 at p. 7). DOE reevaluated these connections and determined that 75-ohm coaxial cable and RJ–11 are commonly used for only hospitality TV networks and are not appropriate for network-enabled TV testing. Based on the comments by Panasonic and Sharp, DOE adopts a network connection hierarchy which includes only Wi-Fi and Ethernet connections (see Table 2) in section 5.10.2 of Appendix H to subpart B of 10 CFR part 430.

TABLE 1—MARCH 2013 SNOPR NETWORK CONNECTION HIERARCHY

Priority	Connection type
1	Wi-Fi (Institution of Electrical and Electronics Engineers—IEEE 802.11–20072).
2	Ethernet (IEEE 802.3). If the TV supports Energy Efficient Ethernet (IEEE 802.3az–20103), then it shall be connected to a device that also supports IEEE 802.3az.
3	75-ohm Coaxial Cable.
4	RJ–11.
5	Other.

TABLE 2—NETWORK CONNECTION HIERARCHY

Priority	Connection type
1	Wi-Fi (Institution of Electrical and Electronics Engineers—IEEE 802.11–20072)
2	Ethernet (IEEE 802.3). If the TV supports Energy Efficient Ethernet (IEEE 802.3az–20103), then it shall be connected to a device that also supports IEEE 802.3az.

Additionally, DOE clarifies that this network connection hierarchy shall also be used for on mode connections. In the March 2013 SNOPR, DOE did not explicitly state that a network shall be connected during on mode, and therefore DOE clarifies this requirement in section 5.10.2 of Appendix H to subpart B of 10 CFR part 430. Network-enabled TVs shall be connected to a network during on mode according to the network hierarchy in Table 2.

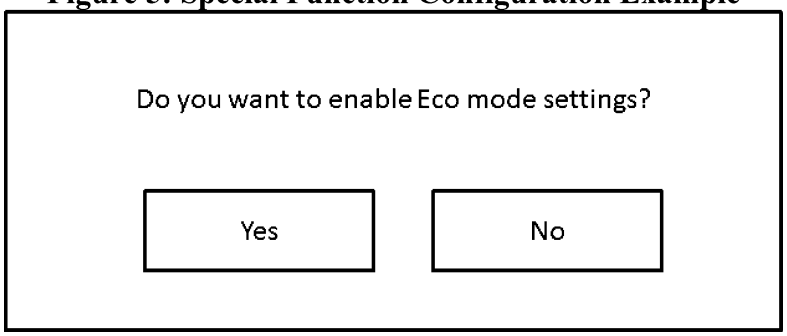
6. Configuration of Special Functions

During the public meeting for the January 2012 NOPR, the National Resources Defense Council (NRDC) brought to the Department's attention a product that consumed less than 1 W of power in standby-passive mode, but when a quick start function was enabled, it consumed 24 W in standby-passive mode (NRDC, No. 40 at p. 4). The quick start function is designed to significantly decrease the latency between standby mode and on mode by keeping the TV in a heightened power state. DOE responded to this comment in the March 2013 SNOPR by clarifying that quick start is considered to be a special function and therefore would be configured as such. 78 FR 15823–15824. Under the special functions configuration requirement, if quick start was enabled by default it would be tested but if it was disabled by default it would not be tested. In response to the March 2013 SNOPR, Panasonic commented that they support treating quick start as a special function (Panasonic, No. 67 at p. 6).

During the public meeting for the March 2013 SNOPR, NRDC clarified their previous comments on quick start by elaborating that a specific TV prompted the user to configure the quick start function from a menu, rather than just being embedded in a settings menu (NRDC, No. 64 at p. 3). By requesting a user response, the quick start function is more likely to be enabled by the user than if the TV is shipped with this function disabled. NEEA, Appliance Standards Awareness Project (ASAP), and CA IOU also commented that the quick start function should be tested (NEEA, No. 66 at p. 4; ASAP, No. 69 at p. 2; CA IOU, No. 71 at p. 5). Sharp suggested language which would capture the power consumption of such functions but avoid the possibility of gaming menus (Sharp No. 68 at p. 5). DOE believes that the presence of the quick start function in a user prompt changes the way a user will treat this function, making it more likely that it will be enabled. This scenario with the quick start function prompt can be expanded to other special functions, such as an image processing function that increases power consumption during on mode. Although special function setting options have existed in TV menus for some time, DOE believes it is unlikely that a consumer will divert from the default settings unless they are prompted by the TV. As such, DOE agrees with stakeholder comments and adopts a requirement in section 5.5 of Appendix H to subpart B of 10 CFR part 430 that would configure special functions in the most power consumptive state when a configuration prompt is displayed.

DOE clarifies that the selection of the home or retail configuration within the forced menu is not considered a special functions prompt and shall be configured according to the picture setting configuration criteria in section 5.5 of Appendix H to subpart B of 10 CFR part 430. Additionally, special functions that may be configured within a forced menu should be configured according to today's requirement for special functions, which specifies that the most power consumptive configuration be selected. In this instance, there is no default configuration since the user is prompted to either enable or disable the function from a forced menu, and therefore, additional guidance is required to configure quick start or other special functions that are selected from a forced menu. In cases where it is unknown which configuration uses more power, every possible configuration is required to be tested. For example, in Figure 5, testing would not be required with Eco mode both enabled and disabled because not enabling Eco mode is known to consume more power. Similarly, if it is known that enabling a special function, such as quick start, is more power consumptive, then that function could be enabled without the need to measure the power consumption in each possible menu configuration.

Figure 5: Special Function Configuration Example



7. Video Input Device Configuration

In the March 2013 SNOPR, DOE proposed that the TV shall be tested with a video input device of a different manufacturer to avoid device communication that can alter the power consumption of the TV. 78 FR 15816–15817. This requirement was based off the discovery that certain TV and Blu-ray disc players of the same manufacturer have the ability to communicate with one another. Communication between devices changed menu settings and resulted in power variations which increased the potential for unrepeatable results. In response to this proposal, CEA and Panasonic commented that they are in support of this requirement (CEA, No. 72 at p. A–10; Panasonic, No. 67 at p. 4). DOE believes that requiring different manufacturers for the TV and the video input device will promote a repeatable test procedure, and therefore DOE adopts the March 2013 SNOPR proposal for video input devices in section 3.6 of Appendix H to subpart B of 10 CFR part 430.

8. Requirements Incorporated From IEC 62087

In response to the January 2012 NOPR, DOE received comment from Sharp recommending that DOE include requirements for additional and special functions (Sharp, No. 45 at p. 2). Similarly, DOE received comment from Panasonic and Sharp that the stabilization requirement from section 11.4.2 of IEC 62087 Ed. 3.0 should be used to ensure that the TV reaches a steady power state for the on mode test (Panasonic No. 50 at p. 2; Sharp No. 45 at p. 3). In the March 2013 SNOPR, DOE proposed general requirements for on mode testing by incorporating section 11.4 of IEC 62087 Ed. 3.0. 78 FR 15832. Although this requirement included specifications for stabilization, additional functions, and special functions, DOE subsequently included individual references for sections 11.4.2 (stabilization), 11.4.5 (additional functions), and 11.4.6 (special functions) in the March 2013 SNOPR to help clarify its position. In response to the March 2013 SNOPR proposals, Sharp commented that a frame rate requirement should be included that is compatible with the region (Sharp No. 68 at p. 6). While reevaluating the on mode requirements, DOE noted that section 11.4 of IEC 62087 Ed. 3.0 also included a requirement for frame rate that aligned with Sharp's recommendation. Based on comments from the January 2012 NOPR and the March 2013 SNOPR, DOE concluded that the general on mode requirements incorporated from section 11.4 of section 62087 Ed. 3.0 may have confused stakeholders and should be clarified in today's final rule.

DOE clarifies these requirements by removing the general reference to section 11.4 of IEC 62087 Ed. 3.0 and only referencing individual subsections. Based on comments received from the January NOPR and March 2013 SNOPR, DOE will continue to reference sections 11.4.2 (stabilization), 11.4.5 (additional functions), and 11.4.6 (special functions) in sections 5.1, 5.4, and 7.1 of Appendix H to subpart B of 10 CFR part 430. Additionally, DOE agrees with Sharp's comment on video frame rate and incorporates section 11.4.10 (frame rate) by reference in section 5.8 of Appendix H to subpart B of 10 CFR part 430. DOE did not receive comment on the remaining subsections of section 11.4 of IEC 62087 Ed. 3.0 and therefore discusses the impact of these subsections on today's final rule.

Section 11.4.1 of IEC 62087 Ed. 3.0 specifies ambient temperature for on mode testing. In the January 2012 NOPR, DOE proposed these same requirements to align with industry accepted testing conditions. 77 FR 2839. DOE wishes to continue harmonizing with IEC 62087 Ed. 3.0 and therefore adopts section 11.4.1 of IEC 62087 Ed. 3.0 in section 4.1 of Appendix H to subpart B of 10 CFR part 430. DOE clarifies that this reference maintains the same ambient temperature conditions proposed in the January 2012 NOPR and March 2013 SNOPR.

Sections 11.4.3 and 11.4.4 of IEC 62087 Ed. 3.0 specify configuration requirements for low noise block power supplies and conditional access modules. These functions are not covered as part of this rulemaking and therefore do not need to be configured. DOE therefore does not incorporate by reference these sections as part of today's final rule.

Sections 11.4.7 and 11.4.8 of IEC 62087 Ed. 3.0 specify configuration requirements for the ABC sensor and picture setting requirements. DOE has worked with stakeholders to fine tune its requirements for the ABC sensor and picture setting structure and believes that the adopted requirements ensure repeatable measurements. DOE therefore does not incorporate by reference sections 11.4.7 and 11.4.8 from today's final rule.

Sections 11.4.9 and 11.4.11 of IEC 62087 Ed. 3.0 specify aspect ratio and sound level requirements for on mode testing. DOE agrees that these requirements contribute to a repeatable configuration for video and sound and therefore incorporates these requirements by reference sections 5.7 and 5.9 of Appendix H to subpart B of 10 CFR part 430.

Finally, section 11.4.12 of IEC 62087 Ed. 3.0 specifies the accuracy of input signal levels. This requirement is not appropriate for today's test procedure because only video input devices such as Blu-ray disc™ and DVD players are used to provide the input video signal. This requirement is therefore not incorporated by reference in today's final rule.

DOE reiterates that section 11.4 of IEC 62087 Ed. 3.0 was originally incorporated by reference in the March 2013 SNOPR for general on mode requirements. To clarify this requirement, DOE removes the general reference and instead incorporates the following individual subsections from 11.4: 11.4.1 (environmental conditions),

11.4.2 (stabilization), 11.4.5 (additional functions), 11.4.6 (special functions), 11.4.9 (aspect ratio), 11.4.10 (frame rate), and section 11.4.11 (sound level).

F. Steady State Requirement for On Mode Power Measurements

In the January 2012 NOPR, DOE proposed a stabilization test to ensure that the TV has reached a steady state in order to produce a consistent and repeatable on mode power consumption measurement. This test required that all TVs display the IEC dynamic broadcast-content video signal for a period of 1 hour and compare each consecutive 10-minute segment. The TV must meet the stabilization criteria, incorporated from section 11.4.2 of IEC 62087 Ed. 3.0, that the final two consecutive 10-minute segments have a percent difference of less than 2%. 77 FR 2843. In response to this proposal, Panasonic suggested that the stabilization time may be reduced if the TV can be shown to stabilize in less than an hour as this is included in the IEC stabilization guidelines (Panasonic, No. 50 at p. 2). This would potentially reduce the stabilization time by up to 40 minutes, requiring that at least two 10-minute segments be compared to ensure a stable power measurement. DOE agreed with this comment, and in the March 2013 SNOPR proposed that the stabilization time could be reduced to only the time required to meet the stabilization criteria. 78 FR 15817. In response to the March 2013 SNOPR proposal, Panasonic and Sharp expressed their support for this update (Panasonic, No. 67 at p. 4; Sharp, No. 68 at p. 3). In section 7.1 of Appendix H to subpart B of 10 CFR part 430, DOE adopts its proposal from the March 2013 SNOPR that the stabilization period can be ended once the TV has met the stabilization criteria.

G. On Mode

In the January 2012 NOPR, DOE proposed that on mode be tested with the Blu-ray disc version of the IEC dynamic broadcast-content video signal for a duration of 10 minutes. 77 FR 2839–2840. DOE also specified a video input connection hierarchy which tested HDMI/digital visual interface (DVI), video graphics array (VGA), component video, S-video, and composite video in this order of priority. 77 FR 2838–2839. Panasonic, Sharp, and MEVSA commented that DVI and VGA are computer inputs and inappropriate for testing televisions (Panasonic, No. 50 at p. 2; Sharp, No. 45 at p. 6; MEVSA, No. 44 at p. 3). DOE agreed with these comments and removed DVI and VGA from the connection hierarchy in the March 2013 SNOPR. 78 FR 15816. In response to this proposal, Panasonic and Sharp commented that they are in support of this hierarchy (Panasonic, No. 68 at p. 3; Sharp, No. 67 at p. 4). DOE adopts the proposed video input connection hierarchy of HDMI, component video, S-Video, and composite video in section 5.2 of Appendix H to subpart B of 10 CFR part 430. Additionally, DOE adopts the use of the Blu-ray disc version of the IEC dynamic broadcast-content video signal for the test content in today's final rule.

In the March 2013 SNOPR, DOE also proposed that the TV be tested using the primary video input terminals as opposed to input terminals with an alternate designation such as ''game'' or ''DVI''. 78 FR 15816. Panasonic and Sharp commented that they are in support of this requirement (Panasonic, No. 67 at p. 4; Sharp, No. 68 at p. 3). DOE therefore adopts this requirement for video input terminals in section 5.3 of Appendix H to subpart B of 10 CFR part 430.

In the March 2013 SNOPR, DOE required that power factor shall be measured and recorded for all on mode power measurements. 78 FR 15825. Panasonic recommended that the power factor measurement be based on a single measurement during the luminance test (Panasonic, No. 67 at p. 7). DOE believes that a single measurement during the luminance test may result in increased test burden and unrepeatable measurements as the luminance test displays the IEC three vertical bar signal for only a brief period of time and does not require the use of power measurement equipment. Measuring the power factor during on mode results in no additional test time and allows for multiple measurements over the 10 minute test duration to increase accuracy. CA IOU supported the measurement of power factor and recommended that the CEC procedure be used or a method which produces an accurate measurement that is not unduly burdensome (CA IOU, No. 71 at p. 6). The CEC test method specifies that the reported value shall be the average value of measurements taken at an interval once per minute simultaneous to the on mode power measurement. DOE agrees with this method but believes that the sampling rate should be once per second to be consistent with the on mode power measurement. DOE therefore adopts a power factor measurement taken once per second, simultaneous to the on mode power consumption measurement in section 3.3.2 of Appendix H to subpart B of 10 CFR part 430.

H. On Mode With ABC Enabled

1. ABC Illuminance Values

In the January 2012 NOPR, DOE proposed measuring the on mode power consumption with ABC enabled at 10, 50, 100 and 300 lx. 77 FR 2850–2853. CEA, MEVSA, Panasonic, and Sharp all agreed with testing at four illuminance values but had slightly differing opinions on which values should be measured (CEA, No. 47 at p. 5; MEVSA, No. 44 at p. 7; Panasonic, No. 50 at p. 5; Sharp, No. 45 at p. 4). DOE also evaluated research performed by the Collaborative Labeling and Appliance Standards Program (CLASP) in ''Further Analysis of Background Lighting Levels during Television Viewing''.[4] Based on stakeholder comments and research performed by CLASP, DOE proposed values of 100, 35, 12, and 3 lx in the March 2013 SNOPR. 78 FR 15822–15823. Panasonic, Sharp, NRDC, NEEA, ASAP, and CA IOU all agreed with this proposal as they believe they are representative of actual TV viewing (Panasonic, No. 67 at p. 5; Sharp, No. 68 at p. 5; NRDC, No. 64 at p. 1; NEEA, No. 66 at p. 3; ASAP, No. 69 at p. 1; CA IOU, No. 71 at p. 3). ams AG proposed four different illuminance values at 5, 15, 45, and 100 lx, however DOE considers this proposal to be sufficiently close to the illuminance values proposed in the March 2013 SNOPR (ams AG, No. 70 at p. 3). In section 7.3.1 of Appendix H to subpart B of 10 CFR 430, DOE adopts the March 2013 SNOPR proposal of measuring on mode when ABC is enabled at 100, 35, 12, and 3 lx.

2. Test Set-up

In the March 2013 SNOPR, DOE proposed a test set-up which required the lamp be positioned 5 ft from the ABC sensor at a perpendicular angle and the TV be positioned no more than 2 ft from any room surface with all 4 corners of the TV equidistant from a vertical reference plan. 78 FR 15822. DOE also required that the illuminance values be obtained by varying the input voltage to the lamp. 78 FR 15821–15822. Panasonic commented that they agree with DOE's proposal that the TV shall be aligned equidistant from a vertical reference plane (Panasonic, No. 67 at p. 5). DOE adopts these test set-up requirements in sections 4.5, 7.3.1, and 7.3.4 of Appendix H to subpart B of 10

[4] Jones, Keith. *Further Analysis of Background Lighting Levels during Television Viewing.* CLASP. March 29, 2012. *http://www.clasponline.org/en/Resources/Resources/StandardsLabelingResourceLibrary/2012/~/media/Files/SLDocuments/2012/2012–3_FurtherAnalysisOfBackgroundLightingLevelsDuringTelevisionViewing.pdf.*

CFR part 430. Additionally, as discussed in section III.E.2, DOE has updated these distance requirements to harmonize with international units.

3. Infrared and Ultraviolet Blocking Filter

In the March 2013 SNOPR, DOE proposed that the ABC test set-up use an infrared and ultraviolet (IR/UV) blocking filter to ensure that only the visible light spectrum enter the ABC sensor. 78 FR 15822. DOE proposed this requirement after evaluating the light spectrum produced by the ABC test set-up. DOE found that dimming the lamp increases the amount of IR light produced even though illuminance is only determined by the amount of visible light received by the illuminance meter. As a result, a TV that is sensitive to IR light may exhibit increased power consumption because it senses both the visible and IR portions of the light. Alternately, TVs which use ABC sensors that interpret light based on the visible human response are not affected by the increased levels of IR light at low illuminance values.

Based on these findings, DOE proposed in the March 2013 SNOPR that an IR/UV blocking filter be used to eliminate these portions of the light so the ABC sensor only receives light in the visible spectrum. In response to the March 2013 SNOPR, Sharp commented that an IR/UV blocking filter would not produce conditions typical of a real world scenario and that dimmed residential light has components of IR as well (Sharp, No. 68 at p. 4). NEEA commented that sunlight includes components of the UV spectrum and further justification would be needed to filter out this light (NEEA, No. 66 at p. 3). DOE agrees that it is impossible to determine the typical light spectrum that consumers use to watch TV. Since DOE did not perform extensive testing using IR/UV filters, ASAP, Panasonic, NRDC, and CA IOU recommended that further testing be conducted to evaluate the repeatability of such filters (ASAP, No. 69 at p. 1; Panasonic, No. 67 at p. 5; NRDC No. 64 at p. 1; CA IOU, No. 71 at p. 4). DOE believes that an IR/UV blocking filter has the potential to make the test procedure more repeatable because small variations in light would have less of an impact on TV power consumption. However, some IR/UV blocking filters may block different wavelengths than others, resulting in more variation. DOE did not perform additional testing to determine the repeatability of various IR/UV blocking filters, because even if testing did produce repeatable results, it would be impossible to determine if the test wavelengths correspond to typical viewing conditions.

Additionally, ams AG commented that while a gradual backlighting response to ambient light is optimal for a TV viewing at various room illuminance levels, some ABC sensors use a crude implementation which results in a poor picture quality (ams AG, No. 70 at p. 5). ams AG commented that the ABC sensor should be accurate at low illuminance levels by rejecting IR and UV light and providing a photometric response near to the eye (ams AG, No. 70 at p. 5). Ultimately, ams AG discouraged the use of IR/UV blocking filters for ABC testing (ams AG, No. 70 at p. 5). DOE agrees with ams AG's comment and believes that removing the IR/UV filter requirement would provide manufacturers the incentive to update their ABC sensor technology. Based on these comments, DOE no longer believes that an IR/UV blocking filter would be appropriate and excludes this requirement in today's final rule.

4. Neutral Density Filter

In the March 2013 SNOPR, DOE proposed two methods for simulating a 3 lx illuminance value at the ABC sensor. The first method varied the light source until 3 lx was measured at the ABC sensor. However, the second method used a neutral density (ND) filter to uniformly block light received by the ABC sensor, resulting in a 3 lx measurement. 78 FR 15823. In the IR and ND filter supporting document,[5] DOE testing showed that both methods resulted in the same power consumption values when used in conjunction with an IR/UV blocking filter. Alternatively, when an ND filter was tested without an IR/UV blocking filter, the TV power consumption varied. Now that DOE is no longer using the IR/UV blocking filter as part of the ABC test set-up, allowing two methods to simulate the 3 lx illuminance value is no longer appropriate as it would result in repeatability issues.

In response to the March 2013 SNOPR, Panasonic and Sharp expressed support for using the ND filter (Panasonic, No. 67 at p. 6; Sharp, No. 68 at p. 5). To ensure a repeatable 3 lx power consumption measurement, DOE adopts the ND filter as the only method acceptable for simulating the 3 lx illuminance value. DOE believes this method is more repeatable because it ensures greater accuracy at low illuminance levels. Panasonic also commented that the ND filter should include further specification to increase test repeatability (Panasonic, No. 67 at p. 6). DOE agrees with Panasonic's comment and clarifies in section 7.3.1 of Appendix H to subpart B of 10 CFR part 430 that the ND filter must be a 2 F-stop filter which uniformly filters 75% of the light.

5. Lamp Specification

In the March 2013 SNOPR, DOE proposed that the lamp be a 1000-lumen standard spectrum halogen incandescent parabolic aluminized reflector (PAR) 30S. DOE also noted in the March 2013 SNOPR that standard spectrum is any incandescent reflector lamp that does not meet the definition of modified spectrum as defined in 10 CFR 430.2 78 FR 15821–5822. DOE believes that requiring a standard spectrum lamp is necessary to avoid lamps that contain spectrum modifying qualities such as an IR coating.

Although stakeholders agreed that these lamp requirements were helpful to create a repeatable test set-up, Sharp and Panasonic expressed concerns about the international availability of PAR 30Slamp (Panasonic, No. 67 at p. 5; Sharp, No. 68 at p. 4). DOE evaluated the lamp market and reached a similar conclusion that the specified lamp can be difficult to find internationally. In order to maintain a repeatable lamp requirement, DOE updates this specification by using more general language to avoid international naming differences. DOE adopts a standard spectrum halogen incandescent aluminized reflector with a beam angle of 30 ± 10 degrees, a lamp diameter of 95 ± 10 mm, and a center beam candle power (CBCP) of 1500 ± 500 candelas (cd). For additional clarity, DOE adds a note to the lamp requirements that lamps that contain spectrum modifying qualities, such as an IR coating, are not consider to meet a standard spectrum. DOE shifts away from a lumen-based requirement because the CBCP is a better approximation of the light that the ABC sensor receives during illuminance testing. The ABC sensor primarily receives light from the center beam of the lamp to determine illuminance values and therefore this rating is more representative of the lamp's output under these circumstances. The new CBCP requirement corresponds to a slightly lower lumen range, but spot testing indicates that lamps within this range continue to meet the illuminance values needed for ABC testing. DOE therefore adopts these lamp requirements in section 7.3.3 of Appendix H to subpart B of 10 CFR part 430.

[5] IR and ND Supporting Document. This material is available in Docket #EERE–2010–BT–TP–0026 at *www.regulations.gov.*

I. Luminance Test

In the NOPR, DOE evaluated many different test patterns for the luminance test but ultimately proposed the IEC three vertical bar signal. 77 FR 2841–2842. NEEA, PG&E, Panasonic, and Sharp all supported the use of this test pattern and DOE therefore adopts the IEC three vertical bar signal in today's final rule (NEEA, No. 43 at p. 3; PG&E, No. 46 at p. 3; Panasonic, No. 50 at p. 3; Sharp, No. 45 at p. 4).

In today's final rule DOE adopts a new picture setting structure that measures the luminance of up to three picture settings. As discussed in section III.C.4, DOE received comments on both the January 2012 NOPR and the March 2013 SNOPR that when only one high-luminance picture setting is measured between the retail configuration and home configuration, there is a possibility that the picture setting in the alternate configuration is brighter. To resolve this issue, DOE clarifies that luminance shall be measured in the brightest selectable preset picture setting in the home configuration as well as the default picture setting within the retail configuration.

DOE clarifies that certain cases may make measuring all three picture settings impossible, such as when a TV does not have a forced menu prompting the selection of either home configuration or retail configuration. Figure 4 in section III.C.4 indicates that only the brightest selectable preset picture setting and the default picture setting shall be measured in this case. DOE also identifies similar cases, such as when the retail configuration is no longer available after entering the home configuration or when it displays tickers or demos that are incapable of being disabled. Under these circumstances, only the default and brightest selectable preset picture settings would be measured within the home mode.

With this picture setting structure, DOE no longer believes that a luminance ratio should be the output metric but rather that all measured luminance values should be recorded. This aligns with comments provided by NEEA, NRDC, and PG&E in response to the January 2012 NOPR, suggesting that DOE output the absolute luminance values rather than a ratio (NEEA, No. 43 at p. 3; NRDC, No. 40 at p. 6; PG&E, No. 46 at p. 2).

DOE also notes that in the March 2013 SNOPR, the brightest selectable preset picture setting was measured prior to the default picture setting, even though the testing order was updated so that on mode was tested before the luminance test. 78 FR 15817–15818. Because the on mode test is performed in the default picture setting, measuring the luminance in the default picture setting first would minimize unnecessary picture setting changes. Therefore, DOE clarifies, in section 7.4.1.1 of Appendix H to subpart B of 10 CFR part 430, that the screen luminance is measured in the default picture setting prior to measuring the screen luminance in the brightest selectable preset picture setting in order to decrease test burden and increase repeatability.

Additionally, measuring screen luminance after on mode on TVs with ABC enabled may lead to stabilization issues. These TVs are tested in on mode at 3 lx immediately prior to the luminance test, at which point the ABC function is disabled. This transition is likely to cause a significant increase in screen luminance. Sharp and Panasonic commented that the TV should undergo a stabilization period following the on mode test to ensure consistent luminance measurements (Sharp, No. 68 at p. 4; Panasonic, No. 67 at p. 4). DOE agrees with this comment and adopts a 10-minute re-stabilization period using the IEC dynamic broadcast-content video signal in section 7.4.1.3 of Appendix H to subpart B of 10 CFR part 430.

Following the re-stabilization, the IEC three vertical bar signal shall be selected and displayed. Immediately after the signal is displayed on the screen, the luminance shall be measured to avoid the activation of anti-image retention functions. MEVSA commented on this language in the January 2012 NOPR and suggested the DOE should clarify what is meant by ''immediately'' (MEVSA, No. 44 at p. 6). Sharp also commented that the luminance measurement should be made within 30 seconds of being displayed (Sharp, No. 68 at p. 4). DOE recognizes that this measurement period is slightly vague and clarifies in section 7.4.1 of Appendix H to subpart B of 10 CFR part 430 that the measurement shall be made within 5 seconds of the IEC three vertical bar signal being displayed. Although Sharp suggests that the image can be displayed for up to 30 seconds, DOE believes waiting such a long time may result in some TVs activating anti-image retention functions which affect the brightness levels, departing from the original intent of measuring the screen brightness during on mode. Measuring the screen luminance with a static image is currently the only way to measure brightness during on mode, and therefore should be measured as soon as possible to avoid the initiation of anti-image retention functions. DOE believes 5 seconds is a reasonable amount of time to make a measurement and avoids the activation of anti-image retention functions. DOE also believes that this timeframe will allow for repeatable measurements without burden to manufacturers and test labs.

J. Standby Mode

In accordance with section 310 of the Energy Independence and Security Act of 2007 (EISA 2007), today's final rule is required to incorporate a test for standby mode if it is technically feasible. In the January 2012 NOPR, DOE proposed definitions for standby-active, high, standby-active, low, and standby-passive mode based on Table 1 of IEC 62087 3.0 and adopts these definitions in today's final rule. 77 FR 2836–2837.

At the public meeting for the March 2013 SNOPR, it was brought to the Department's attention that discrete modes of operation may be interpreted differently and therefore DOE clarifies the modes of operation for standby mode.

1. Standby-Passive Mode

The standby-passive mode test is designed to measure the power consumption of the TV when it is connected to mains power and can only be switched into a different mode of operation by an internal signal or a remote control unit. In the January 2012 NOPR, DOE proposed that standby-passive mode be measured using section 5.3.1 of IEC 62087 Ed. 2.0. 77 FR 2857. This requirement is adopted as part of today's final rule in section 7.5.2 of Appendix H to subpart B of 10 CFR part 430.

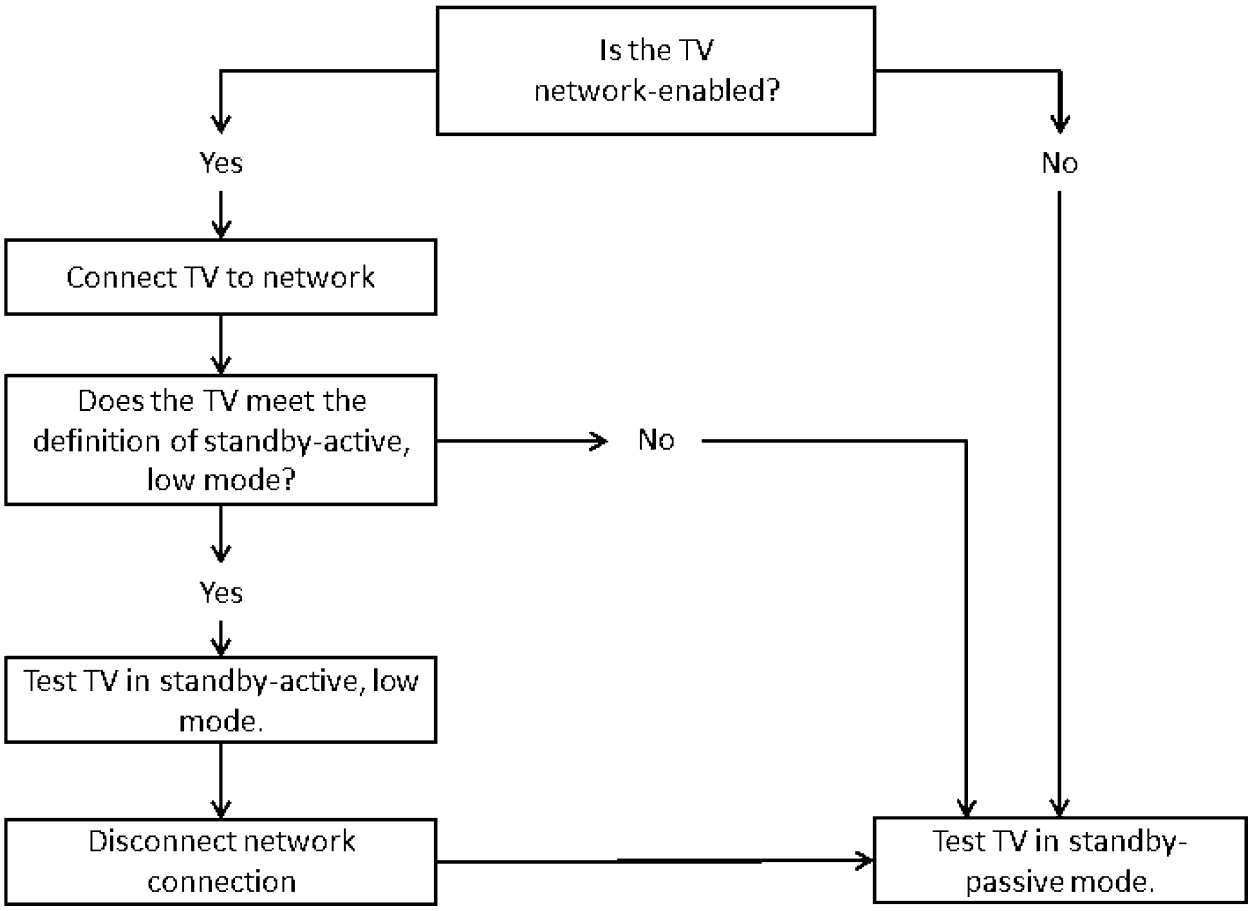
DOE clarifies that the standby-passive mode test shall be conducted with the TV disconnected from any external sources, as they may be capable of providing an external signal capable of switching the TV into a different mode of operation. Additionally, this test can be conducted on all TVs regardless of the TV's features and capabilities. As part of today's final rule, DOE adopts this test to measure the power consumption of the TV in standby-passive mode.

2. Standby-Active, Low Mode

In the March 2013 SNOPR, DOE proposed a test to measure the power consumption of network-enabled TVs in standby-active, low mode. 78 FR 15824. Sharp commented that this test does not necessarily test standby-active, low mode because the TV must be able to switch to a different mode of operation through an external signal (Sharp, No. 68 at p. 5). Sharp's main concern was that a TV would only meet this

definition if it could switch from standby-active, low mode to on mode by an external signal. DOE clarifies that standby-active, high mode is considered another mode of operation in comparison to standby-active, low mode. Thus, if an external signal can prompt a television to begin exchanging/receiving data with/from an external source (standby-active, high mode), then the TV is considered to be capable of switching into another mode of operation by an external signal. This TV would therefore meet the definition for standby-active, low mode. DOE believes that nearly all network-enabled televisions would be capable of entering standby-active, low mode, based on this definition. Figure 6 outlines a method for determining the test capabilities of a TV in standby mode.

Figure 6: Standby mode selection chart



In the March 2013 SNOPR, DOE proposed a test for standby-active, low mode based on section 8.6.5.8 of IEC 62087 Ed. 3.0, which measures the power consumption of STBs in standby-active, low mode, and is adapted for TVs. 78 FR 15824. This procedure uses a 30-minute stabilization period followed by a 10-minute power measurement. Panasonic and Sharp commented that the specified stabilization period of 30 minutes is unnecessary and suggested that it be reduced to 10 minutes (Panasonic, No. 67 at p. 6; Sharp, No. 68 at p. 5). Panasonic also commented that the same standby mode test should be used for standby-active, low and standby-passive mode (Panasonic, No. 67 at p. 6). DOE agrees that a stabilization time of 30 minutes is unnecessary for this testing and adopts the same measurement procedure as standby-passive and off mode in section 7.5.3 of Appendix H to subpart B of 10 CFR part 430, which is incorporated by reference from section 5.3.1 of IEC 62301 Ed. 2.0. DOE clarifies that this test requires a minimum of 5 minutes to stabilize the TV but this period may be extended for products that require additional time.

3. Standby-Active, High Mode

In the January 2012 NOPR, DOE proposed testing standby-active high mode by incorporating the CEA Test Procedure for Download Acquisition Mode (DAM) Testing from the Version 4.1 ENERGY STAR Test Procedure for Televisions. 77 FR 2858. After further evaluation, DOE determined that the DAM test procedure does not accurately assess the power consumption of network-enabled TVs because this procedure was designed for hospitality TVs. DOE is not aware of any workloads used to simulate network traffic for network-enabled TVs, let alone one that would be comparable across all manufacturer platforms. Therefore, in the March 2013 SNOPR, DOE proposed to remove the test for standby-active, high mode altogether. Panasonic and Sharp supported the removal of the DAM test for standby-active high mode (Panasonic, No. 67 at p. 6; Sharp, No. 68 at p. 5). In today's final rule, DOE continues to exclude a test for standby-active, high mode but retains the definition from IEC 62087 Ed. 3.0 to be consistent with industry procedures.

K. Off Mode

In the January 2012 NOPR, DOE proposed a definition for off mode based on Table 1 of IEC 62087 Ed. 3.0. 77 FR 2836.

During the rulemaking process, DOE has observed TVs that have a manual off switch which, by definition, places the TV in off mode. A test for off mode is technically feasible and therefore must be included in accordance with the requirements of EISA 2007. DOE adopts the definition for off mode in section 2.13 and the test for off mode in section 7.6 of Appendix H to subpart B of 10 CFR part 430 using the definition and measurement procedure from IEC 62301 Ed. 2.0 that were originally proposed in the January 2012 NOPR.

L. Sampling Plan

In the March 2013 SNOPR, DOE proposed a sampling plan to ensure consistent and repeatable results for all output metrics. 78 FR 15811–15812. The sampling plan requires that at least two products of a basic model be tested to develop a representative rating, which is consistent with other consumer products regulated under EPCA. Sharp recommended that instead of determining the confidence interval of two or more units, one unit should be randomly selected and tested (Sharp, No. 68 at p. 2) Sharp also expressed concern that using divisors of 1.05 and 1.10 could result in conservative energy ratings by manufactures (Sharp, No. 68 at p. 2). Panasonic commented that energy representations shall be performed using only one product (Panasonic No. 67 at. p. 2). DOE believes that using one product to determine an output metric may lead to unrepresentative output values. Variation among units within a basic model along with test variation is taken into consideration by the sampling plan, and is the reason that two or more products are used for any represented value. A minimum of two units are needed to establish a confidence level, which increases the accuracy of the represented value. Additionally, the use of 1.05 and 1.10 divisors allows for variation among units and allows manufacturers to accurately represent the efficiency of each basic model without the need for conservative representation values. DOE believes that the proposed sampling plan ensures an accurate and representative value and therefore DOE adopts this sampling plan in 10 CFR 429.25.

M. Output Metrics

In the January 2012 NOPR, DOE proposed a multiple metric output but also considered an annual energy consumption (AEC) metric. The proposed metrics included on mode, standby-active, high mode, standby-passive mode, and off mode. 77 FR 2859. In the March 2013 SNOPR, DOE updated these outputs to correspond to test changes resulting from the new proposals. The proposed multiple metrics in the March 2013 SNOPR included on mode, standby-active, low mode, standby-passive mode, off mode, and AEC. 78 FR 15825–15826. One of the main differences between the January 2012 NOPR and March 2013 SNOPR proposal was the inclusion of the AEC metric. In response to the AEC as proposed in the March 2013 SNOPR, CA IOU, CEA, NEEA, and NRDC expressed concern that the weighted values for the modes of operation may shift and no longer be representative (CA IOU, No. 71 at p. 6; CEA, No. 72 at p. 7; NEEA, No. 66 at p. 5; NRDC, No. 64 at p. 5). However, Panasonic supported the proposed output metrics (Panasonic, No. 67 at p. 6). DOE believes that TV viewing habits have not significantly changed but will closely monitor these trends to ensure a representative value for the AEC. While it is possible for the duty cycle to change, the proposed weighting will provide a representative AEC for consumers, and a consistently weighted metric over time allows for energy consumption comparisons between past and future TV models. DOE therefore adopts an AEC metric in section 8 of Appendix H to subpart B of 10 CFR part 430.

DOE believes that output values for on mode, standby mode, off mode, and AEC provide a sufficient representation of the TV's power and energy usage and therefore adopts these metrics in today's final rule.

N. Represented Power Values

In the March 2013 SNOPR, DOE proposed that the rated power consumption in on, standby, and off modes that are output from Appendix H to subpart B of 10 CFR part 430 shall be determined by first applying the sampling plan and statistical requirements proposed for 10 CFR 429.25. The AEC metric would then be calculated using these rated power consumption values. 78 FR 15811–15812. Because this proposal required the sampling plan to be performed before calculating the rated power consumption values, multiple units would need to be tested to calculate and output the rated power consumption or AEC in Appendix H to subpart B of 10 CFR part 430. In order to ensure that this appendix provides a methodology for testing and calculating the power consumptions and AEC of a single unit and that 10 CFR 429.25 provides a methodology for determining the represented rating of multiple tested units, DOE is altering both the sampling plan in 10 CFR 429.25 and outputs of Appendix H to subpart B of 10 CFR part 430 as part of today's final rule. Appendix H to subpart B of 10 CFR part 430 will output the power consumption for each mode of operation and the AEC for a single tested unit. 10 CFR 429.25 would then calculate the represented power values by applying the sampling plan and statistical requirements for multiple tested units. The represented power values would then be used to calculate a represented AEC. DOE is also adopting rounding requirements for all four representated values in part 429. DOE believes that this approach will provide a clearer methodology for testing a single unit and calculating the represented power values and represented AEC of multiple units. Therefore, DOE is adopting these requirements as part of today's final rule.

O. Annual Energy Consumption Metric

1. On Mode

In the March 2013 SNOPR, DOE proposed an on mode weighting of 5 hours based on DOE's analysis of Neilson data. 78 FR 15825–15826. Sharp expressed support for a 5 hour weighting in on mode (Sharp No. 68 at p. 6). DOE believes that 5 hours is a representative weighting for typical on mode usage and therefore adopts this AEC weighting in section 8.3 of Appendix H to subpart B of 10 CFR part 430.

2. Standby Mode

In the March 2013 SNOPR, DOE proposed a weighting structure for standby mode that is dependent on whether the TV is network-enabled. 78 FR 15825–15826. DOE clarifies that although most network-enabled TVs would meet the definition of standby-active, low mode, having a network connection is not necessarily the only condition for this requirement. DOE believes that the definition for standby-active, low mode should be used as the criterion to determine how the TV receives a standby mode weighting. If the TV is capable of entering standby-active, low mode, this test is performed and the TV receives a 19 hour weighting for standby-active, low mode. Sharp commented that it supports a 19 hour weighting for standby mode (Sharp, No. 68 at p. 6).

NRDC expressed concern that a 19 hour standby-active, low mode and 0 hour standby-passive mode would result in unmeasured power for the quick start function (NRDC, No. 64 at p. 4). NRDC also commented that the quick start function is independent of a network connection (NRDC, No. 64 at p. 4). DOE clarifies that the power consumption associated with the quick start function will be included in both the standby-passive and standby-active, low mode metrics when available. As discussed in section III.E.5, this function will be enabled when it is made available through a display prompt regardless of the TV's network connection capabilities. DOE believes that the adopted implementation of quick start will alleviate NRDC's concerns for the standby mode weighting and, based on stakeholder support, DOE adopts a 19 hour standby mode weighting for the AEC in section 8.3 of Appendix H to subpart B of 10 CFR part 430.

3. Off Mode

In the March 2013 SNOPR, DOE proposed a test for off mode and a 0 hour weighting for the AEC. 78 FR 15825–15826. Sharp commented that this test should be removed because only a few TVs are equipped with this feature (Sharp, No. 45 at p. 7). To comply with the requirements of EISA 2007, however, DOE is required to include an off mode test when it is technically feasible and so includes this test in today's final rule. Although some TVs may be equipped with a manual off switch which is necessary for off mode, this feature is increasingly less prevalent on new TVs and when it is present on TVs, it is virtually never used. Therefore, DOE adopts a weighting of 0 hours in off mode in section 8.3 of Appendix H to subpart B of 10 CFR part 430.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in OMB.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a regulatory flexibility analysis (RFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel*.

DOE reviewed today's final rule under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. This rule prescribes a test procedure to be used to develop and implement future energy conservation standards for TVs. DOE certifies that this rule will not have a significant impact on a substantial number of small entities. The factual basis for this certification is as follows.

The Small Business Administration (SBA) considers an entity to be a small business, if, together with its affiliates, it employs less than a threshold number of workers specified in 13 CFR Part 121. The thresholds set forth in these regulations are based on size standards and codes established by the North American Industry Classification System (NAICS).[6] TV manufacturers are classified under NAICS code 334220, ''Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing,'' and are considered small entities if they employ 750 employees or less.

DOE determined that most manufacturers of TVs are large multinational corporations. To develop a list of domestic manufacturers, DOE reviewed the Hoover database[7] and other publicly available data, including the Energy Star qualified TVs database. As a result of its review, DOE determined that there were no TV manufacturers who would qualify as small entities. DOE also notes that manufacturers are already required to use a test procedure similar to DOE's adopted test procedure to make energy representations under the Federal Trade Commission's (FTC) EnergyGuide labeling program. 76 FR 1038. DOE's adopted test procedure can be conducted concurrently with FTC testing without significant additional burden.

Based on the above, DOE certifies that today's rule would not have a significant economic impact on a substantial number of small entities and has not prepared an RFA for this rulemaking. DOE transmitted the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the SBA for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

There is currently no information collection requirement related to the test procedure for TVs. In the event that DOE proposes an energy conservation standard with which manufacturers must demonstrate compliance, DOE will seek OMB approval of such information collection requirement.

DOE has established regulations for the certification and recordkeeping requirements for certain covered consumer products and commercial equipment. 76 FR 12422 (March 7, 2011). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

As stated above, in the event DOE proposes an energy conservation standard for TVs with which manufacturers must demonstrate compliance, DOE will seek OMB approval of the associated information collection requirement. DOE will seek approval either through a proposed amendment to the information collection requirement approved under OMB control number 1910–1400 or as a separate proposed information collection requirement.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply

[6] For more information visit: *http://www.sba.gov*. The size standards are available at *http://www.sba.gov/content/small-business-size-standards*.

[7] Hoovers. Web 12 Dec 2011. *http://www.hoovers.com*.

with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE adopts a new test procedure for TVs. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR Part 1021. Specifically, this rule establishes a new test procedure without affecting the amount, quality or distribution of energy usage, and, therefore, will not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR Part 1021, subpart D, which applies to any rulemaking that does not result in any environmental impacts. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of today's final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel*. DOE examined today's final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. Today's final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988) that this regulation will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed today's final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply,

Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

Today's regulatory action to establish a test procedure for measuring the power consumption of TVs is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a rule authorizes or requires use of commercial standards, the rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

The final rule incorporates testing methods contained in certain sections of the IEC standards 60933–5 Ed. 1.0, 62087 Ed. 3.0, and 62301 Ed. 2.0 as well as CEA 770.3–D, SMPTE 170M, ITU BT.470–6, and HDMI Version 1.0. DOE has evaluated these standards and is unable to conclude whether they fully comply with the requirements of section 32(b) of the FEAA (i.e. whether it was developed in a manner that fully provides for public participation, comment, and review.) DOE has consulted with both the Attorney General and the Chairman of the FTC about the impact on competition of using the methods contained in these standards and has received no comments objecting to their use.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of today's rule before its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects

10 CFR Part 429

Confidential business information, Energy conservation, Household appliances, Imports, Reporting and recordkeeping requirements.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on September 30, 2013.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE amends part 429 and 430 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.25 is added to read as follows:

§ 429.25 Television sets.

(a) *Sampling plan for selection of units for testing.* (1) The requirements of § 429.11 are applicable to televisions; and

(2) For each basic model of television, samples shall be randomly selected and tested to ensure that—

(i) Any represented value of power consumption of a basic model for which consumers would favor lower values shall be greater than or equal to the higher of:

(A) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample;

Or,

(B) For on mode power consumption, the upper 95 percent confidence limit (UCL) of the true mean divided by 1.05, where:

$$UCL = \bar{x} + t_{0.95}\left(\frac{s}{\sqrt{n}}\right)$$

and $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t-statistic for a 95% one-tailed confidence interval with $n-1$ degrees of freedom (from Appendix A of this subpart).

And

(C) For standby mode power consumption and power consumption measurements in modes other than on mode, the upper 90 percent confidence limit (UCL) of the true mean divided by 1.10, where:

$$UCL = \bar{x} + t_{0.90}\left(\frac{s}{\sqrt{n}}\right)$$

and $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.90}$ is the t-statistic for a 90% one-tailed confidence interval with $n-1$ degrees of freedom (from Appendix A of this subpart).

(ii) Any represented annual energy consumption of a basic model shall be determined by applying the AEC calculation in section 8.2 of Appendix H to subpart B of 10 CFR Part 430 to the represented values of power consumption as calculated pursuant to paragraph (a)(2)(i) of this section.

(iii) *Rounding requirements.* The represented value of power consumption and the represented annual energy consumption shall be rounded as follows:

(A) For power consumption in the on, standby, and off modes, the represented value shall be rounded according to the accuracy requirements specified in section 3.3.3 of Appendix H to subpart B of 10 CFR Part 430.

(B) For annual energy consumption, the represented value shall be rounded according to the rounding requirements specified in section 8.3 of Appendix H to subpart B of 10 CFR Part 430.

(b) [Reserved]

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 3. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 4. Section 430.2 is amended by:
■ a. Removing the definitions ''Color television set'' and ''Monochrome television set'';
■ b. Adding, in alphabetical order, the definitions ''Component video'', ''Composite video'', ''High-definition multimedia interface or HDMI®'', and ''S-video''; and
■ c. Revising the definition for ''Television set''.

The additions and revisions read as follows:

§ 430.2 Definitions.

* * * * *

Component video means a video display interface as defined in the Consumer Electronics Association's (CEA) standard, CEA–770.3–D (incorporated by reference; see § 430.3).

Composite video means a video display interface that uses Radio Corporation of America (RCA) connections carrying a signal defined by the Society of Motion Picture and Television Engineers' (SMPTE) standard, SMPTE 170M–2004 (incorporated by reference; see § 430.3) for regions that support a power frequency of 59.94 Hz or International Telecommunication Union's (ITU) standard, ITU–R BT 470–6 (incorporated by reference; see § 430.3) for regions that support a power frequency of 50 Hz.

* * * * *

High-definition multimedia interface or HDMI® means an audio and video interface as defined by HDMI® Specification Informational Version 1.0 or greater (incorporated by reference; see § 430.3).

* * * * *

S-video means a video display interface that transmits analog video over two channels: luma and chroma as defined by IEC 60933–5 Ed. 1.0 (incorporated by reference; see § 430.3).

* * * * *

Television set or TV means a product designed to produce dynamic video, contains an internal TV tuner encased within the product housing, and that is capable of receiving dynamic visual content from wired or wireless sources including but not limited to:

(1) Broadcast and similar services for terrestrial, cable, satellite, and/or broadband transmission of analog and/or digital signals; and/or

(2) Display-specific data connections, such as HDMI, Component video, S-video, Composite video; and/or

(3) Media storage devices such as a USB flash drive, memory card, or a DVD; and/or

(4) Network connections, usually using Internet Protocol, typically carried over Ethernet or Wi-Fi.

* * * * *

■ 5. Section 430.3 is amended by:
■ a. Redesignating paragraph (p) as (t);
■ b. Redesignating paragraphs (n) through (o) as (q) through (r);
■ c. Redesignating paragraphs (l) through (m) as (n) through (o);
■ d. Redesignating paragraphs (i) through (k) as (j) through (l);
■ e. Further redesignating newly designated paragraphs (o)(1) and (2) as (o)(3) and (4), respectively;
■ f. Adding new paragraphs (i), (m), (o)(1), (o)(2), (p), and (s);
■ g. Amending newly designated paragraph (o)(4) by adding ''H,'' after ''G,''.

The additions read as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(i) *CEA.* Consumer Electronics Association, Technology & Standards Department, 1919 S. Eads Street, Arlington, VA 22202, 703–907–7600, or go to *www.CE.org.*

(1) CEA Standard, CEA–770.3–D, *High Definition TV Analog Component Video Interface,* published February 2008; IBR approved for § 430.2.

(2) [Reserved]

* * * * *

(m) *HDMI®.* High-Definition Multimedia Interface Licensing, LLC, 1140 East Arques Avenue, Suite 100, Sunnyvale, CA 94085, 408–616–1542, or go to *www.hdmi.org.*

(1) HDMI Specification Informational Version 1.0, *High-Definition Multimedia Interface Specification,* published September 4, 2003; IBR approved for § 430.2.

(2) [Reserved]

* * * * *

(o) *IEC.* * * *

(1) IEC Standard 933–5:1992, (''IEC 60933–5 Ed. 1.0''), *Audio, video and audiovisual systems—Interconnections and matching values—Part 5: Y/C connector for video systems—Electrical matching values and description of the connector,* First Edition, 1992–12; IBR approved for § 430.2. (Note: IEC 933–5 is also known as IEC 60933–5.)

(2) IEC Standard 62087:2011, (''IEC 62087 Ed. 3.0''), *Methods of measurement for the power consumption of audio, video, and related equipment,* Edition 3.0, 2011–04, Sections 3.1.1, 3.1.18, 11.4.1, 11.4.2, 11.4.5, 11.4.6, 11.4.8, 11.4.9, 11.4.10, 11.4.11, 11.5.5, and annexc.3; IBR approved for Appendix H to subpart B of this part.

* * * * *

(p) *ITU.* International Telecommunication Union, Place des Nations, 1211 Geneva 20, Switzerland, +41–22–730–5111, or go to *http://www.itu.int/en.*

(1) ITU–R BT.470–6, Conventional Television Systems, published November 1998; IBR approved for § 430.2.

(2) [Reserved]

* * * * *

(s) *SMPTE.* Society of Motion Picture and Television Engineers, 3 Barker Ave., 5th Floor, White Plains, NY 10601, 914–761–1100, or go to *http://standards.smpte.org.*

(1) SMPTE 170M–2004, (''SMPTE 170M–2004''), *SMPTE Standard for Television—Composite Analog Video Signal—NTSC for Studio Applications,* approved November 30, 2004; IBR approved for § 430.2.

(2) [Reserved]

* * * * *

■ 6. Section 430.23 is amended by adding paragraph (h) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(h) *Television sets.* The power consumption of a television set, expressed in watts, including on mode, standby mode, and off mode power consumption values, shall be measured in accordance with sections 7.1, 7.3, and 7.4 of appendix H of this subpart respectively. The annual energy consumption, expressed in kilowatt-hours per year, shall be measured in accordance with section 8 of appendix H of this subpart.

* * * * *

■ 7. Appendix H to subpart B of part 430 is added to read as follows:

Appendix H to Subpart B of Part 430—Uniform Test Method for Measuring the Power Consumption of Television Sets

Note: After April 23, 2014, any representations made with respect to the

energy use or efficiency of televisions must be made in accordance with the results of testing pursuant to this appendix. Given that after April 23, 2014 representations with respect to the energy use or efficiency of televisions must be made in accordance with tests conducted pursuant to this appendix, manufacturers may wish to begin using this test procedure as soon as possible.

1. Scope

This appendix covers the test requirements used to measure the energy and power consumption of television sets that:

(i) Have a diagonal screen size of at least fifteen inches; and

(ii) Are powered by mains power (including TVs with auxiliary batteries but not TVs with main batteries).

2. Definitions and Symbols

2.1. *Additional functions* shall be defined using the additional functions definition in section 3.1.1 of IEC 62087 Ed. 3.0 (incorporated by reference, see § 430.3).

2.2. *Auxiliary Battery* means a battery capable of powering a clock or retaining TV settings but is incapable of powering the TV to produce dynamic video.

2.3. *Brightest selectable preset picture setting* means the preset picture setting in which the television produces the highest screen luminance within either the home or retail configuration.

2.4. *Default picture setting* means the preset picture setting that the TV enters into immediately after making a selection from the forced menu. If the TV does not have a forced menu, this is the as-shipped preset picture setting.

2.5. *Forced menu* means a series of menus which require the selection of initial settings before allowing the user to utilize primary functions. Within these menus contains an option to choose the viewing environment between retail and home configurations.

2.6. *Home configuration* means the TV configuration selected from the forced menu which is designed for typical consumer viewing and is recommended by the manufacturer for home environments.

2.7. *IEC 62087 Ed. 3.0* means the test standard published by the International Electrotechnical Commission, entitled ''Methods of measurement of the power consumption of audio, video, and related equipment,'' IEC 62087 Ed. 3.0 (incorporated by reference, see § 430.3).

2.8. *IEC 62087 Ed. 3.0 Blu-ray Disc™ Dynamic Broadcast-Content Video Signal* means the test video content published by the International Electrotechnical Commission, entitled ''IEC 62087 Ed. 3.0, video content_BD, video content for IEC 62087 Ed. 3.0 on Blu-ray™ Disc,'' IEC 62087 Ed. 3.0 (incorporated by reference, see § 430.3).

2.9. *IEC 62301 Ed. 2.0* means the test standard published by the International Electrotechnical Commission, entitled ''Household electrical appliances—Measurement of standby power,'' IEC 62301 Ed. 2.0 (incorporated by reference, see § 430.3).

2.10. *Illuminance* means the luminous flux per unit area of light illuminating a given surface, expressed in units of lux (lx).

2.11. *Luminance* means the photometric measure of the luminous intensity per unit area of light traveling in a given direction, expressed in units of candelas per square meter (cd/m²).

2.12. *Main battery* means a battery capable of powering the TV to produce dynamic video without the support of mains power.

2.13. *Off mode* means the mode of operation in which the TV is connected to mains power, produces neither sound nor picture, and cannot be switched into any other mode of operation with the remote control unit, an internal signal, or external signal.

2.14. *On mode* means the mode of operation in which the TV is connected to mains power, and is capable of producing dynamic video.

2.15. *Preset picture setting* means a preprogrammed factory setting obtained from the TV menu with pre-determined picture parameters such as brightness, contrast, color, sharpness, etc. Preset picture settings can be selected within the home or retail mode.

2.16. *Retail configuration* means the TV configuration selected from the forced menu which is designed to highlight the TV's features in a retail environment. This configuration may display demos, disable configurable settings, or increase screen brightness in a manner which is not desirable for typical consumer viewing.

2.17. *Special functions* shall be defined using the definition in section 3.1.18 of IEC 62087 Ed. 3.0 (incorporated by reference, see § 430.3).

2.18. *Standby-passive mode* means the mode of operation in which the TV is connected to mains power, produces neither sound nor picture, and can be switched into another mode with only the remote control unit or an internal signal.

2.19. *Standby-active, high mode* means the mode of operation in which the TV is connected to mains power, produces neither sound nor picture, is exchanging/receiving data with/from an external source, and can be switched into another mode of operation with the remote control unit, an internal signal, or an external signal.

2.20. *Standby-active, low mode* means the mode of operation in which the TV is connected to mains power, produces neither sound nor picture, can be switched into another mode with the remote control unit or an internal signal, and can additionally be switched into another mode with an external signal.

2.21. *Symbol usage.* The following identity relationships are provided to help clarify the symbols used throughout this test procedure.

ABC—Automatic Brightness Control
AEC—Annual Energy Consumption
BD—Blu-ray Disc™
DVD—Digital Versatile Disc™
DVI—Digital Visual Interface
HDMI®—High Definition Multimedia Interface
$L_{brightest}$—Screen luminance in brightest selectable preset picture setting within the home configuration
$L_{default}$—Screen luminance in default picture setting within the home configuration
$L_{default_retail}$—Screen luminance in default picture setting within the retail configuration
LAN—Local Area Network
P_{on}—Power consumed in on mode
P_3—Average power consumed in on mode, ABC enabled, 3 lx
P_{12}—Average power consumed in on mode, ABC enabled, 12 lx
P_{35}—Average power consumed in on mode, ABC enabled, 35 lx
P_{100}—Average power consumed in on mode, ABC enabled, 100 lx
$P_{standby\text{-}passive}$—Power consumption in standby-passive mode
$P_{standby\text{-}active,\ low}$—Power consumption in standby-active, low mode
P_{off}—Power consumption in off mode
STB—Set-top Box
THD—Total Harmonic Distortion
TV—Television Set
USB—Universal Serial Bus
W_3—Percent weighting for on mode, ABC enabled, 3 lx
W_{12}—Percent weighting for on mode, ABC enabled, 12 lx
W_{35}—Percent weighting for on mode, ABC enabled, 35 lx
W_{100}—Percent weighting for on mode, ABC enabled, 100 lx
WAN—Wide Area Network

3. Accuracy and Precision of Measurement Equipment

3.1. *Voltage and Frequency.* Set the test voltage and frequency to the rated electrical supply values of the region in accordance with Table 1 in section 4.3.1 of IEC 62301 Ed. 2.0

3.2. *Power Supply Requirements.* The TV power use shall be measured using a power supply that meets the specifications found in section 4.3.1 of IEC 62301 Ed. 2.0 (incorporated by reference, see § 430.3). The THD of the supply voltage shall not exceed 5%, inclusive to the 13th order harmonic, when the unit is under test.

3.3. *Power Meter Requirements.* The power measurement shall be carried out directly by means of a wattmeter, a wattmeter with averaging function, or a watt-hour meter by dividing the reading by the measuring time. For TVs where the input video signal varies over time, use a wattmeter with an averaging function to carry out the measurement.

3.3.1. The sampling rate of the watt-hour meter or wattmeter with averaging function shall be one measurement per second or more frequent.

3.3.2. The power measurement instrument shall measure and record the power factor and the real power consumed during all on mode tests at the same sampling rate.

3.3.3. Power measurements of 0.5 W or greater shall be made with an uncertainty of less than or equal to 2 percent (at the 95 percent confidence level). Measurements of power of less than 0.5 W shall be made with an uncertainty of less than or equal to 0.01 W (at the 95 percent confidence level). The power measurement instrument shall have a resolution of:

0.01 W or better for power measurements of 10 W or less;

0.1 W or better for power measurements of greater than 10 W up to 100 W;

1 W or better for power measurements of greater than 100 W.

3.4. *Luminance Meter Requirements.* Contact or non-contact luminance meters shall have an accuracy of ± 2 percent ± 2 digits of the digitally displayed value. Non-contact meters are also required to have an acceptance angle of 3 degrees or less.

3.5. *Illuminance Meter Requirements.* All illuminance meters shall have an accuracy of ± 2 percent ± 2 digits of the digitally displayed value.

3.6. *Video Input Device.* The video input device (i.e. BD player) shall be capable of decoding a BD signal. The video input device manufacturer shall be different from the manufacturer of the TV under test to prevent device interaction.

4. Test Room Set-Up

4.1. *Ambient Temperature Conditions.* For all testing, maintain ambient temperature conditions in accordance with in section 11.4.1 of IEC 62087 Ed. 3.0 (incorporated by reference, see § 430.3).

4.2. *Ambient Relative Humidity Conditions.* For all testing, maintain the ambient relative humidity between 10 and 80 percent.

4.3. *Room Illuminance Level.* All luminance testing (with a non-contact meter) and on mode testing (with ABC enabled by default) shall be performed in a room which measures less than or equal to 1.0 lx measured at the ABC sensor while the TV is in off or a standby mode. If the TV does not have an ABC sensor, measure at the bottom center of the TV bezel.

4.4. *Installation.* Install the TV in accordance with manufacturer's instructions.

4.5. *TV Placement.* TVs which have an ABC sensor enabled by default shall be placed at least 0.5 meters away from any wall surface (i.e. wall, ceiling, and floor). This does not include the furnishings which the TV may be placed on or the wall which the back of the TV faces. All four corners of the face of the TV shall be placed equidistant from a vertical reference plane (e.g. wall).

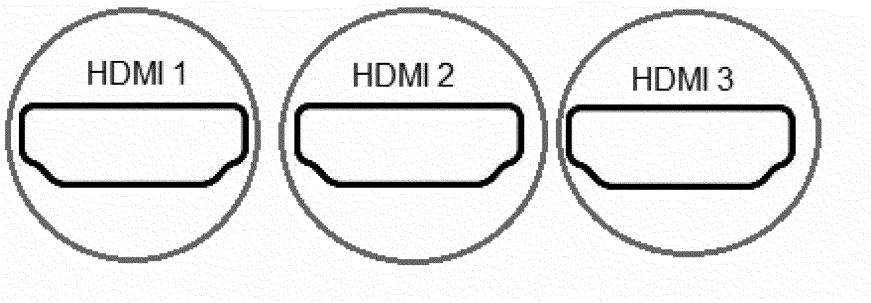
5. TV and Video Signal Configuration

5.1. *Additional Functions.* The TV shall be set up according to the requirements in section 11.4.5 of IEC 62087 Ed. 3.0 (incorporated by reference, see § 430.3).

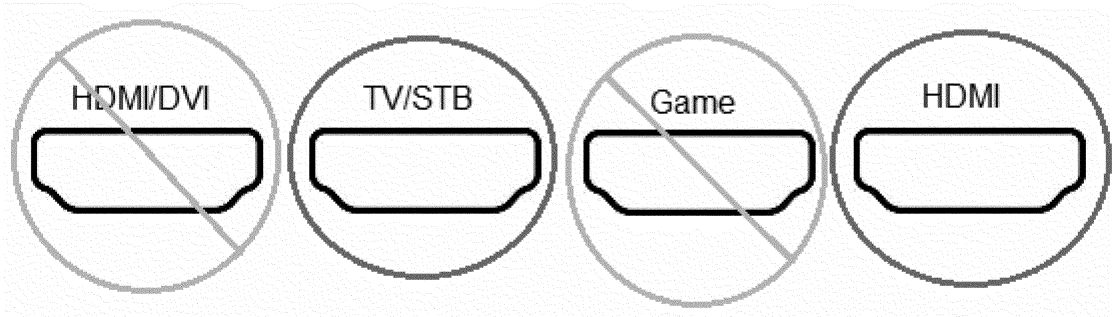
5.2. *Video Connection Priority.* The TV and the video input device shall be connected using an HDMI input cable. If the TV does not have an HDMI input terminal, the specified input terminals shall be used in the following order: Component video, S-video, and Composite video.

5.3. *Input Terminal.* If the TV has multiple input terminals of the same type (i.e. HDMI 1, HDMI 2), testing shall only be performed using any input terminal designed for viewing live TV or dynamic content from a BD player or STB, not from an input designed for an alternative purpose. Examples 1 and 2 provide visual explanations of this requirement.

Example 1: All input terminals present are acceptable for testing



Example 2: Only TV/STB and HDMI are acceptable input terminals for testing



5.4. *Special Functions.* The TV shall be set up according to the requirements in section 11.4.6 of IEC 62087 Ed. 3.0 (incorporated by reference, see § 430.3).

5.5. *Special Function Configuration.* If at any time during on mode operation a message prompt is displayed requesting the configuration of special functions, the most power consumptive configuration shall be selected. If it is unknown which configuration yields the most power consumptive state, verify the selection by measuring the power consumption of each possible configuration.

Note: The selection of the home or retail configuration within the forced menu is not considered the configuration of a special function, and is therefore exempt from this requirement.

5.6. *On Mode Picture Setting.* Ensure that the TV is in the default picture setting within the home configuration for all on mode tests. This picture setting shall only be changed as instructed by the luminance test.

5.7. *Video Aspect Ratio.* The input video signal shall be configured in accordance with section 11.4.9 of IEC 62087 Ed. 3.0 (incorporated by reference; see § 430.3)

5.8. *Frame Rate.* The video frame rate shall be selected in accordance with section 11.4.10 of IEC 62087 Ed. 3.0 (incorporated by reference; see § 430.3)

5.9. *Sound level.* The TV sound level shall be configured in accordance with section 11.4.11 of IEC 62087 Ed. 3.0 (incorporated by reference; see § 430.3)

5.10. *Network Connection Configuration.*

5.10.1. *Network Connections and Capabilities.* Network connections should be listed in the user manual. If no connections are specified in the user manual, verify that the TV does not have network capabilities by checking for the absence of physical

connections and the absence of network settings in the menu. If the TV has the capability to be connected to a network but was not shipped with a required piece of hardware (e.g. wireless adapter), that connection type shall not be tested.

5.10.2. *Network Configuration.* If the TV is network enabled, connect it to a LAN in on mode and prior to being placed into standby mode. The LAN shall allow devices to ping other devices on the network but will not allow access to a WAN. If the TV has multiple network connections (e.g., Wi-Fi and Ethernet), the TV shall be configured and connected to a single network source in accordance with the hierarchy of connections listed in Table 1 of this section.

TABLE 1—NETWORK CONNECTION HIERARCHY

Priority	Network connection type
1	Wi-Fi (Institution of Electrical and Electronics Engineers—IEEE 802.11–20072)
2	Ethernet (IEEE 802.3). If the TV supports Energy Efficient Ethernet (IEEE 802.3az–20103), then it shall be connected to a device that also supports IEEE 802.3az.

6. Calculation of Average Power Consumption

6.1. *Average Power Calculation.* For all tests in the on, standby-active, low, and standby-passive modes, the average power shall be calculated using one of the following two methods:

6.1.1. Record the accumulated energy (E_i) in kilo-watt hours (kWh) consumed over the time period specified for each test (T_i). The average power consumption is calculated as $P_i = E_i/T_i$.

6.1.2. Record the average power consumption (P_i) by sampling the power at a rate of at least 1 sample per second and computing the arithmetic mean of all samples over the time period specified for each test (T_i).

The resulting average power consumption value for each mode of operation shall be rounded according to the accurary requirements specified in section 3.3.3 of this section.

7. Test Measurements.

7.1. *On Mode Test.*

7.1.1. *On Mode Stabilization.* If the TV has an ABC sensor enabled by default, direct at least 300 lx into the ABC sensor. The TV shall be stabilized prior to testing on mode using the IEC 62087 Ed. 3.0 Blu-ray Disc™ dynamic broadcast-content video signal in accordance with section 11.4.2 of IEC 62087 Ed. 3.0 (incorporated by reference, see § 430.3).

7.1.2. *On Mode Test for TVs without ABC Enabled by Default.* The following test shall be performed if the TV is shipped with ABC disabled by default or the ABC function is unavailable. Display the IEC 62087 Ed. 3.0 Blu-ray Disc™ dynamic broadcast-content video signal for one 10-minute period (incorporated by reference, see § 430.3). Measure and record the average power consumption value over the test duration as P_{on}.

7.1.3. *On Mode Test for TVs with ABC Enabled by Default.* The following test shall be performed if the TV is shipped with ABC enabled by default:

7.1.3.1. *Illuminance Values.* Display the IEC 62087 Ed. 3.0 Blu-ray Disc™ dynamic broadcast-content video signal for one 10-minute period (incorporated by reference, see § 430.3) with 100 lx (± 5 lx) entering the ABC sensor. Measure and record the average power consumption value over the test duration as $P_{100.}$ Repeat the measurements with 35 lx (± 2 lx), 12 lx (± 1 lx), and 3 lux (± 1 lx) entering the ABC sensor and record the values as P_{35}, P_{12}, and P_3 respectively. Testing shall be performed from the brightest to dimmest illuminance value and the values shall be changed by varying the input voltage to the light source.

Note: The 3 lx illuminance value shall be simulated using a 67 mm 2 F-stop neutral density filter. 12 lx is measured at the ABC sensor prior to the application of the neutral density filter.

7.1.3.2. *On Mode Power Calculation.* All illuminance values shall be weighted equally when calculating the on mode power for a TV with ABC enabled by default and shall be determined by the following equation:

$$P_{on} = P_{100} * W_{100} + P_{35} * W_{35} + P_{12} * W_{12} + P_3 * W_3$$

Where:

$W_{100} = W_{35} = W_{12} = W_3 = 0.25$

7.1.3.3. *Lamp Requirements.* A standard spectrum, halogen incandescent aluminized reflector lamp with a lamp diameter of 95 mm (±10 mm), a beam angle of 30 degrees (± 10 degrees), and a center beam candlepower of 1500 cd (± 500 cd) shall be positioned in front of the ABC sensor so that the light is directed into the sensor. Note: Lamps with spectrum modifying qualities, such as an IR coating, are not considered to meet a standard spectrum.

7.1.3.4. *Light Source Set-up.* The center of the lamp shall measure 1.5 m (±0.1 m) from the center of the ABC sensor. The light source shall be aligned ensuring that the center focal point of the lamp is perpendicular to the center of the ABC sensor.

7.1.3.5. *Illuminance Measurement.* The room illuminance shall be measured at the sensor in the direction of the light source while the TV is on and displaying the first menu from the IEC 62087 Ed. 3.0 Blu-ray Disc™ dynamic broadcast-content video signal.

7.2. *Luminance Test.*

7.2.1. *Luminance Test Set-up.*

7.2.1.1. *Picture Setting Set-up.* When transitioning from the on mode power consumption test to the luminance test, the TV shall remain in the default picture setting within the home configuration for the first luminance measurement.

7.2.1.2. *ABC Configuration.* The ABC sensor shall be disabled at all times during the luminance test. If the ABC sensor is incapable of being disabled through the TV settings menu, direct at least 300 lx of light into the ABC sensor.

7.2.1.3. *Stabilization.* Prior to the first luminance measurement, the TV must undergo a 10-minute re-stabilization period using the IEC 62087 Ed. 3.0 Blu-ray Disc™ dynamic broadcast-content video signal.

7.2.2. *Luminance Meter Set-up.* Align the luminance meter perpendicular to the center of the TV screen. If a non-contact luminance meter is used to measure the screen luminance, the luminance measurement shall be taken at a distance capable of meeting the meter specifications outlined in section 3.1.3, and in accordance with the meter's user manual.

7.2.3. *Three Vertical Bar Signal Measurement.* The IEC 62087 Ed. 3.0 three vertical bar signal found in section 11.5.5 of IEC 62087 Ed. 3.0 (incorporated by reference, see § 430.3) shall be displayed for no more than 5 seconds when each luminance measurement is taken. The luminance measurement taken in the default picture setting within the home configuration shall be recorded as $L_{Default_Home}$.

7.2.4. *Luminance in the Brightest Selectable Preset Picture Setting.* Using the IEC 62087 Ed. 3.0 three vertical bar signal, determine the brightest selectable preset picture setting within the home configuration. Measure and record the screen luminance in the brightest selectable preset picture setting as $L_{Brightest_Home}$.

7.2.5. *Retail Configuration Luminance Measurement.* If the TV has a retail configuration and the retail configuration is acceptable for making a luminance measurement, measure and record the screen luminance in the default picture setting within the retail configuration as $L_{Default_Retail.}$ A retail configuration is considered acceptable for a luminance measurement if the TV does not display a demo or ticker which alters the screen content, or if such features are present, they must be capable of being disabled for the entire re-stabilization period and measurement.

7.3. *Standby Mode Test.*

7.3.1. *Video Input Device.* The video input device shall be disconnected from the TV for all testing in standby mode.

7.3.2. *Standby-Passive Mode.* The standby-passive mode test shall be performed according to section 5.3.1 of IEC 62301 Ed. 2.0 (incorporated by reference, see § 430.3). Measure and record the average power consumption value over the test duration as $P_{standby\text{-}passive}$.

7.3.3. *Standby-Active, Low Mode.* The standby-active, low mode shall only be tested if the TV is capable of connecting to a network and is capable of entering this mode of operation. The standby-active, low mode test shall be performed according to section 5.3.1 of IEC 62301 Ed. 2.0 (incorporated by reference, see § 430.3). Measure and record the average power consumption value over the test duration as $P_{standby\text{-}active,low}$.

7.4. *Off Mode Test.*

7.4.1. The off mode test shall be performed according to section 5.3.1 of IEC 62301 Ed. 2.0 (incorporated by reference, see § 430.3). Measure and record the average power consumption value over the test duration as P_{off}.

8. Annual Energy Consumption

8.1. *Input Value.* The annual energy consumption (AEC) of the TV shall be calculated using on mode, standby mode, and off mode power consumption values as measured pursuant to section 7.1, 7.3, and 7.4 respectively.

8.2. *Rounding.* Calculate the AEC of the TV using the equation below. The calculated AEC value shall be rounded as follows:

If the calculated AEC value is 100 kWh or less, the rated value shall be rounded to the nearest tenth of a kWh;

If the calculated AEC value is greater than 100 kWh, the rated value shall be rounded to the nearest kWh.

8.3. *Calculations.* Express the AEC in kWh per year, according to the following:

$$AEC = 365 * (P_{on} * H_{on} + P_{standby\text{-}active,\ low} * H_{standby\text{-}active,\ low} + P_{standby\text{-}passive} * H_{standby\text{-}passive} + P_{off} * H_{off})/1000$$

Where:

P_m = power measured in a given mode *m* (in Watts)

H_m = hours per day spent in mode *m*

365 = conversion factor from daily to yearly

1000 = conversion factor from watts to kilowatts

Values for H_m (in hours/day) are specified in Table 2 of this section:

TABLE 2—HOURLY WEIGHTINGS

Standby-active, low mode	H_{on}	$H_{standby\text{-}active,\ low}$	$H_{standby\text{-}passive}$	H_{off}
Yes	5	19	0	0
No	5	0	19	0

[FR Doc. 2013–24346 Filed 10–24–13; 8:45 a.m.]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0774; Special Conditions No. 25–497–SC]

Special Conditions: Embraer S.A., Model EMB–550 Airplanes; Isolation or Airplane Electronic System Security Protection From Unauthorized Internal Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special condition; request for comments.

SUMMARY: These special conditions are issued for the Embraer S.A. Model EMB–550 airplane. This airplane will have a novel or unusual design feature associated with connectivity of the passenger domain computer systems to the airplane critical systems and data networks. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is October 25, 2013. We must receive your comments by December 9, 2013.

ADDRESSES: Send comments identified by docket number FAA–2013–0774 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.

Mail: Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 8 a.m. and 5 p.m., Monday through Friday, except federal holidays.

Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1298; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions are unnecessary because the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 14, 2009, Embraer S.A. applied for a type certificate for their new Model EMB–550 airplane. The Model EMB–550 airplane is the first of a new family of jet airplanes designed for corporate flight, fractional, charter, and private owner operations. The aircraft has a conventional configuration with low wing and T-tail empennage. The primary structure is metal with composite empennage and control surfaces. The Model EMB–550 airplane is designed for 8 passengers, with a maximum of 12 passengers. It is equipped with two Honeywell HTF7500–E medium bypass ratio turbofan engines mounted on aft

fuselage pylons. Each engine produces approximately 6,540 pounds of thrust for normal takeoff. The primary flight controls consist of hydraulically powered fly-by-wire elevators, ailerons and rudder, controlled by the pilot or copilot sidestick.

The digital systems architecture for the Embraer EMB–550 series of airplanes is composed of several connected networks. This proposed network architecture is used for a diverse set of functions, including:

- Flight-safety related control and navigation systems,
- Airline business and administrative support, and
- Passenger entertainment.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) part 21.17, Embraer S.A. must show that the Model EMB–550 airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–127 thereto.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model EMB–550 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model EMB–550 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36 and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92 574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Embraer S.A. Model EMB–550 airplane will incorporate the following novel or unusual design features: the architecture allows connections to previously isolated data networks connected to systems that perform functions required for the safe operation of the airplane. This proposed data network and design integration may result in security vulnerabilities from intentional or unintentional corruption of data and systems critical to the safety and maintenance of the airplane. The existing regulations and guidance material did not anticipate this type of system architecture or electronic access to airplane systems. Furthermore, 14 CFR part 25 regulations and current system safety assessment policy and techniques do not address potential security vulnerabilities, which could be caused by unauthorized access to airplane data buses and servers. The intent of these special conditions are to ensure that security, integrity, and availability of airplane systems are not compromised by certain wired or wireless electronic connections between airplane data busses and networks.

Discussion

The Embraer S.A. Model EMB–550 airplane's integrated network configuration may allow increased connectivity with external network sources and will have more interconnected networks and systems, such as passenger entertainment and information services, than previous Embraer airplane models. This may allow the exploitation of network security vulnerabilities and increase risks potentially resulting in unsafe conditions for the airplane and its occupants.

This potential exploitation of security vulnerabilities may result in intentional or unintentional destruction, disruption, degradation, or exploitation of data and systems critical to the safety and maintenance of the airplane. The existing regulations and guidance material did not anticipate these types of system architectures. Furthermore, 14 CFR regulations and current system safety assessment policy and techniques do not address potential security vulnerabilities which could be exploited by unauthorized access to airplane networks and servers. Therefore, these special conditions and a means of compliance are being issued to ensure that the security (i.e., confidentiality, integrity, and availability) of airplane systems is not compromised by unauthorized wired or wireless electronic connections between airplane systems and networks and the passenger entertainment domain.

Applicability

As discussed above, these special conditions are applicable to the Embraer S.A. Model EMB–550 airplane. Should Embraer S.A. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Embraer S.A. Model EMB–550 airplanes.

Isolation or Airplane Electronic System Security Protection From Unauthorized Internal Access

1. The applicant must ensure that the design provides isolation from, or airplane electronic system security protection against, access by unauthorized sources internal to the airplane. The design must prevent inadvertent and malicious changes to, and all adverse impacts upon, airplane equipment, systems, networks, or other assets required for safe flight and operations.

2. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post-type-certification modifications that may have an impact on the approved electronic system security safeguards.

Issued in Renton, Washington, on September 6, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–24987 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0773; Special Conditions No. 25–496–SC]

Special Conditions: Embraer S.A., Model EMB–550 Airplanes; Airplane Electronic System Security Protection From Unauthorized External Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special condition; request for comments.

SUMMARY: These special conditions are issued for the Embraer S.A. Model EMB–550 airplane. This airplane will have a novel or unusual design feature associated with the architecture and connectivity capabilities of the airplanes' computer systems and networks, which may allow access to or by external computer systems and networks. Connectivity to, or access by, external systems and networks may result in security vulnerabilities to the airplanes' systems. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is October 25, 2013. We must receive your comments by December 9, 2013.

ADDRESSES: Send comments identified by docket number FAA–2013–0773 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.

Mail: Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC, 20590–0001.

Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 8 a.m. and 5 p.m., Monday through Friday, except federal holidays.

Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/*, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1298; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions are unnecessary because the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 14, 2009, Embraer S.A. applied for a type certificate for their new Model EMB–550 airplane. The Model EMB–550 airplane is the first of a new family of jet airplanes designed for corporate flight, fractional, charter, and private owner operations. The aircraft has a conventional configuration with low wing and T-tail empennage. The primary structure is metal with composite empennage and control surfaces. The Model EMB–550 airplane is designed for 8 passengers, with a maximum of 12 passengers. It is equipped with two Honeywell HTF7500–E medium bypass ratio turbofan engines mounted on aft fuselage pylons. Each engine produces approximately 6,540 pounds of thrust for normal takeoff. The primary flight controls consist of hydraulically powered fly-by-wire elevators, ailerons and rudder, controlled by the pilot or copilot sidestick.

The digital systems architecture for the Embraer Model EMB–550 series of airplanes is composed of several connected networks. This proposed network architecture is used for a diverse set of functions, providing data connectivity between systems, including:

- Airplane control, communication, display, monitoring and navigation systems,
- Airline business and administrative support systems,
- Passenger entertainment systems, and
- Access by systems external to the airplane.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) part 21.17, Embraer S.A. must show that the Model EMB–550 airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–127 thereto.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model EMB–550 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model EMB–550 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR 36 and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92 574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Embraer S.A. Model EMB–550 airplane will incorporate the following novel or unusual design features: digital systems architecture composed of several connected networks. The proposed architecture and network configuration may be used for, or interfaced with, a diverse set of functions, including:

1. Flight-safety related control, communication, display, monitoring, and navigation systems (aircraft control functions);
2. Airline business and administrative support (airline information services);
3. Passenger information and entertainment systems (passenger entertainment services); and,
4. The capability to allow access to or by systems external to the airplane.

Discussion

The proposed Model EMB–550 architecture and network configuration may allow increased connectivity to and access by external airplane sources, airline operations, and maintenance systems to the aircraft control functions and airline information services. The aircraft control and airline information functions perform actions required for the safe operation and maintenance of the airplane. Previously, these functions had very limited connectivity with external sources.

The architecture and network configuration may allow the exploitation of network security vulnerabilities resulting in intentional or unintentional destruction, disruption, degradation, or exploitation of data, systems, and networks critical to the safety and maintenance of the airplane.

The existing regulations and guidance material did not anticipate these types of airplane system architectures. Furthermore, 14 CFR regulations and current system safety assessment policy and techniques do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane systems, data buses, and servers. Therefore, these special conditions and a means of compliance are issued to ensure that the security (i.e., confidentiality, integrity, and availability) of airplane systems is not compromised by unauthorized wired or wireless electronic connections.

Applicability

As discussed above, these special conditions are applicable to the Embraer S.A. Model EMB–550 airplane. Should Embraer S.A. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Embraer S.A. Model EMB–550 airplanes.

Airplane Electronic System Security Protection From Unauthorized External Access

1. The applicant must ensure airplane electronic system security protection from access by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.

2. The applicant must ensure that electronic system security threats are identified and assessed, and that effective electronic system security protection strategies are implemented to protect the airplane from all adverse impacts on safety, functionality, and continued airworthiness.

3. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post type-certification modifications that may have an impact on the approved electronic system security safeguards.

November 29, 2013.

Issued in Renton, Washington, on September 6, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–24989 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0776; Special Conditions No. 25–498–SC]

Special Conditions: Embraer S.A., Model EMB–550 Airplanes; Sidestick Controllers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special condition; request for comments.

SUMMARY: These special conditions are issued for the Embraer S.A. Model EMB–550 airplane. This airplane will have a novel or unusual design feature associated with sidestick controllers. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is October 25, 2013. We must receive your comments by December 9, 2013.

ADDRESSES: Send comments identified by docket number FAA–2013–0776 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.

Mail: Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West

Building Ground Floor, Washington, DC 20590–0001.

Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 8 a.m. and 5 p.m., Monday through Friday, except federal holidays.

Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Loran Haworth, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1133; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions are unnecessary because the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 14, 2009, Embraer S.A. applied for a type certificate for their new Model EMB–550 airplane. The Model EMB–550 airplane is the first of a new family of jet airplanes designed for corporate flight, fractional, charter, and private owner operations. The aircraft has a conventional configuration with low wing and T-tail empennage. The primary structure is metal with composite empennage and control surfaces. The Model EMB–550 airplane is designed for 8 passengers, with a maximum of 12 passengers. It is equipped with two Honeywell HTF7500–E medium bypass ratio turbofan engines mounted on aft fuselage pylons. Each engine produces approximately 6,540 pounds of thrust for normal takeoff. The primary flight controls consist of hydraulically powered fly-by-wire elevators, ailerons and rudder, controlled by the pilot or copilot sidestick.

The Model EMB–550 airplane will use passive sidestick controllers for pitch and roll control instead of a conventional control column and wheel. The main characteristics of a sidestick controller are:

- Passive inceptor (i.e., the hand grip returns to the null position after in/out movements),
- Artificial tactile feedback,
- Located on the side of the pilot, and
- No mechanical interconnection.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Embraer, S.A. must show that the Model EMB–550 airplane meets the applicable provisions of part 25, as amended by Amendment 25–1 through 25–127 thereto.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model EMB–550 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model.

In addition to the applicable airworthiness regulations and special conditions, the Model EMB–550 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36; and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Model EMB–550 airplane will incorporate the following novel or unusual design features: The Model EMB–550 airplane has a sidestick controller for pitch and roll control.

Discussion

Regulatory requirements for conventional wheel and column controllers, such as requirements pertaining to pilot strength and controllability, are not directly applicable to sidestick controllers. Certain ergonomic considerations such as armrest support, freedom of arm movement, controller displacement, handgrip size and accommodations for a range of pilot sizes are not addressed in the regulations. In addition, pilot control authority may be uncertain, because the sidestick controllers are not mechanically interconnected as with conventional wheel and column controls. Pitch and roll control force and displacement sensitivity must be compatible so that normal inputs on one control axis do not cause significant unintentional inputs on the other. As a result, a special condition is issued to require that the unique features of the sidesstick controller must be demonstrated through flight and simulator tests to have suitable handing and control characteristics.

Applicability

As discussed above, these special conditions are applicable to the Model EMB–550 airplane. Should Embraer S.A. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Embraer S.A. Model EMB–550 airplanes.

In the absence of specific requirements for sidestick controllers, the following Special Conditions apply:

1. Pilot strength: In lieu of the control force limits shown in § 25.143(d) for pitch and roll and in lieu of the specific pitch force requirements of §§ 25.143(i)(2), 25.145(b), and 25.175(d), it must be shown that the temporary and maximum prolonged force levels for the sidestick controllers are suitable for all expected operating conditions and configurations, whether normal or non-normal.

2. Pilot control authority: The electronic sidestick controller coupling design must provide for corrective and/or overriding control inputs by either pilot with no unsafe characteristics. Annunciation of the controller status must be provided and must not be confusing to the flightcrew.

3. Pilot control: It must be shown by flight tests that the use of sidestick controllers does not produce unsuitable pilot-in-the-loop control characteristics when considering precision path control/tasks and turbulence. In addition, pitch and roll control force and displacement sensitivity must be compatible, so that normal inputs on one control axis will not cause significant unintentional inputs on the other.

Issued in Renton, Washington, on September 6, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–25206 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0881; Directorate Identifier 2013–SW–056–AD; Amendment 39–17628; AD 2013–20–51]

RIN 2120–AA64

Airworthiness Directives; AgustaWestland S.p.A. (Agusta) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Agusta Model A109A, A109A II, A109C, A109E, A109K2, A109S, AW109SP, A119, and AW119 MKII helicopters. The emergency AD was sent previously to all known U.S. owners and operators of these helicopters. This AD requires, before further flight, inspecting certain Thomas coupling nuts on the tail rotor drive shaft line for a crack and replacing all the nuts if any nut is cracked. Also this AD requires replacing all affected Thomas coupling nuts within 10 hours time-in-service (TIS) or 30 days, whichever occurs first. This AD was prompted by two incidents of cracking on the nuts that connect the flexible disc coupling (Thomas coupling) with the splined adapter on the tail rotor drive shaft. We are issuing this AD to correct the unsafe condition on these helicopters.

DATES: This AD is effective October 25, 2013 to all persons except those persons to whom it was made immediately effective by Emergency AD 2013–20–51, issued on October 3, 2013, which contained the requirements of this amendment.

We must receive comments on this AD by December 24, 2013.

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

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

Examining the AD Docket

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

For service information identified in this AD, contact Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39–0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Gary Roach, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 222–5110; email *gary.b.roach@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On October 3, 2013, we issued Emergency AD 2013–20–51, which requires, before further flight, inspecting certain Thomas coupling nuts on the tail rotor drive shaft line for a crack and replacing all the nuts if any nut is cracked. Also the emergency AD requires replacing all affected Thomas coupling nuts within 10 hours TIS or 30 days, whichever occurs first. This emergency AD was sent previously to all known U.S. owners and operators of these helicopters. This action was prompted by two incidents of cracking on the nuts that connect the flexible disc coupling (Thomas coupling) with the splined adapter on the tail rotor drive shaft.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2013–

0225–E, dated September 20, 2013, to correct an unsafe condition for certain Agusta Model A109A, A109A II, A109C, A109E, A109K2, A109S, AW109SP, A119, and AW119 MKII helicopters. The EASA advises that during scheduled inspection on the tail rotor drive shaft line of two in-service Model AW109SP helicopters, one part-numbered nut that connects the Thomas coupling with the splined adapter was cracked. The subsequent investigation identified that the reported cracks of the nuts are the results of a production deficiency (hydrogen embrittlement) at the nut supplier.

Related Service Information

Agusta has issued the following service information:

- Alert Bollettino Tecnico (ABT) No. 109K–58 for all Model A109K2 helicopters;
- ABT No. 109–136, for all Model A109A, A109A II, and A109C helicopters;
- ABT No. 109EP–130, for Model A109E helicopters up to and including serial number (S/N) 11832, except S/N 11796, from 11808 to 11810, and from 11812 to 11829;
- ABT No. 109L–066 for all Model A109LUH helicopters;
- ABT No. 109S–055, for all Model A109S helicopters;
- ABT No. 109SP–069, for Model AW109SP helicopters up to including S/N 22316, except S/N 22284, 22286, 22307, and 22308; and
- ABT No. 119–061 for Model A119 and AW119 MKII helicopters up to and including S/N 14811, except S/N 14805 and 14807.

All the ABTs are dated September 20, 2013, and specify a one-time inspection of the Thomas coupling nuts, part number (P/N) MS21042L4. If any nut is cracked, the ABTs specify replacing all nuts with nuts, P/N NAS1805–4.

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in their 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.

AD Requirements

This AD requires, before further flight, visually inspecting each Thomas coupling nut, P/N MS2104L4, along the tail rotor drive shaft line for a crack. If any nut is cracked, replacing all the nuts with nuts, P/N NAS1805–4, is required before further flight. Replacing all nuts, P/N MS21042L4, with nuts, P/N NAS1805–4, is required within 10 hours TIS or 30 days, whichever occurs first. Finally, this AD prohibits installing a Thomas coupling nut, P/N MS21042L4, on any tail rotor drive shaft line.

Differences Between This AD and the EASA AD

This AD differs from the EASA AD in that we include all model helicopters rather than limiting the applicability to specific serial-numbered helicopters, and we do not include Model A109LUH helicopters as they do not have a U.S. type certificate.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because inspecting for and replacing a cracked nut must be done before further flight, and replacing all nuts is required within 10 hours TIS or 30 days, whichever occurs first, which is a very short time period based on the average flight-hour utilization rate of these helicopters.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the Docket Number FAA–2013–0881 and Directorate Identifier 2013–SW–056–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

Costs of Compliance

We estimate that this AD will affect 222 helicopters of U.S. Registry. We estimate the following costs to comply with this AD. Labor costs are estimated at $85 per hour. We estimate 2 work hours to inspect each nut and 16 work hours to replace all nuts at a cost of $1,530 per helicopter and a total fleet cost of $339,600.

According to the manufacturer, the costs of this AD may be covered under warranty, thereby reducing the cost to 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 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):

2013–20–51 Agusta S.p.A: Amendment 39–17628; Docket No. FAA–2013–0881; Directorate Identifier 2013–SW–056–AD.

(a) Applicability

This AD applies to the following Agusta S.p.A. (Type certificate currently held by AgustaWestland S.p.A) (Agusta) helicopters, with a tail rotor drive shaft flexible disc coupling (Thomas coupling) nut, part number (P/N) MS21042L4, certificated in any category:

(i) Model A109A, A109A II, A109C, A109E, A109S, A109K2, AW109SP helicopters; and

(ii) Model A119 and AW119 MKII helicopters.

(b) Unsafe Condition

This AD defines the unsafe condition as a production deficiency in a certain Thomas coupling nut. This condition could result in failure of the Thomas coupling, failure of the tail drive shaft, and subsequent loss of control of the helicopter.

(c) Effective Date

This AD is effective October 25, 2013 to all persons except those persons to whom it was made immediately effective by Emergency AD 2013–20–51, issued on October 3, 2013, which contained the requirements of this amendment.

(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) Before further flight, using a borescope or light source and mirror, inspect each Thomas coupling nut for a crack. If any Thomas coupling nut is cracked, before further flight, replace all the Thomas coupling nuts with nuts, P/N NAS1805–4, torqueing each nut to 5.6–7.9 Nm.

(2) Within 10 hours time-in-service or 30 days, whichever occurs first, replace each Thomas coupling nut, P/N MS21042L4, with a nut, P/N NAS1805–4, torqueing each nut to 5.6–7.9 Nm.

(3) After the effective date of this EAD, do not install a nut, P/N MS21042L4, on any Thomas coupling.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to Gary Roach, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 222–5110; email *gary.b.roach@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) Agusta Alert Bollettino Tecnico (ABT) No. 109K–58, ABT No. 109–136, ABT No. 109EP–130, ABT No. 109L–066, ABT No. 109S–055, ABT No. 109SP–069, and ABT No. 119–061, all dated September 20, 2013, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact: Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39–0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) Emergency Airworthiness Directive 2013–0225–E, effective September 21, 2013. You may view the EASA AD at *http://www.regulations.gov* in Docket No. FAA–2013–0881.

(h) Subject

Joint Aircraft Service Component (JASC): 6400 Tail rotor system.

Issued in Fort Worth, Texas, on October 16, 2013.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–24937 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0262; Directorate Identifier 2013–NE–13–AD; Amendment 39–17548; AD 2013–16–10]

RIN 2120–AA64

Airworthiness Directives; Hamilton Standard Division and Hamilton Sundstrand Corporation Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to all Hamilton Standard Division model 6/5500/F and 24PF and Hamilton Sundstrand Corporation model 14RF, 14SF, 247F, and 568F series propellers. A maintenance manual number in paragraph (g) of the Compliance section is incorrect. This document corrects that error. In all other respects, the original document remains the same.

DATES: This final rule is effective October 25, 2013. The effective date for AD 2013–16–10 (78 FR 49660, August 15, 2013) remains September 19, 2013.

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

FOR FURTHER INFORMATION CONTACT: Michael Schwetz, Aerospace Engineer, Boston Aircraft Certification Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7761; fax: 781–238–7170; email: *michael.schwetz@faa.gov.*

SUPPLEMENTARY INFORMATION: AD 2013–16–10, Amendment 39–17548 (78 FR 49660, August 15, 2013), currently requires incorporating inspections, based on a calendar time, into the propeller maintenance schedule for Hamilton Standard Division model 6/5500/F and 24PF and Hamilton Sundstrand Corporation model 14RF, 14SF, 247F, and 568F series propellers.

As published, the maintenance manual number, P4202, as part of the model/manual number, 247F–1/P4202, in paragraph (g) of the Compliance section is incorrect.

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

The effective date for AD 2013–16–10 (78 FR 49660, August 15, 2013) remains September 19, 2013.

Correction of Regulatory Text

§ 39.13 [Corrected]

■ In the **Federal Register** of August 15, 2013, on page 49662, in the 1st column, paragraph (g) of AD 2013–16–10 is corrected to read as follows:

* * * * *

(g) MI for Blades and Hubs That Do Not Have an Updated ALS

For Hamilton Standard Division propeller models 6/5500/F and 24PF and Hamilton Sundstrand Corporation propeller models 14RF–19, 14RF–37, 14SF–11, 14SF–15, 14SF–23, 14SF–17, 14SF–19, 247F–1, 247F–1E, 247F–3, 568F–1, 568F–5, and 568F–7, that do not have an approved update to the ALS, within one year after the effective date of this AD, perform an MI on the blades and hubs no later than seven years after the DSI. The DSI will begin at initial installation after the most recent MI or initial installation after production. Guidance on the inspections can be found in the applicable Hamilton Standard Division models/manuals 6/5500/F/P5190 and 24PF/61–12–01, and Hamilton Sundstrand Corporation models/manuals 14RF–19/P5199, 14RF–37/P5209, 14SF–11/P5196, 14SF–15/P5197, 14SF–23/P5197, 14SF–17/P5198, 14SF–19/P5198, 247F–1/P5202, 247F–1E/P5204, 247F–3/P5205, 568F–1/P5214, 568F–5/P5203, and 568F–7/P5211.

* * * * *

Issued in Burlington, Massachusetts, on October 15, 2013.

Colleen M. D'Alessandro,

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

[FR Doc. 2013–25108 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0878; Directorate Identifier 2013–SW–033–AD; Amendment 39–17625; AD 2013–21–01]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France (Eurocopter) Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Eurocopter Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters. This AD requires certain inspections of each tail rotor pitch horn assembly (pitch horn) for a crack, and if there is a crack, before further flight, replacing the pitch horn with an airworthy pitch horn. This AD is prompted by a report of a crack in the yoke of a pitch horn. These actions are intended to detect a crack in the pitch horn to prevent failure of the pitch horn, loss of the anti-torque function, and subsequent loss of control of the helicopter.

DATES: This AD becomes effective October 25, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of October 25, 2013.

We must receive comments on this AD by December 24, 2013.

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

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

Examining the AD Docket

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

For service information identified in this 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.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

We are adopting a new AD for the specified Eurocopter helicopters. This AD requires visually inspecting each

pitch horn for a crack. This AD also requires, if there is a crack, before further flight, replacing the pitch horn with an airworthy pitch horn. This AD is prompted by a report of a crack in the yoke of a pitch horn. These actions are intended to detect a crack in the pitch horn to prevent failure of the pitch horn, loss of the anti-torque function, and subsequent loss of control of the helicopter.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2013–0133, dated June 28, 2013, to correct an unsafe condition for the Model AS350B, AS350BA, AS350BB, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters. EASA advises of an ongoing investigation of a crack in the yoke of a pitch horn for which a cause has not been determined. The EASA AD requires repetitive visual inspections of each pitch horn for a crack and replacing the pitch horn with a serviceable assembly if a crack is found. EASA states that its AD is an interim action and further action may follow.

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.

Related Service Information

Eurocopter has issued one Emergency Alert Service Bulletin, Revision 1, dated June 25, 2013 (EASB), with four different numbers. EASB No.05.00.74 is for Models AS350B, B1, B2, B3, BA, and D; the non-FAA type certificated Model AS350BB; and the non-FAA type certificated military Model AS350L1 helicopters. EASB No. 05.00.49 is for non-FAA type certificated military Models AS550A2, C2, C3, and U2 helicopters. EASB No. 05.00.65 is for Models AS355E, F, F1, F2, N, and NP helicopters. EASB No. 05.00.44 is for non-FAA type certificated military Model AS555AF, AN, SN, UF, and UN helicopters. Eurocopter has been informed of a case of a crack on the yoke of a pitch horn, which may lead to failure of the pitch horn, resulting in loss of the anti-torque function. The EASB specifies a check for cracks on the yokes of the two pitch horns and specifies replacing any cracked pitch horn. The EASB states that it may be necessary to modify the log card of the tail rotor blade assembly due to some of the pitch horn part numbers being recorded incorrectly.

AD Requirements

This AD requires:

- Based on the hours time-in-service, within a specified time, visually inspecting each pitch horn for a crack in the areas shown in Figure 1 of the EASB.
- If there is a crack, before further flight, replacing the pitch horn with an airworthy pitch horn.
- Before installing any pitch horn, P/N 350A121368, dye penetrant inspecting it for a crack.

Differences Between This AD and the EASA AD

The EASA AD applies to Eurocopter Model AS350BB that does not have an FAA type certificate and therefore is not a part of this AD. The EASA AD does not apply to Eurocopter Model AS350C or the AS350D1, but this AD does because those models have an FAA type certificate and may have the applicable pitch horn installed. This AD requires a dye-penetrant inspection before installing a pitch horn; the EASA AD does not. The EASA AD applies to parts with less than 135 hours TIS, while this AD does not. The EASA AD requires the pitch horn inspection to be repeated every 165 flight hours, and this AD does not.

Interim Action

We consider this AD to be an interim action. If final action is later identified, we might consider further rulemaking then.

Costs of Compliance

We estimate that this AD will affect 938 helicopters of U.S. Registry. We estimate that operators may incur the following costs to comply with this AD. Labor costs are estimated at $85 per work hour. We estimate .1 work hour to visually inspect a pitch horn for a total of $8.50 per helicopter and $7,973 for the fleet. We estimate 1 work hour to do a dye-penetrant inspection, for a total cost of $85 per helicopter. We estimate 1 work hour to replace a part if necessary, and a cost for required parts of $1,946, for a total cost of $2,031 per helicopter.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments before adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore we find that the risk to the flying public justifies waiving notice and comment prior to adopting this rule because the corrective actions must be accomplished, for helicopters flying with parts with more than 155 hours TIS, within 10 hours TIS, a short time period based on the average flight-hour utilization rate of these helicopters.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are impracticable and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days.

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, 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):

2013–21–01 Eurocopter France: Amendment 39–17625; Docket No. FAA–2013–0878; Directorate Identifier 2013–SW–033–AD.

(a) Applicability

This AD applies to Eurocopter France (Eurocopter) Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters with tail rotor hub pitch horn (pitch horn) assembly, part number (P/N) 350A121368.01, 350A121368.02, 350A121368.03, or 350A121368.04, with a pitch horn, P/N 350A121368.XX, where XX stands for two digit dash number, installed, certificated in any category. The pitch horn may be marked with either the pitch horn assembly P/N or pitch horn P/N.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in the yoke of a pitch horn. This condition could result in failure of a pitch horn, loss of the anti-torque function, and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective October 25, 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) For parts with 135 to 155 hours time-in-service (TIS), before exceeding 165 hours TIS, or for parts with more than 155 hours TIS, within 10 hours TIS, visually inspect each pitch horn for a crack in the areas shown in Figure 1 of Eurocopter Emergency Alert Service Bulletin (EASB) No. 05.00.74 or No. 05.00.65, both Revision 1 and both dated June 25, 2013, as appropriate for your model helicopter.

(2) If there is a crack, before further flight, replace the pitch horn with an airworthy pitch horn.

(3) Do not install a pitch horn, P/N 350A121368 (any dash number), on any helicopter unless it has passed a dye penetrant inspection for a crack in the areas shown in Figure 1 of EASB No. 05.00.74 or No. 05.00.65.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *robert.grant@faa.gov*.

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

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) No. AD 2013–0133, dated June 28, 2013. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2013–0878.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6400 Tail Rotor.

(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) Eurocopter Emergency Alert Service Bulletin No. 05.00.74, Revision 1, dated June 25, 2013.

(ii) Eurocopter Emergency Alert Service Bulletin No. 05.00.65, Revision 1, dated June 25, 2013.

Note to paragraph (j)(2): Eurocopter Emergency Alert Service Bulletin No. 05.00.74 and No. 05.00.65, both Revision 1 and both dated June 25, 2013, are co-published as one document along with Eurocopter Emergency Alert Service Bulletin No. 05.00.49 and No. 05.00.44, both Revision 1 and both dated June 25, 2013, which are not incorporated by reference in this AD.

(3) For Eurocopter service information identified in this AD, 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 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 October 7, 2013.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–24816 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0863; Directorate Identifier 2013–NM–178–AD; Amendment 39–17627; AD 2013–21–03]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 747–8F and 747–8 series airplanes. This AD requires a detailed inspection of the power control actuator (PCA) installation to determine if a bushing is installed, a general visual inspection between the horizontal stabilizer rear spar and the elevator front spar and between certain stabilizer stations for defects and damage, and corrective actions if necessary. This AD was prompted by a report of unusual noise coming from the left inboard elevator during a functional check of the ram air turbine system, and a determination that a bushing was not installed. We are issuing this AD to detect and correct non-installation of bushings. If the

bushings are not present, the stiffness of the load path will be decreased, which will cause wear of adjacent parts and increased freeplay of the elevator surfaces. Freeplay that exceeds acceptable limits could result in divergent flutter for certain maneuvers, which could lead to loss of controllability of the airplane.

DATES: This AD is effective November 12, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of November 12, 2013.

We must receive comments on this AD by December 9, 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:* U.S. Department of Transportation, Docket Operations, M–30, 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 service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425 227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket 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 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: Narinder Luthra, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: (425) 917–6513; fax: (425) 917–6590; email: *narinder.luthra@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We received a report of unusual noise coming from the left inboard elevator during a functional check of the ram air turbine system. When investigating the cause of the noise, the operator found too much freeplay in the left inboard elevator, which was traced to a missing bushing in the PCA installation. Another investigation found that the left inboard PCA had been disconnected from this airplane to replace the left elevator, which had been damaged before delivery. When the PCA was reconnected, however, the bushing was not installed. The operator did inspections of the PCA installation and of the PCA attachment lug assembly, and found no other defects or damage. This condition (if the bushing is not present), if not detected and corrected, could result in decreased stiffness of the load path, which will cause wear of adjacent parts and increased freeplay of the elevator surfaces. Freeplay that exceeds acceptable limits could result in divergent flutter for certain maneuvers, which could lead to loss of controllability of the airplane.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 747–27A2515, dated August 23, 2013. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2013–0863.

FAA's Determination

We are issuing 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 these same type designs.

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between the AD and the Service Information.''

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee, to enhance the AD system. One enhancement was a new process for annotating which steps in the service information are required for compliance with an AD. Differentiating these steps from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The actions specified in the service information described previously include steps that are labeled as ''RC'' (required for compliance) because these steps have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

As noted in the specified service information, steps labeled as ''RC'' must be done to comply with the AD. However, steps that are not labeled as ''RC'' are recommended. Those steps that are not labeled as ''RC'' may be deviated from, done as part of other actions, or done using accepted methods different from those identified in the service information without obtaining approval of an alternative method of compliance (AMOC), provided the steps labeled as ''RC'' can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps labeled as ''RC'' will require approval of an AMOC.

In addition, the phrase ''corrective actions'' is used in this AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between the AD and the Service Information

Although Boeing Alert Service Bulletin 747–27A2515, dated August 23, 2013, specifies to contact the manufacturer for instructions on how to repair certain conditions, and indicates that this action is ''RC,'' this AD requires repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because risk analysis indicated that urgent action is required. Any airplane that is missing a bushing in the elevator PCA installation is operating at an unacceptable level of risk. If the bushing

is not present, the stiffness of the load path will be decreased, which will cause wear of adjacent parts and increased freeplay of the elevator surfaces. Freeplay that exceeds acceptable limits could result in divergent flutter for certain maneuvers, which could lead to loss of controllability of the airplane. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2013–0863 and Directorate Identifier 2013–NM–178–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

Costs of Compliance

We estimate that this AD affects 8 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	5 work-hours × $85 per hour = $425	N/A	$425	$3,400

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD would not have federalism implications under Executive Order 13132. This 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 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.

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 proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2013–21–03 the Boeing Company: Amendment 39–17627; Docket No. FAA–2013–0863; Directorate Identifier 2013–NM–178–AD.

(a) Effective Date

This AD is effective November 12, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Boeing Company Model 747–8F and 747–8 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–27A2515, dated August 23, 2013.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by a report of unusual noise coming from the left inboard elevator during a functional check of the ram air turbine system, and a determination that a bushing was not installed. We are issuing this AD to detect and correct non-installation of bushings. If the bushings are not present, the stiffness of the load path will be decreased, which will cause wear of adjacent parts and increased freeplay of the elevator surfaces. Freeplay that exceeds acceptable limits could result in divergent flutter for certain maneuvers, which could lead to loss of controllability of the airplane.

(f) Compliance

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

(g) Inspections and Corrective Actions

Except as required by paragraph (h)(1) of this AD, at the time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–27A2515, dated August 23, 2013: Do a detailed inspection of the inboard elevator left and right power control actuator (PCA) installations to determine if a bushing is installed; and do a general visual inspection between the left and right horizontal stabilizer rear spar and the elevator front spar, and between stabilizer

station (STAB) (STA) 235 and 260 for defects and damage, and do all applicable corrective actions that are labeled as ''RC'' (Required for Compliance), in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–27A2515, dated August 23, 2013, except as required by paragraph (h)(2) of this AD. Doing the steps specified in Parts 1 and 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–27A2515, dated August 23, 2013, are required for compliance. Do all applicable corrective actions that are labeled as ''RC'' before further flight.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 747–27A2515, dated August 23, 2013, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Although Boeing Alert Service Bulletin 747–27A2515, dated August 23, 2013, specifies to contact Boeing for repair instructions, and indicates that action is ''RC'' (Required for Compliance), this AD requires repairing before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraph (h)(2) of this AD: If the service information contains steps that are labeled as ''RC'' (Required for Compliance), those steps must be done to comply with this AD; any steps that are not labeled as ''RC'' are recommended. Those steps that are not labeled as ''RC'' may be deviated from, done as part of other actions, or done using accepted methods different from those identified in the specified service information without obtaining approval of an AMOC, provided the steps labeled as ''RC'' can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps labeled as ''RC'' require approval of an AMOC.

(j) Related Information

For more information about this AD, contact Narinder Luthra, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: (425) 917–6513; fax: (425) 917–6590; email: *narinder.luthra@faa.gov*.

(k) 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) Boeing Alert Service Bulletin 747–27A2515, dated August 23, 2013.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*.

(4) You may view this service information at 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 September 30, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–24812 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0500; Directorate Identifier 2012–SW–45–AD; Amendment 39–17624; AD 2013–20–18]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2009–05–09 for Bell Model 412, 412CF, and 412EP helicopters. AD 2009–05–09 required reidentifying each affected part-numbered main rotor yoke (yoke) on its data plate, reducing the retirement life of the reidentified yoke, and revising the Airworthiness Limitations section of the maintenance manual or the Instructions for Continued Airworthiness (ICAs) accordingly. This new AD retains the requirements of AD 2009–05–09 with the exception of the P/N marking location. This AD was prompted by fatigue analysis that shows the retirement life should be reduced on certain yokes. We are issuing this AD to correct the unsafe condition on these helicopters.

DATES: This AD is effective November 29, 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 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, ASW–170, Aviation Safety Engineer, Rotorcraft Directorate, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5170, fax (817) 222–5783, email *7-avs-asw-170@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2009–05–09, Amendment 39–15833 (74 FR 11001, March 16, 2009). AD 2009–05–09 applied to Bell Model 412, 412CF, and

412EP helicopters. The NPRM published in the **Federal Register** on June 11, 2013 (78 FR 34958). The NPRM proposed to retain the requirements of AD 2009–05–09 to reidentify each affected part-numbered yoke based on whether it was ever installed on a Model 412CF helicopter or on a Model 412 or 412EP helicopter with a slope landing kit, reduce the retirement life of each reidentified yoke, revise the Airworthiness Limitations section of the maintenance manual or ICAs accordingly, and record each reidentified yoke P/N and the reduced retirement life on the component history card or equivalent record. However, the NPRM proposed to change the requirement to reidentify the yoke by etching the new P/N on the side of the yoke instead of on the data plate.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 34958, June 11, 2013) or on the determination of the cost to the public.

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 products of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed except for minor editorial changes in paragraphs (f)(2) and (f)(3) to clarify the intent of paragraph (f)(2) and to remove an unnecessary reference. These minor editorial changes are consistent with the intent of the proposals in the NPRM (78 FR 34958, June 11, 2013) and will not increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

We estimate that this AD will affect 115 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. It will take about 3 work hours to review and revise the records to reflect the new retirement life and reidentify the P/N at an average labor rate of $85 per work hour. Based on these estimates, the cost will be $255 per helicopter and $29,325 for the U.S. operator fleet. Replacing a yoke will take about 20 work hours and $50,196 for the required parts for a cost of $51,896 per helicopter.

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 removing Airworthiness Directive (AD) 2009–05–09, Amendment 39–15833 (74 FR 11001, March 16, 2009), and adding the following new AD:

2013–20–18 Bell Helicopter Textron, Inc.: Amendment 39–17624; Docket No. FAA–2013–0500; Directorate Identifier 2012–SW–45–AD.

(a) Applicability

This AD applies to Model 412 and 412EP helicopters with a main rotor yoke assembly (yoke), part number (P/N) 412–010–101–123, –127, –129, or –133, installed; and Model 412CF helicopters with a yoke, P/N 412–010–101–127 or –129, installed; certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as fatigue cracking of a yoke, failure of the yoke, and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2009–05–09, Amendment 39–15833 (74 FR 11001, March 16, 2009).

(d) Effective Date

This AD becomes effective November 29, 2013.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time, unless it has been accomplished previously.

(f) Required Actions

Within 10 hours time-in-service (TIS):

(1) Review the helicopter records to determine all of the helicopter models on which an affected yoke has been installed since its production and the hours TIS of each affected yoke.

(2) If an affected part-numbered yoke has ever been installed on a Model 412CF helicopter or on a Model 412 or 412EP helicopter with a slope landing kit, P/N 412–704–012–101, installed, do the following:

(i) Reidentify the P/N on the side of the yoke by using a vibrating stylus and etching two lines through the last three digits of the existing P/N and etching ''137FM'' adjacent to where you etched through the last three digits of the original P/N. This converts each affected yoke P/N to a new yoke P/N 412–010–101–137FM. The serial number remains the same.

Note 1 to paragraph (f)(2)(i) of this AD: The ''FM'' P/N suffix denotes a field-modified part.

(ii) Treat the etched surface with chemical film, and apply primer and paint.

(iii) Record the reidentified P/N on the applicable component history card or equivalent record.

(3) If you cannot determine all the model helicopters on which an affected yoke has been installed since its production or whether it has ever been installed on a Model 412 or 412EP helicopter with a slope landing kit, P/N 412–704–012–101, installed, perform the actions required by paragraphs (f)(2)(i) through (f)(2)(iii) of this AD.

(4) For each reidentified yoke, P/N 412–010–101–137FM, reduce the retirement life

from 5,000 hours TIS to 4,500 hours TIS. Record the revised life limit on the applicable component history card or equivalent record.

(5) Revise the Airworthiness Limitations section of the applicable maintenance manual or the Instructions for Continued Airworthiness by reducing the retirement life from 5,000 hours TIS to 4,500 hours TIS for each reidentified yoke, P/N 412–010–101–137FM.

(g) Special Flight Permit

Special flight permits will not be issued.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Michael Kohner, ASW–170, Aviation Safety Engineer, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5170, fax (817) 222–5783; email *7-avs-asw-170@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.

(i) Additional Information

Bell Helicopter Textron, Inc. Alert Service Bulletins No. 412–08–128 and No. 412CF–08–35, both Revision A and both dated April 14, 2009, which are not incorporated by reference, contain additional information about the subject of this AD. 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 service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(j) Subject

Joint Aircraft System/Component (JASC) Code: 6220 Main Rotor Head.

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

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–24961 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0817; Airspace Docket No. 13–AWP–14]

RIN 2120–AA66

Amendment of Class D Airspace; Kwajalein Island, Marshall Islands, RMI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends the Kwajalein Island Class D airspace description by amending the geographic coordinates for Bucholz Army Airfield (AAF), Kwajalein Island, Marshall Islands, RMI. The Bucholz AAF geographic coordinates information was updated in the Kwajalein Island Class E airspace descriptions in 2011, but was inadvertently overlooked in the Kwajalein Island Class D airspace description. This action ensures the safety of aircraft operating in the Kwajalein Island airspace area. This is an administrative action and does not affect the operating requirements of the airspace.

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

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Airspace Policy and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

In 2010, the FAA published a final rule, technical amendment in the **Federal Register** (75 FR 61993, October 7, 2010) that removed reference to the decommissioned Kwajalein Tactical Air Navigation (TACAN) navigation aid from the Kwajalein Island Class E airspace area legal descriptions. Subsequent to that rule being published, it was determined that the Bucholz AAF geographic coordinates were in error. As a result, the FAA published a final rule, correction in the **Federal Register** (76 FR 2572, January 14, 2011) to correcting the Bucholz AAF geographic coordinates information in the Kwajalein Island Class E airspace descriptions and to match the FAA's aeronautical database. Unfortunately, consideration for correcting the Bucholz AAF geographic coordinates in the Kwajalein Island Class D airspace description was overlooked at that time and is now being corrected.

The Rule

This action amends Title 14 Code of Federal Regulations (CFR) part 71 by amending the geographic coordinates for Bucholz AAF in the Kwajalein Island, Marshall Islands, RMI, Class D airspace legal description to reflect current FAA aeronautical database information. The geographic coordinates for Bucholz AAF, are changed from (lat. 08°43′00″ N., long. 167°44′00″ E) to (lat. 08°43′12″ N., long. 167°43′54″ E.) This action more accurately depicts the center of the Kwajalein Island Class D airspace area with no other changes to the dimensions or altitudes of the Class D airspace area. Therefore, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

Class D airspace areas are published in paragraph 5000 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class D airspace area listed in this action will be published subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is

charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D airspace at Kwajalein Island, Marshall Islands, RMI.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9X, Airspace Designations and Reporting Points, signed August 7, 2013, and effective September 15, 2013, is amended as follows:

Paragraph 5000—Class D Airspace

* * * * *

AWP RM D Kwajalein Island, Marshall Islands, RMI

Kwajalein Island, Bucholz AAF, RMI
(Lat. 08°43′12″ N., long. 167°43′54″ E.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.3-mile radius of the Bucholz AAF. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Pacific Chart Supplement.

* * * * *

Issued in Washington, DC, September 24, 2013.

Gary A. Norek,

Manager, Airspace Policy and ATC Procedures Group.

[FR Doc. 2013–24976 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1296; Airspace Docket No. 09–AWA–1]

RIN 2120–AA66

Modification of Class B Airspace; Minneapolis, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Minneapolis, MN, Class B airspace area to contain large turbine-powered aircraft conducting published instrument procedures at the Minneapolis-St. Paul International Airport (MSP), MN, within Class B airspace. The FAA is taking this action to ensure containment of aircraft being vectored to and conducting dual Simultaneous Instrument Landing System (SILS) approaches to parallel Runways 12L/R and 30L/R; aircraft being vectored to and conducting approaches to Runway 35; and, aircraft being re-sequenced from approaches to Runway 35 to approaches to Runway 30L. This action supports the FAA's national airspace redesign goal of optimizing terminal and en route airspace areas to enhance safety, improving the flow of air traffic, and reducing the potential for near midair collision in terminal airspace areas.

DATES: *Effective Date:* 0901 UTC, January 9, 2014. The Director of the Federal Register approves this incorporation by reference action under 3 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Airspace Policy and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On February 14, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify the Minneapolis Class B airspace area (78 FR 10564). This action proposed to expand the lateral boundaries and lower portions of the Minneapolis Class B airspace to contain large turbine-powered aircraft flying dual SILS procedures and associated traffic patterns to Runways 12L/R and 30L/R, flying instrument procedures and associated traffic patterns to Runway 35, and re-sequencing these aircraft from flying instrument procedures to Runway 35 to instrument procedures to Runway 30L within Class B airspace. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposed action. No comments were received in response to the notice.

The Rule

The FAA is amending Title 14 of the Code of Federal Regulations (14 CFR) part 71 by modifying the Minneapolis, MN, Class B airspace area. This action (depicted on the chart in Figure 1—Modification of the Minneapolis, MN Class B Airspace Area) modifies the lateral and vertical limits of the Class B airspace to ensure the containment of large turbine-powered aircraft and enhance safety in the Minneapolis terminal area. The Class B airspace extensions, located northwest and southeast of MSP, are expanded by approximately one nautical mile (NM) further southwest. Several portions of Class B airspace, located west, northwest, and east of MSP, that are adjacent to the Class B airspace extensions are lowered by 1,000 feet to 6,000 feet MSL. There are several changes to the Class B airspace area that is located south-southeast of MSP. Its outer boundary is realigned by one NM from the Minneapolis-St. Paul International (Wold-Chamberlain) Airport Distance Measuring Equipment (DME) Antenna (I–MSP DME) 25 NM arc to the 24 NM arc. It is lowered by 1,000 feet to 6,000 feet MSL and combined with the adjacent Class B airspace area located south of MSP. Additionally, the Class B airspace boundary segment described by the Gopher VHF omnidirectional range (VOR)/tactical air navigation (VORTAC) (GEP) 160° radial is moved to the GEP 158° radial. These modifications provide the minimum additional airspace necessary to contain large turbine-powered aircraft conducting instrument procedures within Class B airspace.

Except for Areas A through C, which are unchanged by this action, the remaining Minneapolis Class B airspace subareas are reconfigured and realigned by geographic position in relation to the

I–MSP DME antenna. This action modifies three of the six original subareas (D through F) and adds four new subareas (G through J). The specific modifications to the Minneapolis, MN Class B airspace area are outlined below.

Area A. Area A is the surface area that extends upward from the surface to 10,000 feet MSL. The FAA is not modifying Area A.

Area B. Area B extends upward from 2,300 feet MSL to 10,000 feet MSL. The FAA is not modifying Area B.

Area C. Area C extends upward from 3,000 feet MSL to 10,000 feet MSL. The FAA is not modifying Area C.

Area D. Area D extends upward from 4,000 feet MSL to 10,000 feet MSL. The southern boundary of the extensions in this area are expanded approximately 1 NM further southwest. This modification ensures aircraft flying the southern traffic pattern downwind legs for Runway 12R and 30L instrument procedures are contained within Class B airspace.

Area E. Area E extends upward from 6,000 feet MSL to 10,000 feet MSL between the GEP 295° radial clockwise to the GEP 352° radial and the 20 NM to 30 NM arcs from the I–MSP DME. The lower Class B airspace floor in this area ensures large turbine-powered aircraft that require longer distances to descend for sequencing to SILS procedures to Runways 12L/R are contained within Class B airspace.

Area F. Area F extends upward from 7,000 feet MSL to 10,000 feet MSL between the GEP 085° radial clockwise to the GEP 105° radial and the 20 NM to 30 NM arcs from the I–MSP DME. The FAA is not modifying the Class B airspace in this area.

Area G. Area G extends upward from 6,000 feet MSL to 10,000 feet MSL between the GEP 105° radial clockwise to the GEP 115° radial and the 20 NM to 30 NM arcs from the I–MSP DME. The lower Class B airspace floor in this area ensures large turbine-powered aircraft that require longer distances to descend for sequencing to SILS procedures to Runways 30L/R are contained within Class B airspace.

Area H. Area H extends upward from 6,000 feet MSL to 10,000 feet MSL. This new subarea realigns a segment of the boundary from the GEP 160° radial to the GEP 158° radial, realigns a second segment of the boundary from the I–MSP DME 25 NM arc to the I–MSP DME 24 NM arc, and lowers the Class B airspace floor throughout the area to ensure large turbine-powered aircraft flying instrument procedures to Runway 35, as well as aircraft re-sequenced from Runway 35 to Runway 30L instrument procedures, are contained within Class B airspace.

Area I. Area I extends upward from 7,000 feet MSL to 10,000 feet MSL between the GEP 170° radial clockwise to the Flying Cloud VOR/DME navigation aid (FCM) 270° radial and the 20 NM to 30 NM arcs from the I–MSP DME. The FAA is not modifying the Class B airspace in this area.

Area J. Area J extends upward from 6,000 feet MSL to 10,000 feet MSL between the FCM 270° radial clockwise to the FCM 294° radial and the 20 NM to 30 NM arcs from the I–MSP DME. The lower Class B airspace floor in this area ensures large turbine-powered aircraft that require longer distances to descend for sequence to SILS approaches to Runways 12L/R are contained within Class B airspace.

Finally, this action updates the Minneapolis-St. Paul International (Wold-Chamberlain) Airport airport reference point (ARP), the Gopher VORTAC, the Flying Cloud VOR/DME, and the Minneapolis-St. Paul International (Wold-Chamberlain) Airport DME antenna geographic coordinates (latitude/longitude) to reflect current NAS data is reflected in the Minneapolis Class B airspace area legal description header. All radials listed in the Minneapolis Class B airspace area description in this rule are stated in degrees relative to True North. All geographic coordinates are stated in degrees, minutes, and seconds based on North American Datum 83.

Implementation of these modifications to the Minneapolis Class B airspace area ensure containment of large turbine-powered aircraft within Class B airspace as required by FAA directives to enhance safety and efficient management of aircraft operations in the Minneapolis terminal area.

Class B airspace areas are published in paragraph 3000 of FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class B airspace area listed in this document would be published subsequently in the Order.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995).

This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows:

This action modifies the Minneapolis, MN, Class B airspace area to contain large turbine-powered aircraft conducting published instrument procedures within Class B airspace, and reduce the potential for midair collisions. Given the former boundaries and changes in MSP traffic flows and aircraft descent profiles since the last restructuring, instrument flight rules (IFR) flights were not contained within Class B airspace. This amendment restructures the airspace to ensure containment of these aircraft within Class B airspace, which will reduce the potential for midair collisions in the terminal area. The amendment will also reduce controller workload by reducing the number of Class B airspace excursions. The restructuring accommodates aircraft approaches on flight paths that were close to the Class B airspace boundaries, by moving these boundaries slightly. Also, since the last restructuring of the airspace, the fleet mix has changed from more rapidly descending aircraft to turbojets with more ''efficient wings'' which require a longer time to descend. To better contain these new turbojets, the

amendment lowers the floor of the Class B airspace in the areas where arriving aircraft currently drop beneath the floor of Class B airspace so they will be contained. The original Class B airspace design did not contain a portion of one of the Final Approach Courses (FACs) within the existing Class B airspace and consequently aircraft traveling along this FAC exit Class B airspace for part of the descent. The final rule moves the Class B boundary and lowers the floor in this portion of the airspace so that aircraft using this FAC will be contained within Class B airspace.

The FAA expects that these changes will have little impact on Visual Flight Rules (VFR) traffic as VFR aircraft will have the alternatives of flying under or over the redesigned Class B or through it with clearance from air traffic control. The Ad Hoc Committee which was formed to review the Class B airspace proposal and provide feedback to the FAA reported most of the proposed changes would have little or no impact on the aviation community they represented, including non-participating VFR aircraft, with the exception of the cutout near Stanton Airfield. The committee did however indicate the proposed modifications would impact the Minnesota Soaring Club and Stanton Sport Aviation operations and provided six recommendations to alleviate the potential impact. Additionally, the FAA held several fact finding informal airspace meetings. As a result of the Ad Hoc Committee and informal airspace meeting inputs, the FAA incorporated those recommendations and comments that supported containment of IFR traffic within Class B airspace with an expected minimal impact on non-participatory VFR operations. The FAA anticipates that these modifications will continue to allow sufficient airspace for VFR operations in the vicinity of the Minneapolis Class B airspace area.

In the NPRM, the FAA found that the expected outcome would be a minimal impact with positive net benefits, and a full regulatory evaluation was not prepared. The FAA requested comments with supporting justification about the FAA determination of minimal impact in the NPRM. The FAA received no comments on the minimal cost determination.

Therefore, the FAA has determined that this final rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures.

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This final rule is expected to improve safety by redefining Class B airspace boundaries and will impose only minimal costs. This final rule is expected to cause little impact on VFR traffic. VFR traffic that might have been flying in airspace that will be re-designated as Class B airspace will continue to have the option of flying above or below the proposed Class B airspace or obtaining clearance to fly through. This final amendment will not require updating of materials outside the normal update cycle. Therefore, the expected outcome will be a minimal economic impact on small entities affected by this rulemaking action.

In the NPRM, the FAA certified that the proposed rule, if promulgated, would not have a significant impact on a substantial number of small entities. The FAA solicited comments regarding this determination. The FAA received no comments regarding this determination.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA assessed the potential effect of this proposed rule, in the NPRM, and determined that it would have only a domestic impact and therefore no effect on international trade.

The FAA received no comments on this determination. Therefore, the FAA determines that this final rule will have only a domestic impact and therefore no effect on international trade.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $143.1 million in lieu of $100 million.

This final rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is

not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, is amended as follows:

Paragraph 3000 Subpart B—Class B Airspace

* * * * *

AGL MN B Minneapolis, MN [Amended]

Minneapolis-St. Paul International (Wold-Chamberlain) Airport (Primary Airport)
(Lat. 44°52′55″ N., long. 93°13′18″ W.)
Gopher VORTAC
(Lat. 45°08′44″ N., long. 93°22′23″ W.)
Flying Cloud VOR/DME
(Lat. 44°49′31″ N., long. 93°26′34″ W.)
Minneapolis-St. Paul International (Wold-Chamberlain) Airport DME Antenna (I–MSP DME)
(Lat. 44°52′27″ N., long. 93°12′21″ W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL within a 6 NM radius of I–MSP DME.

Area B. That airspace extending upward from 2,300 feet MSL to and including 10,000 feet MSL within an 8.5 NM radius of I–MSP DME, excluding Area A previously described.

Area C. That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL within a 12 NM radius of I–MSP DME, excluding Area A and Area B previously described.

Area D. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the intersection of the 20 NM arc of the I–MSP DME and the Gopher VORTAC 301° radial; thence clockwise along the 20 NM arc of the I–MSP DME to the Gopher VORTAC 121° radial; thence southeast along the Gopher VORTAC 121° radial to the 30 NM arc of the I–MSP DME; thence clockwise along the 30 NM arc of the I–MSP DME to the Flying Cloud VOR/DME 124° radial; thence northwest along the Flying Cloud VOR/DME 124° radial to the 20 NM arc of the I–MSP DME; thence clockwise along the 20 NM are of the I–MSP DME to the Flying Cloud VOR/DME 295° radial; thence northwest along the Flying Cloud VOR/DME 295° radial to the 30 NM arc of the I–MSP DME; thence clockwise along the 30 NM arc of the I–MSP DME to the Gopher VORTAC 301° radial; thence southeast along the Gopher VORTAC 301° radial to the point of beginning, excluding Area A, Area B, and Area C previously described.

Area E. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the intersection of the 20 NM arc of the I–MSP DME and the Gopher VORTAC 301° radial; thence clockwise along the 20 NM arc of the I–MSP DME to the Gopher VORTAC 358° radial; thence north along the Gopher VORTAC 358° radial to the 30 NM arc of the I–MSP DME; thence counterclockwise along the 30 NM arc of the I–MSP DME to the Gopher VORTAC 301° radial; thence southeast along the Gopher VORTAC 301° radial to the point of beginning.

Area F. That airspace extending upward from 7,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the intersection of the 20 NM arc of the I–MSP DME and the Gopher VORTAC 091° radial; thence clockwise along the 20 NM arc of the I–MSP DME to the Gopher VORTAC 111° radial; thence southeast along the Gopher VORTAC 111° radial to the 30 NM arc of the I–MSP DME; thence counterclockwise along the 30 NM arc of the I–MSP DME to the Gopher VORTAC 091° radial; thence west along the Gopher VORTAC 091° radial to the point of beginning.

Area G. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the intersection of the 20 NM arc of the I–MSP DME and the Gopher VORTAC 111° radial; thence clockwise along the 20 NM arc of the I–MSP DME to the Gopher VORTAC 121° radial; thence southeast along the Gopher VORTAC 121° radial to the 30 NM arc of the I–MSP DME; thence counterclockwise along the 30 NM arc of the I–MSP DME to the Gopher VORTAC 111° radial; thence northwest along the Gopher VORTAC 111° radial to the point of beginning.

Area H. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the intersection of the 20 NM arc of the I–MSP DME and the Flying Cloud VOR/DME 124° radial; thence clockwise along the 20 NM arc of the I–MSP DME to the Gopher VORTAC 176° radial; thence south along the Gopher VORTAC 176° radial to the 30 NM arc of the I–MSP DME; thence counterclockwise along the 30 NM arc of the I–MSP DME to the Gopher VORTAC 164° radial; thence north along the Gopher VORTAC 164° radial to the 24 NM arc of the I–MSP DME; thence counterclockwise along the 24 NM arc of the I–MSP DME to the Flying Cloud VOR/DME 124° radial; thence northwest along the Flying Cloud VOR/DME 124° radial to the point of beginning.

Area I. That airspace extending upward from 7,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the intersection of the 20 NM arc of the I–MSP DME and the Gopher VORTAC 176° radial; thence clockwise along the 20 NM arc of the I–MSP DME to the Flying Cloud VOR/DME 271° radial; thence west along the Flying Cloud VOR/DME 271° radial to the 30 NM arc of the I–MSP DME; thence counterclockwise along the 30 NM arc of the I–MSP DME to the Gopher VORTAC 176° radial; thence north along the Gopher VORTAC 176° radial to the point of beginning.

Area J. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the intersection of the 20 NM arc of the I–MSP DME and the Flying Cloud VOR/DME 271° radial; thence clockwise along the 20 NM arc of the I–MSP DME to the Flying Cloud VOR/DME 295° radial; thence northwest along the Flying Cloud VOR/DME 295° radial to the 30 NM arc of the I–MSP DME; thence counterclockwise along the 30 NM arc of the I–MSP DME to the Flying Cloud 271° radial; thence east along the Flying Cloud 271° radial to the point of beginning.

Issued in Washington, DC, on September 25, 2013.

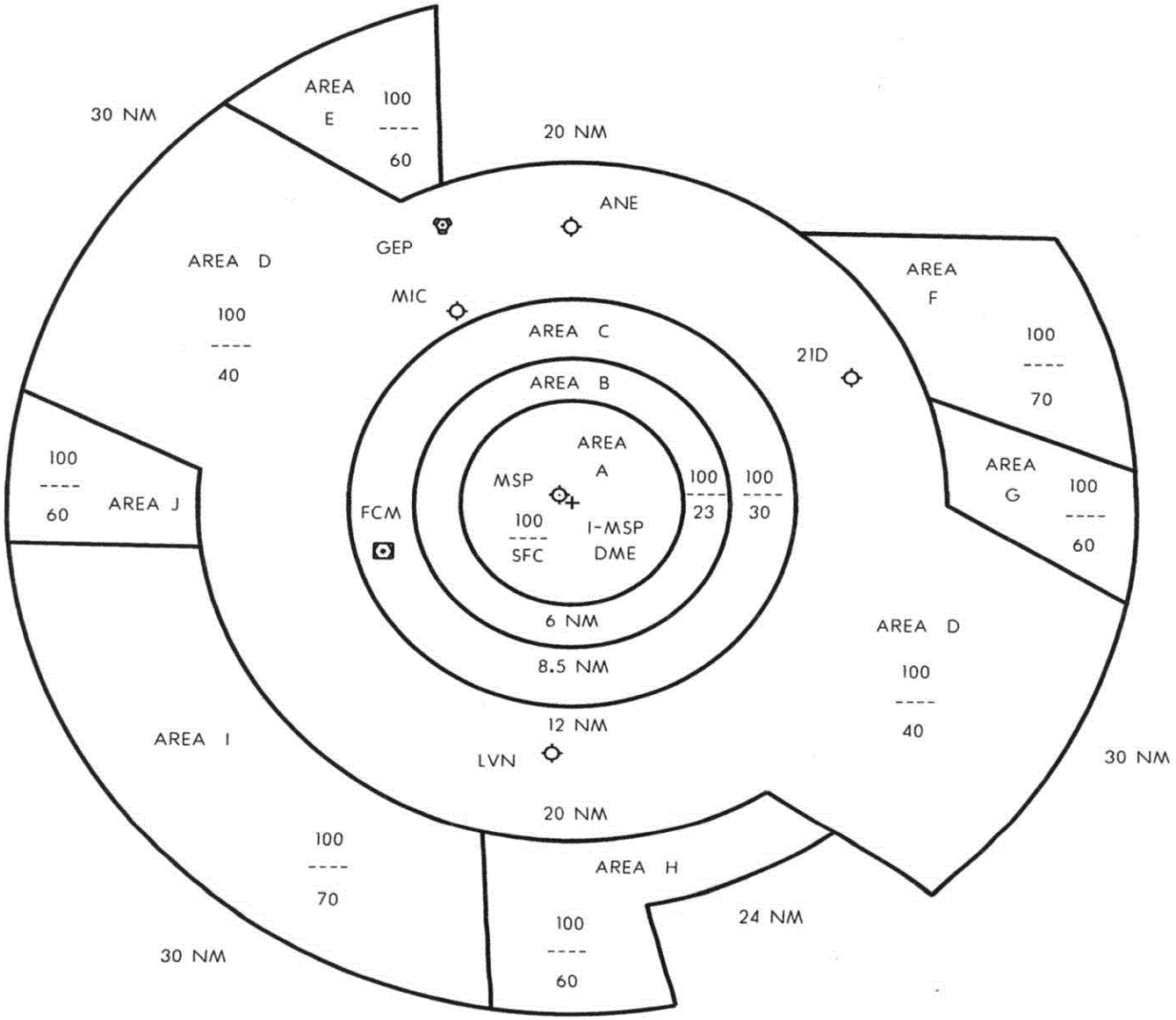
Gary A. Norek,

Manager, Airspace Policy and ATC Procedures Group.

BILLING CODE 4910–13–P

Figure 1

Modification of the Minneapolis, MN Class B Airspace Area
(Docket No. 09-AWA-1)



For Information Only – Not For Navigation

[FR Doc. 2013–24983 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2013–0838; Airspace Docket No. 12–AGL–17]

Modification of Restricted Areas R–6901A & R–6901B; Fort McCoy, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends Restricted Areas R–6901A and R–6901B, Fort McCoy, WI, to accurately identify the segment of Wisconsin State Highway 21 used to identify the shared boundary between the restricted areas. The geographic coordinates contained in the existing legal descriptions for defining the highway actually plot south of it. This is an administrative correction to accurately define the geographic coordinates where the restricted area boundaries intercept Wisconsin State Highway 21 and does not affect the overall restricted area boundaries; designated altitudes; times of designation; or activities conducted within the restricted areas.

DATES: Effective date 0901 UTC, December 12, 2013.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Airspace Policy and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

In December 1986, the FAA published a rule in the **Federal Register** (51 FR 44597, December 11, 1986) modifying the boundaries and time of designation of the existing R–6901, Fort McCoy, WI, deleting the southwest corner of the restricted area to remove McCoy Army Airfield from restricted airspace and subdivide the remaining area into two separate restricted areas. The rule also reduced the times of designation of the new restricted areas to more accurately depict actual use and make the airspace available for public access when it is not required by the using agency. Restricted area R–6901 was subdivided into two separate areas, R–6901A and R–6901B, along a line where Wisconsin State Highway 21 crossed the area. Unfortunately, the geographic coordinate references in the legal description describing where the restricted area boundaries intercept the highway lie south of the actual location of the highway.

The Rule

The FAA is amending 14 CFR part 73 to amend restricted areas R–6901A and R–6901B at Fort McCoy, WI. This action corrects the geographic coordinates in the legal description boundary information to accurately reflect where the boundary actually intercepts Wisconsin State Highway 21. The correct geographic coordinates for identifying where the R–6901A boundary intercepts Wisconsin State Highway 21 are ''lat. 44°00′28″ N., long. 90°36′41″ W.'' and ''lat. 44°00′27″ N., long. 90°38′45″ W.'' The correct geographic coordinates for identifying where the R–6901B boundary intercepts Wisconsin State Highway 21 are ''lat. 43°59′58″ N., long. 90°43′10″ W.'' and ''lat. 44°00′28″ N., long. 90°36′41″ W.''

This action also inserts an additional geographic coordinate to the eastern boundary of R–6901B to retain a shared boundary with the Volk South Military Operations Area. The FAA is taking this action to accurately define the geographic coordinates where the restricted area boundaries intercept Wisconsin State Highway 21, which is then used as a visual landmark describing the shared boundary between the two restricted areas, and is in concert with the FAA's aeronautical database.

This is as administrative change to update the geographic (latitude/longitude) coordinates accurately reflecting where the boundaries intercept Wisconsin State Highway 21. It does not affect the boundaries, designated altitudes, or activities conducted within the restricted areas; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it makes an administrative change to the descriptions of Restricted Areas R–6901A and R–6901B, Fort McCoy, WI.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311d. This airspace action is an administrative change to the descriptions of the affected restricted areas which corrects the geographic coordinates defining a segment of a state highway forming the shared boundary between the restricted areas. It does not alter the dimensions, altitudes, or times of designation of the airspace; therefore, it is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

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

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

§ 73.69 [Amended]

■ 2. Section 73.69 is amended as follows:

R–6901A Fort McCoy, WI [Amended]

By removing the current boundaries description and substituting the following:

Boundaries. Beginning at lat. 44°08′40″ N., long. 90°44′20″ W.; to lat. 44°08′40″ N., long. 90°40′22″ W.; to lat. 44°09′36″ N., long. 90°40′22″ W.; to lat. 44°09′36″ N., long. 90°36′50″ W.; to lat. 44°00′28″ N., long. 90°36′41″ W.; then West along Wisconsin State Highway 21; to lat. 44°00′27″ N., long. 90°38′45″ W.; to lat. 44°01′45″ N., long. 90°44′31″ W.; to the point of beginning.

R–6901B Fort McCoy, WI [Amended]

By removing the current boundaries description and substituting the following:

Boundaries. Beginning at lat. 43°59′58″ N., long. 90°43′10″ W.; then East along Wisconsin State Highway 21; to lat. 44°00′28″ N., long. 90°36′41″ W.; to lat. 44°00′10″ N., long. 90°36′41″ W.; to lat. 44°00′02″ N., long. 90°36′35″ W.; to lat. 44°00′02″ N., long. 90°35′15″ W.; to lat. 43°56′22″ N., long. 90°35′22″ W.; to lat. 43°56′22″ N., long. 90°39′00″ W.; to lat. 43°56′38″ N., long. 90°41′00″ W.; to lat. 43°56′44″ N., long. 90°43′17″ W.; to the point of beginning.

* * * * *

Issued in Washington, DC on October 21, 2013.

Gary A. Norek,

Manager, Airspace Policy and ATC Procedures Group.

[FR Doc. 2013–25203 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2013–0771; Airspace Docket No. 13–ASW–18]

RIN 2120–AA66

Change of Using Agency for Restricted Areas R–5115, NM, and R–6316, R–6317, and R–6318, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action updates the name of the using agencies for Restricted Areas R–5115 in New Mexico and R–6316, R–6317, and R–6318 in Texas at the request of the Department of the Air Force. This is an administrative change only and does not affect the boundaries; designated altitudes; times of designation; or activities conducted within the affected restricted areas.

DATES: *Effective date:* 0901 UTC, December 12, 2013.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Airspace Policy and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Background

As a result of the realignment of organizational responsibilities between federal agencies, U.S. Customs and Border Protection has been assigned the function of using agency for restricted areas R–5115 in New Mexico; and R–6316, R–6317, and R–6318 in Texas. The transfer of using agency operational control occurs October 1, 2013. This action is an administrative name change only and does not affect the current dimensions or use of the restricted areas.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by amending the using agency name for Restricted Areas R–5115 Deming, NM; R–6316 Eagle Pass, TX; R–6317 El Sauz, TX; and R–6318 Marfa, TX. The using agency for R–5115, R–6316, R–6317, and R–6318 is changed from ''Western Air Defense Sector'' to ''U.S. Customs and Border Protection, Air and Marine Operations Center (AMOC), Riverside, CA.''

This is an administrative change to update the title of the using agencies. It does not affect the boundaries, designated altitudes, or activities conducted within the restricted areas; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the descriptions of restricted areas R–5115, R–6316, R–6317, and R–6318 to reflect current organizational responsibilities.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311d. This airspace action is an administrative change to the descriptions of the affected restricted areas to update the using agency name. It does not alter the dimensions, altitudes, or times of designation of the airspace; therefore, it is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

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

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

§ 73.51 [Amended]

■ 2. Section 73.51 is amended as follows:

* * * * *

R–5115 Deming, NM [Amended]

By removing the current using agency and substituting the following:

Using agency. U.S. Customs and Border Protection, Air and Marine Operations Center (AMOC), Riverside, CA.

§ 73.63 [Amended]

■ 3. Section 73.63 is amended as follows:

* * * * *

R–6316 Eagle Pass, TX [Amended]

By removing the current using agency and substituting the following:

Using agency. U.S. Customs and Border Protection, Air and Marine Operations Center (AMOC), Riverside, CA.

R–6317 El Sauz, TX [Amended]

By removing the current using agency and substituting the following:

Using agency. U.S. Customs and Border Protection, Air and Marine Operations Center (AMOC), Riverside, CA.

R–6318 Marfa, TX [Amended]

By removing the current using agency and substituting the following:

Using agency. U.S. Customs and Border Protection, Air and Marine Operations Center (AMOC), Riverside, CA.

Issued in Washington, DC on October 21, 2013.

Gary A. Norek,

Manager, Airspace Policy and ATC Procedures Group.

[FR Doc. 2013–25205 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2013–0802; Airspace Docket No. 13–AWP–7]

RIN 2120–AA66

Amendment of Restricted Area R–2515; Muroc Lake, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action changes the using agency name for Restricted Area R–2515 Muroc Lake, CA, to read ''Commander, 412th Test Wing (412 TW) Edwards AFB, CA'' due to Department of the Air Force organizational realignments. There are no changes to the boundaries; designated altitudes; time of designation; or activities conducted within the restricted area.

DATES: Effective date 0901 UTC, December 12, 2013.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by changing the using agency name for Restricted Area R–2515 Muroc Lake, CA, from ''Commander Air Force Flight Test Center, Edwards AFB, CA'' to ''Commander, 412th Test Wing (412 TW), Edwards AFB, CA.'' As part of the Air Force Materiel Command's reorganization, responsibility for the day-to-day operation of R–2515 was assigned to the 412 TW at Edwards AFB, CA. This is an administrative change to update the name of the using agency. It does not affect the boundaries, designated altitudes, or activities conducted within the restricted area; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as amends the description of Restricted Area R–2515, Edwards AFB, CA.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311d. This action is an administrative change to the description of the affected restricted area to update the using agency name. It does not alter the dimensions, altitudes, or times of designation of the airspace; therefore, it is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

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

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

§ 73.25 [Amended]

■ 2. Section 73.25 is amended as follows:

* * * * *

R–21515 Muroc Lake, CA [Amended]

Under Using Agency, remove ''Commander, Air Force Flight Test Center, Edwards AFB, CA'' and insert ''Commander, 412 Test Wing (412 TW), Edwards AFB, CA.''

Issued in Washington, DC on October 21, 2013.

Gary A. Norek,

Manager, Airspace Policy and ATC Procedures Group.

[FR Doc. 2013–25209 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2013–0803; Airspace Docket No. 13–ASO–20]

RIN 2120–AA66

Change of Using Agency for Restricted Areas R–2916, FL and R–7105, PR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action updates the name of the using agencies for Restricted Areas R–2916, FL and R–7105, PR, at the request of the Department of the Air Force. This is an administrative change only and does not affect the boundaries; designated altitudes; time of designation; or activities conducted within the affected restricted areas.

DATES: Effective date: 0901 UTC, December 12, 2013.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Background

As a result of the realignment of organizational responsibilities between federal agencies, U.S. Customs and Border Protection has been assigned the function of using agency for restricted areas R–2916 in Florida and R–7105 in Puerto Rico. This is an administrative name change only and does not affect the current dimensions or use of the restricted areas.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by amending the using agency name for Restricted Areas R–2916 Cudjoe Key, FL and R–7105 Lajas, PR. The using agency for R–2916 is changed from ''USAF, Southeast Air Defense Sector/Director of Operations, Tyndall AFB, FL,'' to ''U.S. Customs and Border Protection, Air and Marine Operations Center, March ARB, CA.'' The using agency for R–7105 is changed from ''Puerto Rico Police Department'' to ''U.S. Customs and Border Protection, Caribbean Air and Marine Operations Center, Punta Salinas, PR.''

This is an administrative change to update the title of the using agencies. It does not affect the boundaries, designated altitudes, or activities conducted within the restricted areas; therefore, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the descriptions of restricted areas to reflect current organizational responsibilities.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311d. This airspace action is an administrative change to the descriptions of the affected restricted areas to update the using agency name. It does not alter the dimensions, altitudes, or times of designation of the airspace; therefore, it is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

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

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

§ 73.29 [Amended]

■ 2. Section 73.29 is amended as follows:

* * * * *

R–2916 Cudjoe Key, FL [Amended]

Under Using agency, remove ''USAF, Southeast Air Defense Sector/Director of Operations, Tyndall AFB, FL'' and insert ''U.S. Customs and Border Protection, Air and Marine Operations Center, March ARB, CA.''

§ 73.71 [Amended]

■ 3. Section 73.71 is amended as follows:

* * * * *

R–7105 Lajas, PR [Amended]

Under Using agency, remove 'Puerto Rico Police Department'' and insert ''U.S. Customs and Border Protection, Caribbean Air and Marine Operations Center, Punta Salinas, PR.''

Issued in Washington, DC on October 21, 2013.

Gary A. Norek,

Manager, Airspace Policy and ATC Procedures Group.

[FR Doc. 2013–25207 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2013–0816; Airspace Docket No. 13–ANM–24]

RIN 2120–AA66

Change of Using Agency for Restricted Areas R–2309 and R–2312, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action updates the name of the using agency for Restricted Areas R–2309 and R–2312 located in Arizona. This is an administrative change only, requested by the Department of the Air Force, and does not affect the

boundaries; designated altitudes; times of designation; or activities conducted within the affected restricted areas.

DATES: *Effective date:* 0901 UTC, December 12, 2013.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Airspace Policy and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Background

As a result of the realignment of organizational responsibilities between federal agencies, U.S. Customs and Border Protection has been assigned the function of using agency for restricted areas R–2309 and R–2312 located in Arizona. The transfer of using agency operational control occurs October 1, 2013. This action is an administrative name change only and does not affect the current dimensions or use of the restricted areas.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by amending the using agency name for Restricted Areas R–2309 Yuma, AZ, and R–2312 Fort Huachuca, AZ. The using agency for these restricted areas is changed from ''U.S. Air Force, Western Air Defense Sector/DOS, McChord AFB, WA'' to ''U.S. Customs and Border Protection, Air and Marine Operations Center (AMOC), Riverside, CA.''

This is an administrative change to update the title of the using agencies. It does not affect the boundaries, designated altitudes, or activities conducted within the restricted areas; therefore, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the descriptions of restricted areas R–2309 and R–2312 to reflect current organizational responsibilities.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311d. This airspace action is an administrative change to the descriptions of the affected restricted areas to update the using agency name. It does not alter the dimensions, altitudes, or times of designation of the airspace; therefore, it is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

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

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

§ 73.23 [Amended]

■ 2. Section 73.23 is amended as follows:

* * * * *

R–2309 Yuma, AZ [Amended]

By removing the current using agency and substituting the following:

Using agency. U.S. Customs and Border Protection, Air and Marine Operations Center (AMOC), Riverside, CA.

* * * * *

R–2312 Fort Huachuca, AZ [Amended]

By removing the current using agency and substituting the following:

Using agency. U.S. Customs and Border Protection, Air and Marine Operations Center (AMOC), Riverside, CA.

Issued in Washington, DC, on October 21, 2013.

Gary A. Norek,

Manager, Airspace Policy and ATC Procedures Group.

[FR Doc. 2013–25210 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, and 558

[Docket No. FDA–2013–N–0002]

New Animal Drugs; Change of Sponsor; Gonadorelin; Ivermectin; Ractopamine; Trimethoprim and Sulfadiazine Suspension; Tulathromycin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during July 2013. FDA is also informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to reflect a change of sponsorship for an ANADA.

DATES: This rule is effective October 25, 2013.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855; 240–276–9019; *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during July 2013, as listed in table 1. In addition, FDA is informing the public of the availability, where

applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday. Persons with access to the Internet may obtain these documents at the CVM FOIA Electronic Reading Room: *http://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CVM/CVMFOIAElectronicReadingRoom/default.htm.*

In addition, ECO LLC, 344 Nassau St., Princeton, NJ 08540 has informed FDA that it has transferred ownership of, and all rights and interest in, ANADA 200–348 for ECOMECTIN (ivermectin) Topical Solution to SmartVet USA, Inc., 22201 West Innovation Dr., Suite 170A, Olathe, KS 66061–1304. Accordingly, the Agency is amending the regulations to reflect this change of sponsorship.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING JULY 2013

NADA/ ANADA	Sponsor	New Animal drug product name	Action	21 CFR Section	FOIA Summary	NEPA Review
139–237	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	FACTREL (gonadorelin injection) Injection.	Supplemental approval for use with LUTALYSE (dinoprost tromethamine) Sterile Solution to synchronize estrous cycles to allow fixed-time artificial insemination (FTAI) in lactating dairy cows.	522.1077	Yes	CE [1]
141–349	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	DRAXXIN 25 (tulathromycin) Injectable Solution.	Original approval for the treatment and control of swine respiratory disease (SRD).	522.2630	Yes	CE [1]
141–360	Aurora Pharmaceutical, LLC, 1196 Highway 3 South, Northfield, MN 55057–3009.	EQUISUL–SDT (sulfadiazine/ trimethoprim) Oral Suspension.	Original approval for the treatment of lower respiratory tract infections in horses caused by susceptible strains of *Streptococcus equi* subsp. *zooepidemicus*.	520.2612	Yes	CE [1]
200–542	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	ENGAIN 9 and ENGAIN 45 (ractopamine hydrochloride) Type A medicated articles.	Original approval as a generic copy of NADA 140–863.	558.500	Yes	CE [1]
200–548	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	ACTOGAIN 45 (ractopamine hydrochloride) Type A medicated articles.	Original approval as a generic copy of NADA 141–221.	558.500	Yes	CE [1]

[1] The Agency has determined under 21 CFR 25.33 that this action is categorically excluded (CE) from the requirement to submit an environmental assessment or an environmental impact statement because it is of a type that does not individually or cumulatively have a significant effect on the human environment.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522 and 524

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, 522, 524, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1), alphabetically add entries for ''Aurora Pharmaceutical, LLC'' and ''SmartVet USA, Inc.''; and in the table in paragraph (c)(2), numerically add entries for ''051072'' and ''086001'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Aurora Pharmaceutical, LLC, 1196 Highway 3 South, Northfield, MN 55057–3009	051072
* * * * *	
SmartVet USA, Inc., 22201 West Innovation Dr., Suite 170A, Olathe, KS 66061–1304	086001
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
051072	Aurora Pharmaceutical, LLC, 1196 Highway 3 South, Northfield, MN 55057–3009
* * * * *	
086001	SmartVet USA, Inc., 22201 West Innovation Dr., Suite 170A, Olathe, KS 66061–1304
* * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 4. Revise § 520.2612 to read as follows:

§ 520.2612 Trimethoprim and sulfadiazine suspension.

(a) *Specifications.* Each milliliter (mL) of suspension contains:

(1) 10 milligrams (mg) trimethoprim and 50 mg sulfadiazine; or

(2) 400 mg combined active ingredients (67 mg trimethoprim and 333 mg sulfadiazine).

(b) *Sponsors.* See sponsor numbers in § 510.600 of this chapter:

(1) No. 000061 for use of product described in paragraph (a)(1) for use as in paragraph (c)(1) of this section.

(2) No. 051072 for use of product described in paragraph (a)(2) for use as in paragraph (c)(2) of this section.

(c) *Conditions of use*—(1) *Dogs*—(i) *Amount.* Administer 1 mL (10 mg trimethoprim and 50 mg sulfadiazine) per 5 pounds (lb) of body weight once daily, or one-half the recommended daily dose every 12 hours, for up to 14 consecutive days.

(ii) *Indications for use.* The drug is used in dogs where systemic antibacterial action against sensitive organisms is required, either alone or as an adjunct to surgery or debridement with associated infection. The drug is indicated where control of bacterial infection is required during the treatment of acute urinary tract infections, acute bacterial complications of distemper, acute respiratory tract infections, acute alimentary tract infections, wound infections, and abscesses.

(iii) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Horses*—(i) *Amount.* Administer 24 mg combined active ingredients per kilogram of body weight (2.7 mL/100 lb) twice daily for 10 days.

(ii) *Indications for use.* For the treatment of lower respiratory tract infections in horses caused by susceptible strains of *Streptococcus equi* subsp. *zooepidemicus.*

(iii) *Limitations.* Do not use in horses intended for human consumption. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 5. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 6. Revise § 522.1077 to read as follows:

§ 522.1077 Gonadorelin hydrochloride.

(a) *Specifications.* Each milliliter of solution contains 50 micrograms (mcg) of gonadorelin (as hydrochloride).

(b) *Sponsor.* See No. 054771 in § 510.600(c) of this chapter.

(c) *Conditions of use in cattle*—(1) *Indications for use and amounts*—(i) For the treatment of ovarian follicular cysts in cattle, administer 100 mcg gonadorelin by intramuscular injection.

(ii) For use with dinoprost tromethamine to synchronize estrous cycles to allow fixed-time artificial insemination (FTAI) in lactating dairy cows, administer to each cow 100 to 200 mcg gonadorelin by intramuscular injection, followed 6 to 8 days later by 25 mg dinoprost tromethamine by intramuscular injection, followed 30 to 72 hours later by 100 to 200 mcg gonadorelin by intramuscular injection.

(2) *Limitations.* Dinoprost tromethamine as provided by sponsor No. 054771 in § 510.600(c) of this chapter. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 7. In § 522.2630, revise paragraphs (a) and (b) to read as follows:

§ 522.2630 Tulathromycin.

(a) *Specifications.* Each milliliter of solution contains:

(1) 100 milligrams (mg) tulathromycin

(2) 25 mg tulathromycin

(b) *Sponsor.* See No. 054771 in § 510.600(c) of this chapter for use as in paragraph (d) of this section:

(1) Product described as in paragraph (a)(1) for use as in paragraph (d).

(2) Product described as in paragraph (a)(2) for use as in paragraph (d)(2).

* * * * *

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 8. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 524.1193 [Amended]

■ 9. In paragraph (b)(2) of § 524.1193, remove ''066916'' and in its place add ''086001''.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 10. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.500 [Amended]

■ 11. In § 558.500, in paragraph (a), remove ''45'' and in its place add ''45.4''; in paragraph (b), remove ''No. 000986'' and in its place add ''Nos. 000986 and 054771''; in the table in paragraph (e)(1), in the ''Ractopamine in grams/ton'' column, remove ''4.5 to 9'' wherever it occurs and in its place add ''4.5 to 9.0''; and in the table in paragraphs (e)(1)(i), (e)(2)(i), (e)(2)(vi), and (e)(2)(xi), in the ''Sponsor'' column, add ''054771''.

Dated: October 22, 2013.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2013–25172 Filed 10–24–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1240

[Docket No. FDA–2013–N–0639]

Turtles Intrastate and Interstate Requirements

Correction

In rule document 2013–17751 appearing on pages 44878–44881 in the issue of July 25, 2013, make the following correction:

On page 44879, in the first column, under the **DATES** heading, in the first and second lines, ''January 16, 2014'' should read ''December 9, 2013''.

[FR Doc. C1–2013–17751 Filed 10–24–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 543

RIN 3141–AA27

Minimum Internal Control Standards

AGENCY: National Indian Gaming Commission, Interior.

ACTION: Final rule.

SUMMARY: The National Indian Gaming Commission (NIGC) amends its minimum internal control standards for Class II gaming under the Indian Gaming Regulatory Act to add standards for kiosks.

DATES: Effective November 25, 2013.

FOR FURTHER INFORMATION CONTACT: National Indian Gaming Commission, 1441 L Street NW., Suite 9100 Washington, DC 20005. Telephone: 202–632–7009; email: *reg.review@nigc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Indian Gaming Regulatory Act (IGRA or Act), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* was signed into law on October 17, 1988. The Act established the National Indian Gaming Commission (''NIGC'' or ''Commission'') and set out a comprehensive framework for the regulation of gaming on Indian lands. On January 5, 1999, the NIGC published a final rule in the **Federal Register** called *Minimum Internal Control Standards.* 64 FR 590. The rule added a new part to the Commission's regulations establishing Minimum Internal Control Standards (MICS) to reduce the risk of loss because of customer or employee access to cash and cash equivalents within a casino. The rule contains standards and procedures that govern cash handling, documentation, game integrity, auditing, surveillance, and variances, as well as other areas.

The Commission recognized from their inception that the MICS would require periodic review and updates to keep pace with technology and has substantively amended them numerous times, most recently on September 21, 2012. 77 FR 58708.

II. Development of the Rule

On September 21, 2012, the Commission concluded nearly two years of consultation and drafting with the publication of comprehensive amendments, additions, and updates to Part 543, the minimum internal control standards (MICS) for Class II gaming operations. The regulations require tribes to establish controls and implement procedures at least as stringent as those described in this part to maintain the integrity of the gaming operation.

One of the 2012 additions was the inclusion of standards for kiosks, devices capable of redeeming vouchers and/or wagering credits or initiating transfers from a patron deposit account. The regulation provided general standards for kiosks but, upon further review, additional standards are needed for the surveillance of kiosks and for the collection and count of their contents.

The Commission published a proposed rule adding kiosk drop, count, fill, and surveillance standards to Part 543 on February 20, 2013 (78 FR 11793). The Commission received numerous comments and, after engaging in two tribal consultations and considering all public comments, has revised the rule.

III. Review of Public Comments

Many commenters expressed overarching concerns with the rule's structure and scope, questioning whether the proposed rule truly contained minimum standards. The Commission agrees with the commenters, and has scaled back the rule to contain minimum internal controls for kiosks. To begin, commenters distinguished kiosks from player interfaces and card tables, explaining that kiosks operate on an imprest level, are maintained on the cage accountability, and do not present the same risks as the revenue generating centers. Therefore, they contend that it is excessive and inappropriate to apply the strict drop and count process to kiosks. The Commission agrees. Accordingly, references to the drop and count team have been replaced with more general terminology (i.e., authorized agents); a provision has been added to allow the count to take place ''in a secure area, such as the cage or count room;'' and many of the stringent count standards have been removed to account for those operations performing the kiosk count in the cage and to reflect lower level of risk presented by kiosks. By removing many of the count standards, the Commission has also resolved specific concerns about provisions that were contained in those standards, such as testing count equipment and assigning unique asset identification numbers.

Commenters also suggested that the kiosk standards would be better placed in the Cage section. The Commission acknowledges that kiosks are maintained on the cage accountability and that some provisions may reasonably be organized under the cage section, while others may overlap. Accordingly, where the Cage section contains fill and report standards, similar standards have been removed from the Drop and Count sections to avoid redundancy. The Commission declines, however, to relocate all kiosk standards to the Cage section because the process of removing the currency cassettes and financial instrument storage components is most similar to—though less stringent than—the drop and count process for player interfaces and card tables. By removing the report provisions, The Commission has also resolved commenters' concerns regarding the automatic generation of the reports and any incidental viewing of them by those removing the currency cassettes and/or financial instrument storage components.

Commenters also expressed concerns with definitions. Two comments suggested that the definition of kiosk should be limited only to the type of kiosks that dispense currency. It appears, however, that the commenters were referencing a definition of kiosk that has since been superseded by the publication of 25 CFR 543.2 on September 21, 2012 (77 FR 58708). The Commission believes that the current definition satisfies the commenters' concerns by appropriately limiting the term to redemption kiosks.

Additionally, commenters objected to defining currency cassettes as a ''locked'' compartment because not all cassettes are locked and it would be impracticable and cost prohibitive to have a lock installed on each cassette. The Commission agrees and has removed ''locked'' from the definition. Additionally, the Commission has replaced the controlled key standards for kiosks with a more general statement requiring controls to be established and procedures implemented to safeguard the keys for kiosks. Further, the Commission notes that § 543.18(d)(3) adequately protects the integrity of currency cassettes by requiring them to be secured with a lock or tamper resistant seal if not placed inside a kiosk.

Commenters stated that requiring three agents to remove currency cassettes and financial instrument storage components from kiosks is excessive. The Commission agrees and has reduced the requirement to two agents.

Commenters explained that requiring operations to test currency cassettes to verify the correct denomination in each cassette is not possible for many machines because they have multiple cassettes of the same denomination and

the machine must exhaust the first cassette before dispensing from the others. The Commission appreciates this explanation and has replaced the standard with a more general requirement for operations to establish controls and implement procedures to ensure that cassettes contain the correct denominations.

One commenter requested clarification of ''emergency'' as it applies to authorized persons being permitted to access full kiosk currency cassettes and financial instrument storage components ''in an emergency'' for resolution of a problem. As the Commission has explained in previous preambles (See 77 FR 58708), the tribal gaming regulatory authorities and operation management are in the best position to define the term and the Commission declines to substitute its judgment.

One commenter noted that coupons have cash value and must, rather than ''may,'' be recorded. The Commission chooses not to make this change, but intends to consider it in the next rulemaking session.

Commenters suggested that Tier A facilities should be exempted from the requirement to notify surveillance before removing cassettes and components from kiosks because they are not required to have a staffed surveillance room. The Commission acknowledges this concern, notes that the discrepancy also appears in the drop and count standards for player interfaces and card games, and intends to address the issue comprehensively in the next rulemaking session. In the meantime, the Commission does not expect operations to make futile efforts to notify a nonexistent surveillance staff member.

Finally, commenters expressed concern that the surveillance standard for kiosks may require more than one dedicated camera for each kiosk, presenting a considerable expense to operations. The Commission stresses that the cameras need only capture a general overview of each kiosk with sufficient clarity to identify the activity and the individuals performing it. This means, for example, that if a patron is redeeming a voucher, someone viewing the surveillance footage should be able to determine that the activity was a redemption. The camera is not required to capture the amount of the voucher or the denominations of currency being dispensed. The Commission declines to reduce the standard further.

Regulatory Matters

Regulatory Flexibility Act

The rule will not have a significant impact on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Moreover, Indian Tribes are not considered to be small entities for the purposes of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

The rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. The rule does not have an effect on the economy of $100 million or more. The rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, local government agencies or geographic regions, nor will the proposed rule have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of the enterprises, to compete with foreign based enterprises.

Unfunded Mandate Reform Act

The Commission, as an independent regulatory agency, is exempt from compliance with the Unfunded Mandates Reform Act, 2 U.S.C. 1502(1); 2 U.S.C. 658(1).

Takings

In accordance with Executive Order 12630, the Commission has determined that the rule does not have significant takings implications. A takings implication assessment is not required.

Civil Justice Reform

In accordance with Executive Order 12988, the Commission has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act

The Commission has determined that the rule does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*

Paperwork Reduction Act

The information collection requirements contained in this rule were previously approved by the Office of Management and Budget as required by 44 U.S.C. 3501, *et seq.,* and assigned OMB Control Number 3141–0009. The OMB control number expires on October 31, 2015.

Text of the Final Rule

For the reasons discussed in the preamble, the Commission amends 25 CFR part 543 as follows:

PART 543—MINIMUM INTERNAL CONTROL STANDARDS FOR CLASS II GAMING

■ 1. The authority for Part 543 continues to read as follows:

Authority: 25 U.S.C. 2702(2), 2706(b)(1–4), 2706(b)(10).

■ 2. Amend § 543.2 by adding a definition for *currency cassette* in alphabetical order to read as follows:

§ 543.2 What are the definitions for this part?

* * * * *

Currency cassette. A compartment that contains a specified denomination of currency. Currency cassettes are inserted into kiosks, allowing them to dispense currency.

* * * * *

■ 3. Amend § 543.17 by revising the section heading and paragraphs (h) and (i), and adding paragraphs (j) and (k) to read as follows:

§ 543.17 What are the minimum internal control standards for drop and count?

* * * * *

(h) *Collecting currency cassettes and financial instrument storage components from kiosks.* Controls must be established and procedures implemented to ensure that currency cassettes and financial instrument storage components are securely removed from kiosks. Such controls must include the following:

(1) Surveillance must be notified prior to the financial instrument storage components or currency cassettes being accessed in a kiosk.

(2) At least two agents must be involved in the collection of currency cassettes and/or financial instrument storage components from kiosks and at least one agent should be independent of kiosk accountability.

(3) Currency cassettes and financial instrument storage components must be secured in a manner that restricts access to only authorized agents.

(4) Redeemed vouchers and pulltabs (if applicable) collected from the kiosk must be secured and delivered to the appropriate department (cage or accounting) for reconciliation.

(5) Controls must be established and procedures implemented to ensure that currency cassettes contain the correct

denominations and have been properly installed.

(i) *Kiosk count standards.* (1) Access to stored full kiosk financial instrument storage components and currency cassettes must be restricted to:

(i) Authorized agents; and

(ii) In an emergency, authorized persons for the resolution of a problem.

(2) The kiosk count must be performed in a secure area, such as the cage or count room.

(3) If counts from various revenue centers and kiosks occur simultaneously in the count room, procedures must be in effect that prevent the commingling of funds from the kiosks with any revenue centers.

(4) The kiosk financial instrument storage components and currency cassettes must be individually emptied and counted so as to prevent the commingling of funds between kiosks until the count of the kiosk contents has been recorded.

(i) The count of must be recorded in ink or other permanent form of recordation.

(ii) Coupons or other promotional items not included in gross revenue (if any) may be recorded on a supplemental document. All single-use coupons must be cancelled daily by an authorized agent to prevent improper recirculation.

(5) Procedures must be implemented to ensure that any corrections to the count documentation are permanent, identifiable, and the original, corrected information remains legible. Corrections must be verified by two agents.

(j) *Controlled keys.* Controls must be established and procedures implemented to safeguard the use, access, and security of keys for kiosks.

(k) *Variances.* The operation must establish, as approved by the TGRA, the threshold level at which a variance must be reviewed to determine the cause. Any such review must be documented.

■ 4. Amend § 543.21 by adding paragraph (c)(6) to read as follows:

§ 543.21 What are the minimum internal control standards for surveillance?

* * * * *

(c) * * *

(6) Kiosks: The surveillance system must monitor and record a general overview of activities occurring at each kiosk with sufficient clarity to identify the activity and the individuals performing it, including maintenance, drops or fills, and redemption of wagering vouchers or credits.

* * * * *

Dated: September 24, 2013, Washington, DC.

Tracie L. Stevens,

Chairwoman.

Daniel J. Little,

Associate Commissioner.

Jonodev O. Chaudhuri,

Associate Commissioner.

[FR Doc. 2013–23977 Filed 10–24–13; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 524

[BOP–AB60–F]

RIN 1120–AB60

Progress Reports Rules Revision

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons (Bureau) removes from regulations and/or modifies two types of progress reports: transfer reports and triennial reports.

DATES: This rule is effective on November 25, 2013.

FOR FURTHER INFORMATION CONTACT: Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 307–2105.

SUPPLEMENTARY INFORMATION: In this final rule, the Bureau removes from regulations and/or modifies two types of progress reports: Transfer reports and triennial reports. We published a proposed rule on this topic on September 15, 2011 (76 FR 57012).

Section 524.41, entitled ''Types of progress reports,'' lists several types of progress reports prepared for non-Bureau entities, such as for parole hearings, pre-release, final (prepared 90 days before an inmate's release to a term of supervision), and for other reasons (such as upon court request or a clemency review). The previous regulations also identified two types of progress reports that were primarily intended for internal Bureau purposes: Those prepared when inmates transfer to community confinement or another institution, and those prepared triennially if not more frequently done for any other reason.

Transfer Reports. The previous regulations defined ''transfer report'' as one prepared on an inmate recommended and/or approved for transfer to community confinement or to another institution and whose progress has not been summarized within the previous 180 days. The Bureau modifies this definition in the final rule to indicate that transfer reports will only be prepared on inmates transferring to community confinement or non-Bureau facilities.

Current Bureau practice and advances in technology have obviated the need to prepare a specific paper report when an inmate is transferred between Bureau facilities. When an inmate is transferred, all pertinent information regarding the progress of an inmate being transferred has already been updated in the Bureau's computer system, which staff may access at all Bureau facilities. It is, therefore, unnecessary for a separate and specific progress report to be prepared by staff at the transferring Bureau facility for staff at the receiving Bureau facility, when receiving facility staff can easily access this information themselves through the Bureau's computer system.

However, when an inmate is transferring to any non-Bureau facility, staff at that facility may not have access to the Bureau's computer system. The proposed rule also contemplated removing the requirement to prepare transfer reports for inmates transferring to Bureau community confinement facilities. However, since publishing the proposed rule, it has come to the Bureau's attention that some Bureau community confinement facilities do not yet have the capability to access the Bureau's computer system. Therefore, because they do not have consistent access to the Bureau's computer system, it would be necessary for Bureau staff to prepare a transfer report detailing an inmate's progress for inmate transfers to both community confinement facilities and non-Bureau facilities. In an abundance of caution, therefore, we modify the proposed rule to indicate that transfer reports must continue to be prepared not only for inmate transfers to non-Bureau facilities, but for transfers to community confinement as well.

Triennial Reports. In the final rule, the Bureau deletes triennial reports as a type of progress report. Previous regulations stated that a progress report would be prepared on each designated inmate at least once every 36 months if not previously generated for another reason.

Before the development of the internal Bureau computer information network, triennial reports were a necessary tool used to provide staff with specific inmate information. As explained above, however, current Bureau practice and advances in technology have obviated the need to prepare a specific progress report every 36 months, because all information

regarding an inmate's progress is continually updated in the Bureau's computer system, which staff may access at all Bureau facilities.

Response to Comments

We received a total of 4 comments on the proposed rule. We address issues raised by each commenter below.

Two commenters expressed concerns with the Bureau's computer system, which we referred to in the proposed rule. We stated that there is no need for a transfer report when an inmate is transferred between Bureau facilities because inmate information is updated in the Bureau's computer system, which staff may access at all Bureau facilities. We also stated that information regarding an inmate's progress is continually updated in the Bureau's computer system, obviating the need for a triennial report. The commenter stated that ''there should be a backup in the case that the computer system becomes temporarily or permanently unavailable.''

The Bureau's ''backup'' in case of unavailability of the computer system is the Inmate Central File. All information regarding an inmate's progress is contained in that inmate's Central File, which is a physical, paper file which accompanies the inmate when he/she is transferred from facility to facility. Staff update the Central File whenever there is new activity with regard to the inmate. For instance, work reports are filed quarterly or monthly, inmate program completion certificates are filed when the inmate completes programs, disciplinary reports are filed when there are disciplinary incidents, etc., just as the computer system is continually updated.

Another commenter requested that the Bureau provide a ''more clarified reason for the removal [of triennial reports and transfer reports between Bureau facilities] and how it will benefit the public and agency.'' We explain the benefit in terms of the amount of staff time per year that would be saved. Both transfer reports and triennial reports take an average of one staff hour per report to complete. In the calendar year 2010, there were 69,517 transfers of inmates between Bureau facilities. Eliminating transfer reports between Bureau facilities would therefore result in a staff time savings of approximately 69,517 hours per year. As of January 2012, there are approximately 1,080 Bureau of Prisons case managers doing approximately 75 hour-length triennial reports per year. This results in an approximate staff time burden nationwide of 81,000 hours per year. Thus, eliminating transfer reports between Bureau facilities and triennial reports would save the Bureau approximately 150,517 staff hours per year, which could then be devoted to better ensuring the safety, security, and good order of the facilities and protection of the public through means such as detection of contraband, illegal communications, criminal activity, and other such problems.

A commenter had some specific questions with regard to transfer reports. He asked: ''Does the [computer] network address every issue a report would? Does the staff at the receiving Bureau [facility] fully examine the inmate's record upon arrival or is it possible that some important information could be missed?''

The purpose of the transfer report was to provide a summary of the inmate's progress and adjustment for the receiving institution. However, on review of this process, the Bureau determined this summary to be unnecessary because (1) the information input in the computer system included far more than that contained in the transfer report; and (2) staff at the receiving facility are required to review the Inmate Central File for the transferred inmate immediately upon the inmate's arrival in order to determine suitability for placement in general population regardless of whether they had reviewed the summary contained in the transfer report. Further, any decisions pertaining to the inmate must be based on a review of the Inmate Central File as a whole and an evaluation of the inmate during intake screening, not solely on the transfer report. While it is always possible that information may be missed, it is more likely that information would be missed during a cursory review of the summary contained in a transfer report than during a more thorough review of the entire Inmate Central File.

Two commenters also raised concerns that elimination of the triennial report requirement would cause less frequent reviews of inmate progress by staff. One commenter asked, ''Is it possible to include in the rule a clause that demands the information is reviewed triennially by the staff?''

The language in the regulation requiring a triennial report was a requirement on staff to complete the report, not a requirement on staff to review an inmate's progress. It is unnecessary to specifically include a clause in these regulations requiring staff to review an inmate's progress triennially because current regulations on inmate program reviews (28 CFR part 524) already require staff to review inmate progress through program reviews at least once every 180 calendar days or more frequently.

For the aforementioned reasons, we now finalize the proposed rule published on September 15, 2011 (76 FR 57012), with a minor change to re-insert the requirement to prepare transfer reports for inmates transferring to community confinement.

Executive Order 12866

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB.

Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, under Executive Order 13132, we determine that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), reviewed this regulation and by approving it certifies that it will not have a significant economic impact upon a substantial number of small entities for the following reasons: This rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau's appropriated funds.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a

major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 28 CFR Part 524

Prisoners.

Charles E. Samuels, Jr.,

Director, Bureau of Prisons.

Under rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons, we amend 28 CFR part 524 as set forth below.

PART 524—CLASSIFICATION OF INMATES

■ 1. The authority citation for 28 CFR part 524 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3521–3528, 3621, 3622, 3624, 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510.

■ 2. In § 524.41, remove paragraphs (d) and (e), redesignate paragraph (f) as (e), and add a new paragraph (d) to read as follows:

§ 524.41 Types of progress reports.

* * * * *

(d) *Transfer report*—prepared on an inmate transferring to community confinement or any non-Bureau facility.

* * * * *

[FR Doc. 2013–25166 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0392; FRL–9901–83–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Infrastructure Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware. The SIP revision addresses the infrastructure elements of the Clean Air Act (CAA), necessary to implement, maintain, and enforce the 2010 nitrogen dioxide (NO_2) national ambient air quality standard (NAAQS). EPA is approving this SIP revision in accordance with the requirements of the CAA.

DATES: This final rule is effective on November 25, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2013–0392. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by email at *quinto.rose@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On August 14, 2013 (78 FR 49409), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. In the NPR, EPA proposed approval of Delaware's submittal that provides the basic elements specified in section 110(a)(2) of the CAA, necessary to implement, maintain, and enforce the 2010 NO_2 NAAQS.

II. Summary of SIP Revision

On March 27, 2013, the Delaware Department of Natural Resources and Environmental Control (DNREC) submitted a SIP revision that addresses the infrastructure elements specified in section 110(a)(2) of the CAA, necessary to implement, maintain and enforce the 2010 NO_2 NAAQS. This submittal addressed the following infrastructure elements of section 110(a)(2): (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), and (M).

Specific requirements of section 110(a)(2) of the CAA and the rationale for EPA's proposed action to approve the SIP submittal are explained in the NPR and the technical support document (TSD) and will not be restated here. No public comments were received on the NPR.

III. Final Action

EPA is approving Delaware's submittal which provides the basic program elements specified in section 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M) of the CAA, necessary to implement, maintain, and enforce the 2010 NO_2 NAAQS, as a revision to the Delaware SIP. This rulemaking action is being taken under section 110 of the CAA. This rulemaking action does not include approval of Delaware's submittal for section of 110(a)(2)(I) of the CAA which pertains to the nonattainment requirements of part D, Title I of the CAA, since this element is not required to be submitted by the 3-year submission deadline of section 110(a)(1) of the CAA, and will be addressed in a separate process.

IV. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or

safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• does not provide 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.

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 24, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action pertaining to Delaware's section 110(a)(2) infrastructure elements for the 2010 NO_2 NAAQS, may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Reporting and recordkeeping requirements.

Dated: September 24, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart I—Delaware

■ 2. In § 52.420, the table in paragraph (e) is amended by adding an entry for Section 110(a)(2) Infrastructure Requirements for the 2010 NO_2 NAAQS at the end of the table to read as follows:

§ 52.420 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Section 110(a)(2) Infrastructure Requirements for the 2010 NO_2 NAAQS.	Statewide	3/27/13	10/25/13 [*Insert Federal Register page number where the document begins and date*].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M).

[FR Doc. 2013–25025 Filed 10–24–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0594; FRL–9901–80–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Ambient Air Quality Standards for Fine Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Virginia State Implementation Plan (SIP). The revisions add ambient air quality standards and associated reference conditions for Fine Particulate Matter ($PM_{2.5}$) that are consistent with the 2013 National Ambient Air Quality Standards (NAAQS) for $PM_{2.5}$. EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on December 24, 2013 without further notice, unless EPA receives adverse written comment by November 25, 2013. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2013–0594 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2013–0594, Cristina Fernandez, Associate Director, Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and

special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2013–0594. 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.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, (215) 814–5787, or by email at *schmitt.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of SIP Revision

On July 26, 2013, the Commonwealth of Virginia submitted formal revisions to its SIP. The SIP revisions consist of adding section 9VAC5–30–67 as well as minor language revisions in section 9VAC5–30–15. Sections 9VAC5–30–67 and 9VAC5–30–15 contain the 2013 $PM_{2.5}$ NAAQS and the associated reference conditions, respectively. On January 15, 2013, EPA revised the NAAQS for $PM_{2.5}$. *See* 78 FR 3086. The annual arithmetic mean concentration has been set at 12 micrograms per cubic meter ($\mu g/m^3$), and the standard for the 24-hour concentration is being retained at 35 $\mu g/m^3$.

II. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code § 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.'' Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

III. Final Action

EPA is approving these revisions to add the 2013 $PM_{2.5}$ NAAQS to the Virginia SIP. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse

comments are filed. This rule will be effective on December 24, 2013 without further notice unless EPA receives adverse comment by November 25, 2013. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Statutory and Executive Order Reviews

A. General Requirements

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 24, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action. This action, adding the 2013 $PM_{2.5}$ NAAQS, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Dated: September 20, 2013.

W.C. Early,

Acting, Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart VV—Virginia

■ 2. In § 52.2420, the table in paragraph (c) is amended by revising the entry for Section 5–30–15, and adding an entry for Section 5–30–67 after the existing entry for Section 5–30–66. The revised and added text reads as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
9 VAC 5, Chapter 30 Ambient Air Quality Standards [Part III]				

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
5–30–15 ...	Reference Conditions	5/22/13	10/25/13 [*Insert page number where the document begins*].	Revised to include Section 5–30–67.
*	*	*	*	*
5–30–67 ...	Particulate Matter ($PM_{2.5}$)	5/22/13	10/25/13 [*Insert page number where the document begins*].	Added Section.
*	*	*	*	*

* * * * *

[FR Doc. 2013–25043 Filed 10–24–13; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2012–0769; FRL–9901–81–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standards for the Liberty-Clairton Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is making two separate and independent determinations regarding the Liberty-Clairton, Pennsylvania 1997 annual fine particulate ($PM_{2.5}$) nonattainment area (the Liberty-Clairton Area). First, EPA is determining that the Liberty-Clairton Area attained the 1997 $PM_{2.5}$ annual national ambient air quality standards (NAAQS) by the applicable attainment date, December 31, 2011. This determination is based on quality assured and certified ambient air quality date for the 2009–2011 monitoring period. Second, EPA is determining that the Liberty-Clairton Area has continued to attain the 1997 annual $PM_{2.5}$ NAAQS, based on quality-assured and certified ambient air quality data for the 2010–2012 monitoring period. The latter ''clean data determination'' suspends the requirement for the Liberty-Clairton Area to submit an attainment demonstration, reasonably available control measures (RACM), reasonable further progress (RFP), and contingency measures related to attainment of the 1997 annual $PM_{2.5}$ NAAQS for so long as the area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. These determinations do not constitute a redesignation to attainment. The Liberty-Clairton Area will remain designated nonattainment for the 1997 annual $PM_{2.5}$ NAAQS until such time as EPA determines that the Liberty-Clairton Area meets the Clean Air Act (CAA) requirements for redesignation to attainment, including an approved maintenance plan. These actions are being taken under the CAA.

DATES: This final rule is effective on November 25, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2012–0769. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 814–2181, or by email at *pino.maria@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Liberty-Clairton Area is comprised of the boroughs of Lincoln, Glassport, Liberty, and Port Vue and the City of Clairton, all in Allegheny County, Pennsylvania. *See* 40 CFR 81.339. The Liberty-Clairton Area is surrounded by, but separate and distinct from, the Pittsburgh-Beaver Valley $PM_{2.5}$ nonattainment area.

On July 23, 2013 (78 FR 44070), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. In the July 23, 2013 rulemaking action, EPA proposed to determine that the Liberty-Clairton Area attained the 1997 annual $PM_{2.5}$ NAAQS by its attainment date, December 31, 2011. EPA also proposed to make a clean data determination, finding that the Liberty-Clairton Area has continued to attain the 1997 annual $PM_{2.5}$ NAAQS. No comments were received on the July 23, 2013 NPR.

II. Summary of Rulemaking Actions

These actions do not constitute a redesignation of the Liberty-Clairton Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS under CAA section 107(d)(3). Neither determination of attainment involves approving a maintenance plan for the Liberty-Clairton Area, nor determines that the Liberty-Clairton Area has met all the requirements for redesignation under the CAA, including that the attainment be due to permanent and enforceable measures. Therefore, the designation status of the Liberty-Clairton Area will remain nonattainment for the 1997 annual $PM_{2.5}$ NAAQS until such time as EPA takes final rulemaking action to determine that the Liberty-Clairton Area meets the CAA requirements for redesignation to attainment.

A. Determination of Attainment by the Attainment Date

Pursuant to section 188(b)(2) of the CAA, EPA is making a determination that the Liberty-Clairton Area attained the 1997 annual $PM_{2.5}$ NAAQS by the applicable attainment date, December 31, 2011. This determination is based upon quality-assured and certified ambient air monitoring data for the 2009–2011 monitoring period that shows the area has monitored attainment of the 1997 $PM_{2.5}$ annual NAAQS as of its attainment date. The effect of this final determination of attainment by the Liberty-Clairton Area's attainment date is to discharge EPA's obligation under CAA section 181(b)(2) to determine, based on the Liberty-Clairton Area's air quality as of

the attainment date, whether the area attained the standard.

B. ''Clean Data'' Determination of Attainment

EPA is also making a determination that the Liberty-Clairton Area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. This ''clean data'' determination is based upon quality assured and certified ambient air monitoring data that show the area has monitored attainment of the 1997 annual $PM_{2.5}$ NAAQS for the 2010–2012 monitoring period. As a result of this determination, the requirement for the Liberty-Clairton Area to submit an attainment demonstration, RACM, RFP, and contingency measures related to attainment of the 1997 annual $PM_{2.5}$ NAAQS shall be suspended for so long as the area continues to attain that NAAQS.[1]

C. EPA's Analysis of the Relevant Air Quality Data

Consistent with the requirements contained in 40 CFR part 50, EPA has reviewed the annual $PM_{2.5}$ ambient air quality monitoring data for the 2009–2011 and 2010–2012 monitoring periods for the Liberty-Clairton Area, as recorded in EPA's Air Quality System (AQS) database. On the basis of that review, EPA has concluded that the Liberty-Clairton Area attained the 1997 annual $PM_{2.5}$ NAAQS by its attainment date, based on data for the 2009–2011 monitoring period. EPA has also concluded that the Liberty-Clairton Area continues to attain, based on data for the 2010–2012 monitoring period.

In the Technical Support Document (TSD) prepared for this action, EPA has evaluated the air quality data for the Liberty-Clairton Area. EPA's review of the data indicates that the Liberty-Clairton Area has met the 1997 annual $PM_{2.5}$ NAAQS. For details, please refer to EPA's TSD, which can be viewed at *http://www.regulations.gov,* Docket ID No. EPA–R03–OAR–2012–0769.

III. Final Action

EPA is making two separate and independent determinations regarding the Liberty-Clairton Area. First, pursuant to section 188(b)(2) of the CAA, EPA is making a determination that the Liberty-Clairton Area has attained the 1997 annual $PM_{2.5}$ NAAQS by its attainment date, December 31, 2011. Second, EPA is making a determination that the Liberty-Clairton Area is attaining the 1997 annual $PM_{2.5}$ NAAQS, based on quality assured and certified ambient air monitoring data for the 2010–2012 monitoring period. This final determination suspends the requirements for the Liberty-Clairton Area to submit an attainment demonstration and associated RACM, RFP plan, contingency measures, and any other planning requirements related to attainment of the 1997 annual $PM_{2.5}$ NAAQS for so long as the area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. These determinations do not constitute a redesignation to attainment. The Liberty-Clairton Area will remain designated nonattainment for the 1997 annual $PM_{2.5}$ NAAQS until such time as EPA determines that the Liberty-Clairton Area meets the CAA requirements for redesignation to attainment, including an approved maintenance plan. The rationale for EPA's action is explained in the NPR and will not be restated here. No public comments were received on the NPR.

IV. Statutory and Executive Order Reviews

A. General Requirements

This action, which makes determinations of attainment based on air quality, will result in the suspension of certain Federal requirements and/or will not impose any additional requirements beyond those imposed by state law. For that reason, this action:

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 24, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This rulemaking action, determining that the Liberty-Clairton Area has attained the 1997 annual $PM_{2.5}$ NAAQS, may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

[1] Even though the requirements are suspended, EPA is not precluded from acting upon these elements at any time if submitted to EPA for review and approval. On June 17, 2011, the Commonwealth of Pennsylvania submitted a SIP revision for the Liberty-Clairton Area to EPA for review and approval. On November 7, 2011 (76 FR 68699), EPA proposed approval, with one condition, of Pennsylvania's SIP revision for the Liberty-Clairton Area.

List of Subjects in 40 CFR Part 52

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

Dated: September 24, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. Section 52.2056 is amended by adding paragraph (j) to read as follows:

§ 52.2056 Determinations of attainment.

* * * * *

(j) EPA has determined, based on quality-assured air monitoring data for 2009–2011, that the Liberty-Clairton, PA fine particle ($PM_{2.5}$) nonattainment area attained the 1997 annual $PM_{2.5}$ national ambient air quality standards (NAAQS) by the applicable attainment date of December 31, 2011. Therefore, EPA has met the requirement of CAA section 188(b)(2) to determine, based on the area's air quality as of the attainment date, whether the area attained the 1997 annual $PM_{2.5}$ NAAQS.

■ 3. Section 52.2059 is amended by adding paragraph (i) to read as follows:

§ 52.2059 Control strategy: Particulate matter.

* * * * *

(i) *Determination of Attainment.* EPA has determined, as of October 25, 2013, based on quality-assured ambient air quality data for 2009 to 2011 and 2010 to 2012 ambient air quality data, that the Liberty-Clairton, PA nonattainment area has attained the 1997 annual fine particle ($PM_{2.5}$) national ambient air quality standards (NAAQS). This determination suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual $PM_{2.5}$ NAAQS. If EPA determines, after notice-and-comment rulemaking, that this area no longer meets the 1997 annual $PM_{2.5}$ NAAQS, the corresponding determination of attainment for that area shall be withdrawn.

[FR Doc. 2013–25040 Filed 10–24–13; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2011–0727, FRL–9901–92–Region 8]

Promulgation of State Implementation Plan Revisions; Revision to Prevention of Significant Deterioration Program; Infrastructure Requirements for the 1997 and 2006 $PM_{2.5}$ National Ambient Air Quality Standards; Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is partially approving and partially disapproving State Implementation Plan (SIP) submissions from the State of Utah to demonstrate that the SIP meets the infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for fine particulate matter ($PM_{2.5}$) on July 18, 1997 and on October 17, 2006. The CAA requires that each state, after a new or revised NAAQS is promulgated, review their SIPs to ensure that they meet infrastructure requirements. The State of Utah provided infrastructure SIP submissions on April 17, 2008 for the 1997 $PM_{2.5}$ NAAQS and September 21, 2010 for the 2006 $PM_{2.5}$ NAAQS. In addition, EPA is approving portions of SIP revisions submitted by the State of Utah on March 14, 2012. This submission revises Utah's Prevention of Significant Deterioration (PSD) program to incorporate the required elements of the 2008 $PM_{2.5}$ New Source Review (NSR) Implementation Rule and the 2010 $PM_{2.5}$ Increment Rule.

DATES: This final rule is effective November 25, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID No.EPA–R08–OAR–2011–0727. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kathy Ayala, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6142, *ayala.kathy@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

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

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

(ii) The initials *CBI* mean or refer to confidential business information.

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

(iv) The initials *NAAQS* mean or refer to national ambient air quality standards.

(v) The initials *PM* mean or refer to particulate matter.

(vi) The initials $PM_{2.5}$ mean or refer to particulate matter with an aerodynamic diameter of less than 2.5 micrometers (fine particulate matter).

(vii) The initials *PSD* mean or refer to Prevention of Significant Deterioration.

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

Table of Contents

I. Background
II. Response to Comments
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background

Infrastructure requirements for SIPs are provided in section 110(a)(1) and (2) of the CAA. Section 110(a)(2) lists the specific infrastructure elements that a SIP must contain or satisfy. The elements that are the subject of this action are described in detail in our notice of proposed rulemaking (NPR) of May 23, 2013 (78 FR 30830).

In our NPR, we proposed to act on submissions from the State of Utah to address infrastructure requirements for the 1997 and 2006 $PM_{2.5}$ NAAQS. The NPR proposed approval of the submissions with respect to the

following infrastructure elements for the 1997 and 2006 $PM_{2.5}$ NAAQS: CAA Sections 110(a)(2)(A), (B), (C) with respect to minor NSR requirements, (E), (F), (G), (H), (J) with respect to the requirements of sections 121 and 127 of the Act, (K), (L), and (M). The reasons for our approval are provided in detail in the NPR.

For reasons explained in the NPR, EPA also proposed to approve the submissions for infrastructure elements (C) and (J) with respect to PSD requirements for the 1997 and 2006 $PM_{2.5}$ NAAQS. Concurrently, EPA proposed to approve revisions to the Utah SIP submitted by the State on March 14, 2012 which incorporate the requirements of the 2008 $PM_{2.5}$ NSR Implementation Rule and the 2010 $PM_{2.5}$ Increment Rule; specifically, approval of the text of 40 CFR 52.21, paragraphs (b)(14)(i), (ii), and (iii); (b)(15)(i) and (ii); (b)(23)(i); (b)(50); and, paragraph (c) as they existed on July 1, 2011. EPA is taking no action at this time on infrastructure element (D) for the 2006 $PM_{2.5}$ NAAQS.

EPA also proposed to correct, under section 110(k)(6) of the CAA, an erroneous statement made in a previous action on Utah's infrastructure SIP submission for the 1997 ozone NAAQS. As explained in more detail in our proposal, in EPA's action on the 1997 ozone infrastructure submittal, EPA erroneously stated that the CAA made no requirements for state judicial review of PSD permits.

II. Response to Comments

Comment: Three trade associations opposed our proposed disapproval of Utah's infrastructure SIP with respect to element 110(a)(2)(E)(ii). The commenters acknowledge that Utah's state law governing the Utah Air Quality Board (Board) was amended by Senate Bill 21 in 2011 to remove the provision in Utah Code section 19–2–203 requiring members of the Board to adequately disclose potential conflicts of interest. However, the commenters cite another provision, added in Senate Bill 21 to Utah Code section 19–1–201, requiring the Utah Department of Environmental Quality (Department) to promulgate rules regarding conflict of interest procedures for the Board. The commenters therefore disagree with our statement that Utah Code section 19–2–203 does not address disclosure of potential conflicts of interest by members of the Board, and our statement that the 2008 and 2010 infrastructure submittals no longer reflect state law. The commenters cite conflict of interest rules promulgated by the Department in Utah Administrative Code (UAC) sections R305–9–101 to –106 and note that the Director is a member of the Board and is thus subject to these rules. As a result, the commenters also take exception to our statement that Utah Code section 19–2–203 does not address disclosure of conflicts of interest by the Director, and state that they have ''no idea'' why EPA did not take the rules promulgated in UAC sections R305–9–101 to –106 into account in our proposal. The commenters conclude, based on the revisions to Utah Code section 19–1–203 and the rules in Utah Administrative Code section R305–9, that the infrastructure SIP should be approved for CAA element 110(a)(2)(E)(ii).

Response: EPA disagrees with this comment. First, we stated a general principle in our proposed action: section 128 must be satisfied through federally enforceable provisions that are approved into the SIP. See 78 FR at 52842 n.5 (citing 78 FR 32613 (May 31, 2013)). The language of section 128 compels this. It mandates that each SIP ''contain requirements'' meeting the terms of subsections 128(a)(1) and (a)(2). In turn, section 110(a)(2)(E)(ii) requires section 128 to be satisfied. The commenters do not dispute any of this.

EPA correctly stated that the infrastructure SIP submittals no longer reflect state law. As stated in our proposal, the submittals were made on April 17, 2008 and September 21, 2010, for the 1997 $PM_{2.5}$ and 2006 $PM_{2.5}$ NAAQS, respectively. Also stated in our proposal, S.B. 21 was enacted in 2011, after the submittals were made. In other words, state law changed after the submittals were made.

EPA also correctly stated that revised Utah Code section 19–2–203 does not address disclosure of potential conflicts of interest. To the extent that EPA should have considered the revisions to Utah Code section 19–1–201 (which were not referenced in the infrastructure SIP submittals nor separately submitted for inclusion in the SIP), a general requirement such as that in section 19–1–203 to promulgate conflict of interest rules nonetheless does not address how potential conflicts of interest will be disclosed. Furthermore, as noted in our proposed action, the Utah SIP contains only a reference to Utah Code section 19–2–104. See 78 FR at 52842 n.5. Thus, even to the extent that a general provision requiring promulgation of conflict of interest rules can be said to ''address'' the specific disclosure requirements in CAA section 128(a)(2), Utah Code section 19–1–201 cannot be used for that purpose, as it is not approved into the SIP.

We turn to the rules in UAC sections R305–9–101 to –106 cited by the commenters. These rules have not been submitted to EPA by the State of Utah for inclusion in the SIP. If and when they and any other provisions are submitted by the State, EPA will evaluate them for compliance with section 128 and act accordingly. Until such provisions are approved into the SIP, they cannot be relied on to satisfy the requirements of section 128 for purposes of an infrastructure SIP submission. Thus, it was not necessary for EPA to assess these unsubmitted provisions (which also were not cited in the infrastructure SIP submittals) in proposing disapproval of Utah's infrastructure SIP submissions for element 110(a)(2)(E)(ii).

Aside from the requirement that provisions to meet section 128 must be approved into the SIP, the commenters do not explain how the new rules in UAC sections R305–9–101 to –106 would meet the requirements for section 128(a)(2) when, for example, the Director, acting alone and not as a member of the Board, approves a permit. As explained in our notice—and again undisputed by the commenters—the Board no longer has authority to approve permits that the State issues under the Act. By their own terms, the disclosure rules promulgated by the Department apply only to ''matters before the Board.'' See UAC R305–9–104, –105. Because the Board no longer has authority to approve permits, the disclosure rules do not apply to permit actions. In those actions, the Director acts alone and not as a member of the Board. The rules on their face thus do not appear to apply to the Director's decisions on permits or to satisfy the requirements of section 128(a)(2) as applied to the Director.

As mentioned above, when the State does submit provisions to meet the requirements of section 128, we will act on them. However, the comment provides no basis for us to change our proposed disapproval of the Utah infrastructure SIPs for element 110(a)(2)(E)(ii) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

Comment: One commenter questioned our approval of Utah's SIP as to the October 20, 2010 major source baseline date for the $PM_{2.5}$ increments. The commenter contends that the court decision in *NRDC* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013), requires that EPA treat $PM_{2.5}$ in the same manner as PM_{10} with respect to establishing baseline dates. The commenter contends that, because the court held that the statutory definition of PM_{10} includes $PM_{2.5}$, EPA must interpret CAA sections 166(f) and

169(4) as applying the statutory major source baseline date of January 6, 1975, to the regulation of $PM_{2.5}$ increments in the same manner that it applies to the regulation of PM_{10}.

Response: EPA does not agree with the commenter's contention, and is approving this element of the Utah SIP because it is consistent with applicable EPA regulations implementing the CAA. EPA's regulations are not altered by the court decision cited by the commenter. As discussed in the proposal, the court in *NRDC* v. *EPA* addressed whether EPA acted appropriately in establishing SIP requirements in the 2007 and 2008 $PM_{2.5}$ NAAQS implementation rules via only subpart 1 of Part D, title I, of the CAA, which establishes plan requirements for nonattainment areas in general, instead of subpart 4 of Part D, which establishes additional provisions for particulate matter nonattainment areas. The court concluded that because the Act defines the term PM_{10} to include $PM_{2.5}$, the requirements of subpart 4 that pertain to PM_{10} nonattainment areas also apply to $PM_{2.5}$ nonattainment areas. As subpart 4 pertains exclusively to particulate matter nonattainment areas, the court's decision does not address the part C PSD program requirements for $PM_{2.5}$, which apply to attainment and unclassifiable areas.

EPA adopted the $PM_{2.5}$ increments and the associated baseline dates in a 2010 rule that was not before the court in *NRDC* v. *EPA.* The D.C. Circuit issued a separate decision on January 22, 2013, in *Sierra Club* v. *EPA,* 705 F.3d 458, that vacated the SILs and SMC for $PM_{2.5}$ that were also promulgated by EPA in the 2010 rule. Because no party raised the issue in that case, the January 2013 decision did not address any of the $PM_{2.5}$ increment provisions (including the baseline dates) adopted in that rule.

The $PM_{2.5}$ increments and baseline dates promulgated in the 2010 rule thus remain in effect and are unchanged by recent court decisions. EPA established the $PM_{2.5}$ increments as additional increments under section 166(a) of the CAA rather than substitute increments under section 166(f). *See* 75 FR 64864, 64871–2 (Oct. 20, 2010). A complete discussion of how the rule implements the requirements of the CAA is contained in the preamble to the 2010 rule. An opportunity to raise concerns with EPA's decision to set the $PM_{2.5}$ major source baseline date in 2010 was available during the comment period on the 2010 rulemaking and court challenge that produced the January 2013 decision. EPA may not rewrite those rules in the context of this action, but rather EPA is bound to apply them in their present form to the Utah SIP submission.

The 2010 rule amended EPA's regulations at 40 CFR 51.166, which establishes the minimum requirements that a state must meet in order to obtain EPA approval of the PSD program elements of a state implementation plan. Section 51.166(b) specifies that ''[a]ll state plans shall use the following definitions for the purposes of this section.'' Within this provision, section 51.166(b)(14)(i) establishes separate and distinct major source baseline dates for PM_{10} and $PM_{2.5}$. Furthermore, the definition of minor source baseline date in section 51.166(b)(14)(ii) contains separate and distinct trigger dates for PM_{10} and $PM_{2.5}$. Utah's plan is approvable because it uses these definitions and thus meets the criteria EPA has established by rule as sufficient to satisfy the relevant requirements of title I, Part C of the CAA. The Utah plan incorporates by reference the definitions of major source baseline date and minor source baseline date in section 40 CFR 52.21(b)(14), which are the same as those in section 51.166(b)(14).

III. Final Action

EPA is approving Utah's April 17, 2008 and March 14, 2012 submissions with respect to the following CAA section 110(a)(2) infrastructure elements for the 1997 and 2006 $PM_{2.5}$ NAAQS: (A), (B), (C) with respect to minor NSR and PSD requirements, (D)(i)(II) with respect to PSD requirements, (E)(i), (E)(iii), (F), (G), (H), (J), (K), (L), and (M).

EPA disapproves Utah's submissions with respect to the section 110(a)(2)(E)(ii) infrastructure element for the 1997 and 2006 $PM_{2.5}$ NAAQS.

We are approving the following portions of the State's March 14, 2012 submission to address the 2008 $PM_{2.5}$ NSR Implementation Rule and the 2010 $PM_{2.5}$ Increment Rule; specifically we approve the adoption of the text of 40 CFR 52.21, paragraphs (b)(14)(i),(ii),(iii); (b)(15)(i),(ii); (b)(23)(i); (b)(50) and paragraph (c) as they existed on July 1, 2011.

EPA is taking no action on infrastructure elements (D)(i)(I), interstate transport of pollutants which contribute significantly to nonattainment in, or interfere with maintenance by, any other state, and (D)(i)(II), with respect to visibility requirements for the 2006 $PM_{2.5}$ NAAQS as EPA is acting separately on these elements. Finally, EPA is correcting an erroneous statement made in a previous action regarding requirements for state judicial review of PSD permits.

IV. Statutory and Executive Order Reviews

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

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country

located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 24, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: September 30, 2013.

Shaun L. McGrath,

Regional Administrator, Region 8.

40 CFR part 52 is amended to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart TT—Utah

■ 2. Section 52.2346 is amended by adding paragraph (d) to read as follows:

§ 52.2346 Significant deterioration of air quality.

* * * * *

(d) On March 14, 2012 the State of Utah submitted revisions to the State Implementation Plan that incorporated the required elements of the 2008 $PM_{2.5}$ NSR Implementation Rule and the 2010 $PM_{2.5}$ Increment Rule. The following provisions are approved into the State Implementation Plan.

(1) *Major source baseline date* means:

(i) In the case of PM_{10} and sulfur dioxide, January 6, 1975;

(ii) In the case of nitrogen dioxide, February 8, 1988; and

(iii) In the case of $PM_{2.5}$, October 20, 2010.

(2) *Minor source baseline date* means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or to regulations approved pursuant to 40 CFR 51.166 submits a complete application under the relevant regulations. The trigger date is:

(i) In the case of PM_{10} and sulfur dioxide, August 7, 1977;

(ii) In the case of nitrogen dioxide, February 8, 1988; and

(iii) In the case of $PM_{2.5}$, October 20, 2011.

(3) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(i) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166; and

(ii) In the case of a major stationary source, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(4) *Baseline area* means any intrastate area (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: equal to or greater than 1 $\mu g/m^3$ (annual average) for SO_2, NO_2, or PM_{10}; or equal or greater than 0.3 $\mu g/m^3$ (annual average) for $PM_{2.5}$.

(5) Area redesignations under section 107(d)(1)(A)(ii) or (iii) of the Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

(i) Establishes a minor source baseline date; or

(ii) Is subject to 40 CFR 52.21 or [Utah Administrative Code (UAC)] R307–405 and would be constructed in the same state as the state proposing the redesignation.

(6) *Significant* means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

(i) Carbon monoxide: 100 tons per year (tpy).

(ii) Nitrogen oxides: 40 tpy.

(iii) Sulfur dioxide: 40 tpy.

(iv) Particulate matter: 25 tpy of particulate matter emissions.

(v) PM_{10}: 15 tpy.

(vi) $PM_{2.5}$: 10 tpy of direct $PM_{2.5}$ emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions unless demonstrated not to be a $PM_{2.5}$ precursor under 40 CFR 52.21(b)(50).

(vii) Ozone: 40 tpy of volatile organic compounds or nitrogen oxides.

(viii) Lead: 0.6 tpy.

(ix) Fluorides: 3 tpy.

(x) Sulfuric acid mist: 7 tpy.

(xi) Hydrogen sulfide (H_2S): 10 tpy.

(xii) Total reduced sulfur (including H_2S): 10 tpy.

(xiii) Reduced sulfur compounds (including H_2S): 10 tpy.

(xiv) Municipal waste combustor organics (measured as total tetra- through octa-chlorinated diebenzo-p-dioxins and dibenzofurans): 3.2×10^{M6} megagrams per year (3.5×10^{M6} tons per year).

(xv) Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year).

(xvi) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year).

(xvii) Municipal solid waste landfills emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year).

(7) *Regulated NSR pollutant,* for purposes of this section means the following:

(i) Any pollutant for which a national ambient air quality standard has been promulgated and any pollutant identified under 40 CFR 52.21(b)(50)(i) as a constituent or precursor for such pollutant. Precursors identified by the EPA Administrator for purposes of NSR are the following:

(A) Volatile organic compounds and nitrogen oxides are precursors to ozone

in all attainment and unclassifiable areas.

(B) Sulfur dioxide is a precursor to $PM_{2.5}$ in all attainment and unclassifiable areas.

(C) Nitrogen oxides are presumed to be precursors to $PM_{2.5}$ in all attainment and unclassifiable areas, unless the State demonstrates to the EPA Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

(D) Volatile organic compounds are presumed not to be precursors to $PM_{2.5}$ in any attainment or unclassifiable area, unless the State demonstrates to the EPA Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

(ii) Any pollutant that is subject to any standard promulgated under section 111 of the Act;

(iii) Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act;

(iv) Any pollutant that otherwise is subject to regulation under the Act.

(v) Notwithstanding 40 CFR 52.21(b)(50)(i) through (iv), the term *regulated NSR pollutant* shall not include any or all hazardous air pollutant either listed in section 112 of the Act, or added to the list pursuant to section 112(b)(2) of the Act, and which have not been delisted pursuant to section 122(b)(3) of the Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.

(vi) Participate matter (PM) emissions, $PM_{2.5}$ emissions and PM_{10} emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011 (or any earlier date established in the upcoming rulemaking codifying test methods), such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM, $PM_{2.5}$ and PM_{10} in PSD permits. Compliance with emissions limitations for PM, $PM_{2.5}$ and PM_{10} issued prior to this date shall not be based on condensable particular matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particular matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particular matter to be included.

(8) *Ambient air increments.* (i) In areas designated as Class I, II, or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Class I Area	
$PM_{2.5}$:	
Annual arithmetic mean	1
24-hr maximum	2
PM_{10}:	
Annual arithmetic mean	4
24-hr maximum	8
Sulfur dioxide:	
Annual arithmetic mean	2
24-hr maximum	5
3-hr maximum	25
Nitrogen dioxide Annual arithmetic mean	2.5
Class II Area	
$PM_{2.5}$:	
Annual arithmetic mean	4
24-hr maximum	9
PM_{10}:	
Annual arithmetic mean	17
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
Nitrogen dioxide Annual arithmetic mean	25
Class III Area	
$PM_{2.5}$:	
Annual arithmetic mean	8
24-hr maximum	18
PM_{10}:	
Annual arithmetic mean	34
24-hr maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
Nitrogen dioxide Annual arithmetic mean	50

(ii) For any period other than an annual period the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

■ 3. Section 52.2355 is amended by designating the existing paragraph as paragraph (a) and adding paragraph (b) to read as follows:

§ 52.2355 Section 110(a)(2) infrastructure requirements.

* * * * *

(b) On December 3, 2007, Jon L. Huntsman, Jr. Governor, State of Utah, provided a submission to meet the infrastructure requirements for the State of Utah for the 1997 $PM_{2.5}$ NAAQS. On April 17, 2008, M. Cheryl Heying, Director, Utah Department of Environmental Quality, provided a second submission to meet the infrastructure requirements for the State of Utah for the 1997 $PM_{2.5}$ NAAQS. On September 21, 2010, M. Cheryl Heying, Director, Utah Department of Environmental Quality, provided a submission to meet the infrastructure requirements for the State of Utah for the 2006 $PM_{2.5}$ NAAQS. The State's Infrastructure SIP is approved with respect to the 1997 and 2006 $PM_{2.5}$ NAAQS with respect to CAA section 110(a)(1) and the following elements of section 110(a)(2): (A), (B), (C) with respect to PSD and minor NSR requirements, (D)(i)(II) with respect to PSD requirements, (E)(i), (E)(iii), (F), (G), (H), (J), (K), (L), and (M).

[FR Doc. 2013–24889 Filed 10–24–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52, 62, and 70

[EPA–R07–OAR–2012–0410; FRL 9901–65–Region 7]

Approval and Promulgation of Implementation Plans; Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, State of Iowa; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units, Negative Declaration and 111(d) Plan Rescission; Approval and Promulgation of Operating Permits Program, State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving, through direct final rulemaking, revisions to the State of Iowa's State Implementation Plan (SIP), Title V program, and Clean Air Act (CAA) section 111(d) plan. The purpose of these revisions is to make general updates to existing state air quality rules, approve an exemption from constructing permitting for engines used in periodic pipeline testing, approve changes to state rules regarding regional haze requirements, and to approve adoption of Federal regulations including the National Ambient Air Quality Standards (NAAQS) for 2008 Ozone, 2008 Lead, and 2010 Nitrogen Dioxide. EPA is approving the SIP

provisions pursuant to section 110 of the CAA.

EPA is also taking direct final action to approve a Hospital Medical Infectious Waste Incinerators (HMIWI) section 111(d) negative declaration from the State of Iowa which certifies that HMIWIs, subject to the requirements of sections 111(d) and 129 of the CAA, do not exist in the State; and approving the rescission of its section 111(d)/129 plan and emission guidelines for HMIWI units. EPA is approving these actions pursuant to section 111 of the CAA.

EPA is also approving two minor administrative changes to the Title V program, pursuant to section 500 of the CAA.

DATES: This rule is effective December 24, 2013, without further notice, unless EPA receives adverse comment by November 25, 2013. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2012–0410, by one of the following methods:

1. *www.regulations.gov*. Follow the on-line instructions for submitting comments.
2. *Email: jay.michael@epa.gov*.
3. *Mail or Hand Delivery:* Michael Jay, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Blvd., Lenexa, KS, 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2012–0410. 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 through *www.regulations.gov* or email information that you consider to be CBI or otherwise protected. 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.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., 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 form. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Blvd., Lenexa, KS, 66219. The Regional Office's official hours of business are Monday through Friday, 8:00 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Michael Jay at (913) 551–7460, or by email at *jay.michael@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refer to the EPA.

Table of Contents

I. What is being addressed in this document?
II. What part 52 revisions are being approved by EPA?
III. What part 62 revisions are being approved by EPA?
IV. What part 70 revisions are being approved by EPA?
V. What final action is EPA taking?
VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

On March 7, 2008, EPA Region 7 received a submission from the Iowa Department of Natural Resources (IDNR) requesting revisions to Iowa's Federally-approved SIP. These revisions made changes to Chapter 22, ''Controlling Pollution,'' of the Iowa Administrative Code (IAC), promulgated by the Iowa Environmental Protection Commission (EPC). EPA took action on a portion of this plan submittal on June 26, 2012;[1] EPA is taking direct final action on remaining portions of this submittal in today's action.

On January 11, 2010, EPA Region 7 received a submission from IDNR requesting revisions to Iowa's Federally-approved SIP and Title V program including changes to Chapter 20, ''Scope of Title—Definitions—Forms—Rules of Practice,'' Chapter 22, ''Controlling Pollution,'' Chapter 23, ''Emission Standards for Contaminants,'' Chapter 25, ''Measurement of Emissions,'' Chapter 28, ''Ambient Air Quality Standards,'' and Chapter 33, ''Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality.'' EPA is taking direct final action to approve revisions to these chapters in today's action. Also included in the submittal were revisions to Chapter 23, ''Emission Standards for Contaminants,'' which we are not acting on today, and will address in a separate action.

On March 1, 2011, EPA Region 7 received a submittal from the IDNR requesting revisions to Iowa's Federally-approved SIP and 111(d) plan, including changes to Chapter 24, ''Excess Emissions,'' Chapter 28, ''Ambient Air Quality Standards,'' and changes to Chapter 23, ''Emission Standards.'' EPA is taking direct final action to approve these changes in today's action.

II. What part 52 revisions are being approved by EPA?

EPA is approving changes to Chapter 22.9 related to the State's plan for Regional Haze. EPA took final action on the State's Regional Haze plan on June 26, 2012 (77 FR 38006), but inadvertently failed to act on changes to the state rules. These changes include adding definitions for Best Available Retrofit Technology (BART), deciview, and mandatory Class I area, as well as establishing procedures for how IDNR will notify source owners or operators about BART status, and establishing provisions for how IDNR may request a BART analysis from sources.

EPA is approving changes to the definitions of Volatile Organic Compounds (VOCs) in Chapter 20 and 33. These changes update the state rules to make them consistent with the Federal definitions as of January 21, 2009.

EPA is approving changes to several chapters which update the zip code for the IDNR Air Quality Bureau Offices. The offices remain in the current location; however, a ZIP code change for the current location took effect on July 1, 2009.

[1] 77 FR 38006.

EPA is approving an exemption from construction permitting in Chapter 22.1 for certain temporary diesel engines used in periodic testing and maintenance of natural gas pipelines. The exemption contains conditions to ensure that engine emissions will not exceed the emission limits currently allowed under the State's small unit exemption.

EPA is approving changes to Chapter 24 which allow for initial reports of excess emissions to be made via electronic mail (email). Facility owners and operators are still allowed to make initial reports in person or by telephone. Owners or operators must still follow up their initial report with a written, hard-copy report.

EPA is approving minor changes to IDNR's stack testing notifications and test protocols in Chapter 25.1 which clarify IDNR's procedures.

EPA is approving Iowa's amendments to Chapter 28, to include the adoption by reference of the NAAQS for 2008 Ozone [2], 2008 Lead [3], and 2010 Nitrogen Dioxide [4] into Iowa's Federally-approved SIP. States are not required to adopt ambient air quality standards, but are required to implement the standards adopted by EPA pursuant to section 110 of the CAA. Iowa has adopted standards which are consistent with the EPA standards, and therefore this revision to update the state standards is approvable.

III. What part 62 revisions are being approved by EPA?

Section 111(d) of the CAA requires states to submit plans to control certain pollutants (designated pollutants) at existing facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines for such existing sources. A designated pollutant is any pollutant for which no air quality criteria have been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the CAA, but emissions of which are subject to a standard of performance for new stationary sources.

EPA originally promulgated emission guidelines for existing HMIWI in 1997, in accordance with sections 111 and 129 of the Act. EPA codified revised regulations at 40 CFR part 60, subpart Ce. A HMIWI unit as defined in 40 CFR 60.51c is any device that combusts any amount of hospital waste and/or medical/infectious waste. Under section 129(b)(2) of the Act and the revised guidelines at subpart Ce, states with subject sources must submit to EPA plans that implement the Emission Guidelines.

Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants. 40 CFR part 62 provides the procedural framework for the submission of these plans. As aforementioned, when designated facilities are located in a state, a state must develop and submit a plan for the control of the designated pollutant.

However, 40 CFR 62.06 provides that if there are no existing sources of the designated pollutant in the state, the state may submit a letter of certification to that effect, or negative declaration, in lieu of a plan. The negative declaration exempts the state from the requirement to develop a plan meeting the requirements of subpart Ce.

The State of Iowa HMIWI plan and related state rule were approved by EPA on June 17, 1999, and codified in 40 CFR Part 62, subpart Q. (64 FR 32427) Since that time, the two designated incinerator facilities in Iowa subject to the plan have been dismantled, according to documentation submitted by IDNR.

Therefore, on March 1, 2011, EPA received a submittal from IDNR requesting EPA approval of a negative declaration for HMIWI and requesting EPA to approve Iowa's revocation of the prior 111(d) plan for HMIWI units in Iowa. The state submittal included supplemental documentation about the dismantling and removal of the previously-affected HMIWI, the name of each designated facility that has been permanently shutdown, and the year it was dismantled.

Pursuant to the authority of Iowa Code section 455B.133, the Iowa Environmental Protection Commission amended the 111(d) plan to remove the emission guidelines for existing HMIWI in Chapter 23, ''Emission Standards for Contaminants,'' paragraph 23.1 (5) ''b'' of the Iowa Administrative Code. EPA requested that Iowa verify that amendments to EPA's original 1997 HMIWI requirements finalized in 2009 and 2011 did not affect Iowa's negative declaration (74 FR 51367 and 76 FR 18407). IDNR submitted documentation on May 28, 2013, reaffirming that these amendments to the rule did not impact their negative declaration that determined no units within the state are subject to the emissions guidelines of HMIWI. EPA is approving the rescission of the emission guidelines and 111 (d) plan for existing HMIWI.

IV. What part 70 revisions are being approved by EPA?

EPA is approving two changes to IDNR's Title V program. One change is the updating of the Air Quality Bureau's zip code, as previously stated; the other is to approve a change to the requirements for submitting a Title V operating permit application. Facility owners or operators submitting electronic applications are no longer required to also submit a hard copy application to EPA Region 7, as EPA now has access to IDNR's Title V database, which allows EPA to review electronic copies of applications.

For clarification, the revision to remove the requirement that facilities submit a hard copy application to EPA does not pertain or otherwise interfere with the independent obligations the state is responsible for under the Cross-Media Electronic Reporting Rule (CROMERR) found at 40 CFR Part 3. As stated in 74 FR 68692, EPA is not acting on the revision to Iowa Administrative Code 567–22.105(1) that allows facility owners or operators to submit an electronic Title V operating permit application until the State obtains approval from EPA that its electronic document receiving system is consistent with CROMERR.

V. What final action is EPA taking?

EPA is taking final action to approve changes to Chapter 22.9 related to the State's plan for Regional Haze.

EPA is taking final action to approve changes to the definitions of Volatile Organic Compounds (VOCs) in Chapter 20 and 33.

EPA is taking final action to approve changes to several chapters which update the zip code for the IDNR Air Quality Bureau Offices.

EPA is taking final action to approve an exemption from construction permitting in Chapter 22.1 for certain temporary diesel engines used in periodic testing and maintenance of natural gas pipelines.

EPA is taking final action to approve changes to Chapter 24 which allow for initial reports of excess emissions to be made via email.

EPA is taking final action to approve minor changes to IDNR's stack testing notifications and test protocols in Chapter 25.1.

EPA is taking final action to approve amendments to Chapter 28, to include the adoption by reference of the NAAQS for 2008 Ozone, 2008 Lead, and 2010 Nitrogen Dioxide into Iowa's Federally-approved SIP.

[2] 73 FR 16436, March 27, 2008.

[3] 73 FR 66964, November 12, 2008.

[4] 75 FR 6474, February 9, 2010.

EPA is taking final action to amend Iowa's 111(d) plan for HMIWI units to: (1) approve Iowa's negative declaration and (2) approve Iowa's revocation of the 111(d) plan for HMIWI units in Iowa. However, if an affected Iowa HMIWI unit is discovered in the State of Iowa in the future, all the requirements of the Federal plan (including revisions or amendments), part 62, subpart HHH, will be applicable to the affected unit, until Iowa adopts and EPA approves a new plan to address such unit.

EPA is taking final action to approve two changes to IDNR's Title V program, updating of the Air Quality Bureau's zip code, and removing the requirement to submit a hard-copy application to EPA Region 7.

EPA is processing these actions in a direct final action because the revisions make routine changes to the existing rules which are noncontroversial. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

VI. Statutory and Executive Order Reviews

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

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. This action also merely approves a state negative declaration as meeting Federal requirements and imposes no additional requirements. The State's negative determination is a determination that there are no sources in the State subject to the emission guidelines; therefore, a 111(d) plan is not needed.

Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves a state negative declaration, withdrawal of prior 111(d) plan, and approves pre-existing requirements under state law, and does not impose any additional enforceable duty beyond that required by state law, it 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).

This rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and approves a negative declaration and 111(d) plan revocation, and does not alter the relationship or the distribution of power and responsibilities established in the CAA.

In reviewing state submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA when it reviews a state submission, to use VCS in place of a state submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. Additionally, in reviewing section 111(d)/129 plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a 111(d)/129 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a 111(d)/129 plan submission, to use VCS in place of a 111(d)/129 plan submission that otherwise satisfies the provisions of the CAA. The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

This rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) because it approves state rules implementing Federal standards and a state negative declaration as required by Federal regulations. This rule does not impose an information collection burden under the provisions of the *Paperwork Reduction Act* of 1995 (44 U.S.C. 3501 *et seq.*). Burden is defined at 5 CFR 1320.3(b).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 24, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final

rule, so that EPA can withdraw this direct final rule and address the comment in the final rulemaking.

This action, including the SIP revisions and approval of the State of Iowa section 111(d)/129 negative declaration and rescission of the HMIWI plan may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Lead, Nitrogen dioxide.

40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Paper and paper products industry, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Sulfur acid plants, Waste treatment and disposal.

40 CFR Part 70

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: September 6, 2013.

Karl Brooks,

Regional Administrator, Region 7.

40 CFR Parts 52, 62, and 70 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Q—Iowa

■ 2. Section 52.820 table in paragraph (c) is amended by revising the entries for ''567–20.2'', ''567–20.3'', ''567–22.1'', ''567–22.3'', ''567–22.9'', ''567–22.203'', ''567–22.209'', ''567–22.300'', ''567–23.1'', ''567–24.1'', ''567–25.1'', ''567–28.1'', and ''567–33.3'' to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission [567]				
Chapter 20—Scope of Title—Definitions—Forms—Rule of Practice				
*	*	*	*	*
567–20.2	Definitions	11/11/09	10/25/13 [insert **Federal Register** page number where the document begins].	
567–20.3	Air Quality Forms Generally	11/11/09	10/25/13 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*
Chapter 22—Controlling Pollution				
567–22.1	Permits required for New or Existing Stationary Source.	11/11/09	10/25/13 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*
567–22.3	Issuing Permits	11/11/09	10/25/13 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*
567–22.9	Special Requirements for Visibility Protection.	11/11/09	10/25/13 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*
567–22.203	Voluntary Operating Permit Applications	11/11/09	10/25/13 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*
567–22.209	Change of Ownership for Facilities With Voluntary Operating Permits.	11/11/09	10/25/13 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*
567–22.300	Operating Permit by Rule for Small Sources	11/11/09	10/25/13 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*
Chapter 23—Emission Standards for Contaminants				
567–23.1	Emission Standards	11/24/10	10/25/13 [insert **Federal Register** page number where the document begins].	

EPA-APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Explanation
*	*	*	*	*
Chapter 24—Excess Emissions				
567–24.1	Excess Emission Reporting	11/24/10	10/25/13 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*
Chapter 25—Measurement of Emissions				
567–25.1	Testing and Sampling of New and Existing Equipment.	11/11/09	10/25/13 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*
Chapter 28—Ambient Air Quality Standards				
567–28.1	Statewide Standards	11/24/10	10/25/13 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*
Chapter 33—Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality				
*	*	*	*	*
567–33.3	Purpose	11/11/09	10/25/13 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*

* * * * *

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 3. The authority citation for part 62 continues to read as follows:

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

Subpart Q—Iowa

■ 4. Section 62.3914 is revised to read as follows:

§ 62.3914 Identification of plan—negative declaration.

(a) *Identification of plan—negative declaration.* Letter from the Iowa Department of Natural Resources, submitted March 1, 2011, certifying that there are no Hospital Medical Infectious Waste Incinerators subject to 40 CFR part 60, subpart Ce of this chapter. Submission included a negative declaration, supporting state documentation, and request for EPA withdrawal of EPA's prior plan approval for HMIWI Units.

(b) *Effective date.* The effective date of the negative declaration and EPA withdrawal of the prior plan approval is December 24, 2013.

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 5. The authority citation for part 70 continues to read as follows:

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

■ 6. Appendix A to Part 70 is amended by adding paragraph (n) under ''Iowa'' to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Program

* * * * *

Iowa

* * * * *

(n) The Iowa Department of Natural Resources submitted for program approval a revision to 567–22.105(1) on January 11, 2010. The State effective date was November 11, 2009. These revisions to the Iowa program, are approved effective December 24, 2013.

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[FR Doc. 2013–24864 Filed 10–24–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 121126649–3347–02]

RIN 0648–BC79

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Emergency Action Extension

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

ACTION: Temporary rule; emergency action extended.

SUMMARY: Pursuant to its emergency authority, NMFS extends and revises an emergency action that temporarily suspended and modified monkfish landing limits for vessels issued a Federal limited access monkfish Category C or D fishing under a Northeast multispecies day-at-sea, or both a Northeast multispecies and monkfish day-at-sea, in the monkfish Northern Fishery Management Area.

This action is necessary to help mitigate expected adverse economic and social harm resulting from substantial reductions to the 2013 annual catch limits for several stocks managed under the Northeast Multispecies Fishery Management Plan. The intent is to provide additional fishing opportunities for vessels affected by recent reductions to Northeast multispecies annual catch limits, without resulting in overfishing monkfish within the Northern or Southern Fishery Management Areas.

DATES: The effective date of the emergency temporary rule published April 30, 2013, beginning at 78 FR 25214 is extended through April 30, 2014. The amendments to § 648.94 (b)(3)(i) and (b)(3)(iv) are effective at 0001 hr on October 28, 2013, through April 30, 2014.

ADDRESSES: Copies of the Regulatory Impact Review (RIR), Initial Regulatory Flexibility Analysis (IRFA), Final Regulatory Flexibility Analysis (FRFA), and the Environmental Assessment (EA) prepared for this action are available from John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930–2276, or at the following internet address: *http://www.nero.noaa.gov/regs/2013/April/13monkeia.html*. Copies of the small entity compliance guide are available at the following internet address: *http://www.nero.noaa.gov/nr/2013/April/13monkcatcdnolimitnfmaphl.pdf*.

FOR FURTHER INFORMATION CONTACT: Douglas Christel, Fishery Policy Analyst, (978) 281–9141, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council (NEFMC) substantially reduced the 2013 annual catch limit (ACL) for several Northeast (NE) multispecies (groundfish) stocks as part of Framework Adjustment 50 to the NE Multispecies Fishery Management Plan (FMP) (78 FR 26172; May 3, 2013). That action was necessary to prevent overfishing and rebuild overfished groundfish stocks consistent with rebuilding plans required under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). These reductions are expected to result in substantial adverse economic impacts to vessels participating in the groundfish fishery, particularly for those vessels enrolled in the groundfish sector program, which allocates a share of the available ACL of each stock to collectives of vessels known as ''sectors.'' In anticipation of such impacts, at its November 2012 meeting the NEFMC requested that NMFS implement an emergency action to eliminate monkfish trip (landing) limits for vessels issued a limited access permit fishing under a groundfish sector on a groundfish day-at-sea (DAS) in the monkfish Northern Fishery Management Area (NFMA). This request was intended to increase fishing opportunities and associated fishing revenue to help mitigate the adverse impacts to vessels and fishing communities affected by reductions to groundfish ACLs in fishing year (FY) 2013.

NMFS developed a proposed rule to implement emergency measures in the monkfish fishery based on the NEFMC request for emergency action and published a proposed rule justifying emergency action according to agency guidelines (62 FR 44421; August 21, 1997) in the **Federal Register** on February 25, 2013 (78 FR 12708). The proposed rule would have temporarily suspended the monkfish landing limits for any vessel issued a Federal limited access monkfish Category C or D permit (i.e., a vessel that is also issued a limited access NE multispecies permit) that is fishing under a groundfish DAS or both a groundfish and monkfish DAS in the NFMA during FY 2013. A full discussion of the background and justification for emergency measures was presented in the preamble to the February 25, 2013, proposed rule and section 2.1 of the EA prepared for that action (see **ADDRESSES**), and is not repeated here. In summary, the combined effect of several issues facing the Northeast multispecies (groundfish) fishery in FY 2013, including substantial reductions in ACLs for several stocks, present recently discovered circumstances that would likely cause serious management problems and result in substantial economic and social harm for the groundfish and monkfish fisheries and associated communities.

Based on additional analysis and an evaluation of public comment, we revised the proposed measures through an emergency interim final rule that published in the **Federal Register** on April 30, 2013 (78 FR 25214). The interim final rule implemented revised emergency measures suspending monkfish landing limits for Category C or D monkfish vessels fishing under a monkfish, but not a groundfish, DAS in the NFMA during FY 2013. These measures were more restrictive than what we proposed in an attempt to address concerns expressed by the Mid-Atlantic Fishery Management Council (MAFMC) and industry that the proposed measures may unintentionally shift effort into the Southern Fishery Management Area (SFMA) and cause unanticipated adverse impacts to the SFMA monkfish resource and associated fishing communities. The measures in the interim final rule represented a compromise between the interests expressed by each Council by providing additional opportunities to land monkfish in the NFMA, as advocated by the NEFMC, yet also minimizing the potential effort shifts into the SFMA, as advocated by the MAFMC. Additional public comments were accepted on the revised measures through May 30, 2013, and are addressed later in this preamble. The interim final rule indicated that we would monitor the fishery, and that we may renew or modify the emergency measures for the remainder of FY 2013, consistent with the Magnuson-Stevens Act and the Administrative Procedure Act (APA).

Pursuant to section 305(c)(3)(B) of the Magnuson-Stevens Act, management measures implemented by the April 30, 2013, emergency interim final rule may be extended for an additional period of up to 186 days, provided (1) the public has had the opportunity to comment on the emergency regulations, and (2) if the emergency is requested by a fishery management council, the council is actively preparing an action to address the emergency on a permanent basis. As noted above, the public has had two opportunities to comment on the emergency management measures. Further, the NEFMC is preparing Framework Adjustment 8 to the Monkfish FMP that is considering increasing the monkfish landing limits applicable to vessels fishing under a groundfish, but not a monkfish, DAS in the NFMA starting in FY 2014. This measure would increase fishing opportunities and associated revenue for vessels in the groundfish fishery. Therefore, both criteria specified in the Magnuson-Stevens Act necessary to extend the emergency action have been met. Based on public comments and a consideration of new information and data describing the performance of the monkfish and groundfish fisheries during the first 4 months of FY 2013 (May-August), this temporary rule extends and revises the measures implemented by the April 30, 2013, interim final rule for the remainder of FY 2013 (through April 30, 2014).

Management Measures Implemented by This Temporary Rule

1. Monkfish Landing Limits in the NFMA

This temporary rule extends and revises the April 30, 2013, emergency action that suspended and modified monkfish landing limits for vessels issued a Federal limited access monkfish Category C or D permit that are fishing under a groundfish DAS or both a groundfish and monkfish DAS in the monkfish NFMA for the remainder of FY 2013. Existing monkfish landing limits for vessels issued a Federal limited access monkfish Category A or B permit and fishing under a monkfish DAS, or vessels issued an open access monkfish Category E permit that are not operating under any DAS (i.e., vessels that catch monkfish while targeting other fisheries) remain the same, as specified in Table 1. In addition, the overfishing level (OFL), acceptable biological catch level (ABC), ACL, annual catch target (ACT), and total allowable landing (TAL) amounts remain 19,557 mt, 7,592 mt, 7,592 mt, 6,567 mt, and 5,854 mt, respectively, as implemented in either Amendment 5 (76 FR 30265; May 25, 2011) or Framework Adjustment 7 to the Monkfish FMP (76 FR 66192; October 26, 2011).

TABLE 1—SUMMARY OF MONKFISH POSSESSION LIMITS IN THE NFMA FOR 2013

Groundfish sector participation status	DAS type	Monkfish permit category	Landing limit (tail weight)
Non-sector Vessels (Monkfish-only or Common Pool Groundfish Vessels).	No DAS	A, B, or E	Up to 5% of total weight of fish onboard; or 50 lb (23 kg) per day, up to 150 lb (68 kg) per trip based on gear used.
	Monk	A	1,250 lb (567 kg)/DAS.
		B	600 lb (272 kg)/DAS.
	NE Mults A DAS only	E	Up to 25% of total weight of fish onboard, not to exceed 300 lb (136 kg).
		C or D	Unlimited.
	NE Mults A & Monk DAS	C or D	Unlimited.
Sector	Non-DAS	E, C, or D	Up to 5% of total weight of fish onboard; or 50 lb (23 kg) per day, up to 150 lb (68 kg) per trip based on gear used.
	NE Mults A DAS only	E	Up to 25% of total weight of fish onboard, not to exceed 300 lb (136 kg).
		C or D	Unlimited.
	NE Mults A & Monk DAS	C or D	Unlimited.

New information and data describing the performance of the monkfish fishery during May-August 2013 (completed landings data for September are not available at this time) indicate that monkfish landings in both the NFMA and SFMA remain slightly below the monkfish landing trajectory observed in both areas during FY 2012. During May-August 2013, monkfish landings in the NFMA have decreased by about 3 percent relative to the same months in FY 2012, while SFMA monkfish landings have decreased by 25 percent. Further, monkfish DAS usage has decreased by 9 percent in the NFMA and 12 percent in the SFMA compared to May-August 2012. Forty more trips have been taken under both a groundfish and a monkfish DAS in the NFMA compared to FY 2012 (a 35-percent increase), while fewer monkfish trips were taken in the SFMA (36 percent fewer groundfish/monkfish DAS trips and 5 percent fewer monkfish-only DAS trips). However, it is unclear whether this represents an actual shift in behavior caused by the emergency measures, or inter-annual fluctuation in vessel operations. If the recently observed trends in monkfish landings and operations continue, 2013 monkfish landings will fall well short of the 2013 TALs in both the NFMA and SFMA, similar to what has been observed since FY 2011 when these TALs were first implemented (see Table 2).

TABLE 2—RECENT PERFORMANCE OF THE MONKFISH FISHERY RELATIVE TO THE NFMA AND SFMA TALS

Fishing year	NFMA				SFMA			
	May-August landings		Annual landings		May-August landings		Annual landings	
	mt	% of TAL	mt	% of TAL	mt	% of TAL	mt	% of TAL
2011	904	15	3,699	63	2,085	23	5,801	65
2012	1,099	19	3,920	67	2,637	30	5,184	58
2013	1,065	18	.....	.....	1,965	22	.....	.....

As discussed more thoroughly in the April 30, 2013, interim final rule for this emergency action, the MAFMC and some industry participants were concerned that the originally proposed emergency measures could substantially increase the effective effort on monkfish by inadvertently and unintentionally creating incentives for vessels to fish for monkfish using readily available groundfish DAS in the NFMA, and then using their allocated monkfish DAS to fish for monkfish in the SFMA. This would reflect a substantial change from recent fishing practices. At the time, we

shared their concern that this could result in monkfish landings that exceed the SFMA monkfish TAL during FY 2013 and result in harm to the SFMA monkfish stock and associated fishery. However, current trends in the fishery suggest that the measures implemented by the interim final rule did not result in a significant increase in monkfish landings relative to 2012, and that it appears that 2013 landings will continue to track well below the TALs in the NFMA and SFMA for the rest of the year.

While the potential remains for the measures implemented by this temporary rule to increase monkfish landings and cause effort to shift into the SFMA, monkfish landings would have to increase substantially during the remainder of FY 2013 (i.e., through April 30, 2014) to exceed the FY 2013 monkfish TALs. Based on the recent performance of the monkfish fishery in both areas, there is a low probability that any potential landings increases or effort shifts would be substantial enough to increase monkfish catch such that the FY 2013 NFMA or SFMA monkfish TAL, ACL, or OFL would be exceeded. Because neither the NFMA nor SFMA monkfish stocks are currently overfished, overfishing levels are substantially higher than the TALs for each stock, and biomass is well above the current biomass thresholds; any shift of effort caused by these emergency measures is not likely to result in overfishing either stock, or cause any biological harm to these stocks during the remainder of FY 2013. We still retain the ability to reinstate monkfish landing limits in the NFMA at any time during the remainder of FY 2013, thereby preventing the emergency measures from further influencing potential shifts in vessel operations.

Suspending monkfish landing limits for Category C or D monkfish vessels fishing on a groundfish DAS or both a groundfish and monkfish DAS in the NFMA for the remainder of FY 2013 offers additional opportunities to land monkfish and increase the likelihood that additional monkfish would be landed from the NFMA. This may help mitigate negative impacts to vessels affected by recent reductions in groundfish ACLs—the main purpose of this action. Any effort shift that may result from this action would be temporary in nature, and may actually increase the likelihood that the fishery would more fully harvest the available TAL. In doing so, the fishery may better optimize yield and maximize economic benefits to the various fishing sectors consistent with Objective 2 of the Monkfish FMP.

2. Regional Administrator Authority To Reinstate Existing Monkfish Possession Limits

This action authorizes the Regional Administrator to reinstate existing monkfish landing limits for limited access monkfish Category C and D vessels fishing under a groundfish DAS or both a groundfish and monkfish DAS in the NFMA at any time through April 30, 2014, if available data indicate that the NFMA monkfish TAL or ACT may be exceeded during FY 2013. If such landing limits are reinstated, monkfish Category C and D vessels fishing in the NFMA under a monkfish DAS would be subject to monkfish landing limits of 1,250 lb (567 kg) tail weight and 600 lb (272 kg) tail weight per DAS, respectively, for the remainder of FY 2013, while vessels fishing under a groundfish DAS would be subject to monkfish landing limits of up to 25 percent of the total weight of fish on board, not to exceed 300 lb (136 kg) tail weight per DAS. This discretion is necessary to ensure that unexpected changes in fishing behavior in response to this emergency action do not cause monkfish landings or catch, when discards are included, to exceed the FY 2013 NFMA monkfish TAL or ACT, respectively, and result in overfishing for NFMA monkfish. Any reinstatement of monkfish possession limits in the NFMA would be implemented consistent with the APA.

Comments and Responses

Fifteen comments were received during the public comment period on the interim final rule from eight individuals, three commercial fishing organizations, two fish dealers, the NEFMC, and the MAFMC. Only comments that were applicable to the proposed measures, including the analyses used to support these measures, are addressed in this preamble. Overall, 4 commenters supported the proposed action, while 11 opposed it.

Comment 1: One commenter suggested that the interim final rule was politically motivated rather than influenced by science, stating that there is no proof that there are sufficient economic reasons for taking emergency action. This commenter also objected to responses to public comments in the interim final rule that seemed to dismiss scientific references and input from the general public and independent and non-governmental sources.

Response: As noted above, Framework Adjustment 50 to the NE Multispecies FMP implemented necessary reductions in the FY 2013 groundfish ACLs to end overfishing and rebuild overfished stocks based on the best available scientific information regarding the status of groundfish stocks. The likely economic impacts resulting from such reductions are also well documented in the EA prepared for that action, and available at the following internet link: *http://www.nero.noaa.gov/regs/2013/April/13mulfw50ifrea.pdf*. The purpose and need for this action—to help mitigate the social and economic impacts associated with such drastic reductions to groundfish ACLs in FY 2013—is well documented in the February 25, 2013, proposed rule for this action and in section 2.1.2 of the associated EA (see **ADDRESSES**). Thus, this emergency action is not politically motivated, but rather based on a documented need to help mitigate expected economic impacts resulting from scientifically derived reductions to groundfish ACLs.

The commenter appeared to object to how we responded to Comment 4 in the April 30, 2013, interim final rule for this action. As noted in the response to that comment, we must rely on the best available *scientific* information, as required by National Standard 2 of the Magnuson-Stevens Act, and cannot rely upon draft reports, news articles, personal communications, or information that is not germane to the proposed action as the basis for such measures. The information presented by the previous commenter was neither specific to the area affected by this action, nor the fishery for which it pertained. It was difficult to relate such input to the proposed monkfish emergency action, and refute other scientific information that was more germane to the proposed emergency action or the review by individuals with an intimate knowledge of the monkfish fishery and its impacts on marine mammals. Thus, we did not ignore or dismiss input from the public or non-governmental entities, but rather relied on what we considered to be the best scientific information available to make our determinations related to this action, as required by law.

Comment 2: One vessel owner that operates within the NFMA commented that we have ignored Council votes recently by not implementing NEFMC recommendations for emergency action. In contrast, an industry group representing monkfish vessels operating in the SFMA indicated that the measures implemented by the interim final rule responded directly to concerns raised by the public about the original NEFMC proposal for emergency action.

Response: We take input by the public, including both Councils, very seriously, and consider such input when making decisions about management actions. While we may or may not agree with input offered by any one individual or group, our decisions must be justified based on the best scientific information available at the time of the decision, as noted above in the response to Comment 1, and consistent with applicable law. As discussed more thoroughly above, new information and data regarding the performance of the monkfish fishery during May–August 2013 suggests that we can suspend monkfish landing limits for vessels issued a limited access monkfish Category C or D permit that are fishing under a groundfish DAS or both a groundfish and monkfish DAS in the NFMA for the rest of FY 2013 with minimal risk of overfishing monkfish stocks in either the NFMA or SFMA, or causing any biological harm to these stocks. In making this determination, we have utilized the best available scientific information to balance the concerns and interests of the public, including the NEFMC and vessels operating in the NFMA, and the MAFMC and vessels operating in the SFMA. Such data suggest that even if the measures implemented by this temporary rule provide incentives to shift effort into the SFMA, as indicated by the MAFMC and other commenters, monkfish catch would not likely increase sufficiently to cause the FY 2013 SFMA monkfish TAL, ACL, or OFL to be exceeded. In the development of the interim final rule, we exercised caution in considering public comment and analyzing available data regarding the potential for effort shifts into the SFMA and its impacts on the monkfish resource, because we did not yet know how the fishery would react to the substantial reductions in groundfish ACLs or the emergency monkfish measures. Now that we have new information detailing how the fishery has reacted to date, we can make a more informed decision about the potential for such effort shifts to adversely affect the monkfish resource for the remainder of FY 2013. Thus, we have considered public input and available information to justify measures implemented in this temporary rule consistent with applicable law.

Comment 3: Three vessel owners and two fish dealers indicated that the measures implemented by the interim final rule will do little to increase monkfish landings in the NFMA, leaving the NFMA monkfish ACL to be under-harvested during FY 2013.

Response: When we analyzed the measures implemented by the interim final rule, the results of the analysis suggested that monkfish landings in the NFMA would increase. However, we also acknowledged that there were many factors influencing vessel behavior, and that there was a lot of uncertainty inherent in how the fishery would react to the reductions in groundfish ACLs and any monkfish emergency measures. The new data regarding the current performance of the monkfish fishery so far during FY 2013 suggest that the measures implemented by the interim final rule did not increase monkfish landings significantly relative to FY 2012, and that if recently observed landing rates continue, the fishery will once again under-harvest the NFMA monkfish TAL and ACL during FY 2013. Accordingly, based upon this new information, we are extending, but also revising the emergency action to be consistent with the initially proposed emergency action by suspending the monkfish landing limits for limited access monkfish Category C or D vessels fishing under a groundfish DAS or both a groundfish and monkfish DAS in the NFMA for the rest of FY 2013 through this temporary rule. We expect this will help further increase monkfish landings and mitigate the adverse economic impacts of reduced groundfish ACLs, as intended.

Comment 4: The NEFMC submitted a revised request for emergency action that was adopted at its April 2013 meeting. The revised request recommended that NMFS increase the monkfish landing limits for vessels fishing on a groundfish DAS in the NFMA to equal the landing limits specified for vessels fishing on a monkfish DAS in the NFMA during FY 2012 (600 lb (272 kg) tail weight per DAS for Category D vessels and 1,250 lb (567 kg) tail weight per DAS for Category C vessels) instead of completely eliminating these landing limits, as they originally requested. Nine other commenters supported the NEFMC's revised emergency action request, stating that it is necessary to increase monkfish landings and help reduce the substantial adverse economic impacts resulting from reductions in groundfish ACLs. The NEFMC and two other commenters noted that the monkfish incidental landing limit for vessels fishing on a groundfish DAS constrains the ability of the fishery to fully harvest the available NFMA monkfish TAL, with one commercial fishing organization noting that vessels were also constrained by an insufficient allocation of monkfish DAS to account for monkfish overages while fishing on groundfish DAS. That organization also highlighted that the revised emergency action request would reduce monkfish discards.

Response: We appreciate that the NEFMC's revised proposal attempted to address our concerns with their original proposal. However, as noted in the analysis prepared for this action, the FY 2012 monkfish landing limits under a monkfish DAS did not substantively limit the existing fishery, and were, therefore, not very different from eliminating monkfish landing limits entirely. The analysis prepared for this emergency action confirms that vessels are somewhat constrained by incidental monkfish landing limits when fishing on a groundfish DAS. Therefore, in conjunction with new information regarding the performance of the fishery that reduces our concern that the emergency measures would result in negative impacts to the monkfish stock, we are extending, but also revising the emergency action to be consistent with the initially proposed emergency action by suspending monkfish landing limits for limited access vessels fishing under a groundfish DAS or both a groundfish and monkfish DAS in the NFMA for the rest of FY 2013 through this temporary rule. This will eliminate monkfish landing limit constraints for monkfish Category C or D vessels fishing on a groundfish DAS, and should increase the fishery's capacity to land more monkfish from the NFMA, and reduce unnecessary monkfish discards. We acknowledge that this is not consistent with the NEFMC's revised recommendation for emergency action, but note that this is consistent with their original emergency action request, and should achieve the same or better results than their revised request.

Recent DAS usage patterns suggest that the fishery in general is not restricted by an insufficient number of monkfish DAS. On a yearly basis, only about 16 percent of allocated monkfish DAS are used in both areas combined, and only about 5 percent of allocated monkfish DAS have been used in the NFMA during recent years. While DAS allocations may be constraining for individual vessels, it does not appear that monkfish DAS allocations are the primary reason for low monkfish landings from the NFMA fishery at large. The NEFMC is considering adjustments to both monkfish DAS allocations and landing limits as part of Framework Adjustment 8 to the Monkfish FMP for implementation during FY 2014.

Comment 5: Two dealers and one vessel owner observe that both stocks of

monkfish are rebuilt and not subject to overfishing. One commercial fishing organization and a vessel owner noted that the monkfish ACT is set conservatively below the ABC and OFL. Further, the NEFMC and four other commenters also recalled that because the monkfish fishery has not come close to exceeding TALs in either the NFMA or the SFMA in 2012, more monkfish could be landed without exceeding the TALs, allowing the fishery to more closely achieve optimum yield (OY). One dealer stated that we need to keep a steady supply of fish available to the markets. One commercial fishing organization supported increasing access to monkfish in a manner that provides greater flexibility in planning trips, while still retaining quotas that would minimize the risk of overfishing.

Response: We agree that the latest monkfish stock assessment information available (Stock Assessment Workshop 50) indicates that both monkfish stocks are not overfished or subject to overfishing. We also recognize that there are sufficient buffers between the TAL and the ACL and OFL for each stock to prevent overfishing even if the FY 2013 TAL is fully harvested. As analyzed in the EA prepared to support this action, neither the measures implemented by the interim final rule, nor the measures implemented by this temporary rule (identified as Alternatives 1 and 2 in the EA, respectively), are expected to result in landings exceeding the FY 2013 NFMA monkfish TAL based on recent fishing operations and other existing constraints in either the groundfish or monkfish fisheries. In fact, based on new evidence that the fishery is currently on track to land less than the monkfish TALs in each area during FY 2013, there is little risk that excessive amounts of monkfish will be landed as a result of measures implemented by this temporary rule that could jeopardize the health of either stock. Therefore, we agree that more monkfish can be landed from each area during the remainder of FY 2013 to better achieve OY in the fishery, without resulting in overfishing or biological harm to either monkfish stock. This should also help increase the potential for a more steady supply of monkfish to the markets. The NFMA and SFMA monkfish catch limits are not revised by this temporary rule, and would continue to serve to minimize the risk of overfishing, as implemented under Framework Adjustment 7 and Amendment 5 to the Monkfish FMP. We will continue to monitor monkfish landings throughout FY 2013, and will reinstate existing monkfish landing limits if available data suggest that the FY 2013 NFMA monkfish TAL would be exceeded before the end of the FY to further ensure that overfishing does not occur during FY 2013.

Comment 6: One commercial vessel owner completely opposed the interim final rule and the NEFMC revised request for emergency action, stating that he is opposed to allowing the use of a groundfish DAS to target monkfish. The MAFMC reiterated its concerns that the NEFMC emergency action requests could potentially shift effort into the SFMA, posing a considerable risk to monkfish stocks in both the NFMA and SFMA. A commercial fishing organization warned that drastic increases in fishing effort on monkfish may have substantial and unintended consequences that may lead to depleted stocks, recommending that monkfish landings should be closely monitored to ensure catch levels are not exceeded. This organization, one vessel owner, and the MAFMC indicated that efforts to rebuild groundfish and minimize adverse economic impacts to the groundfish fishery should not risk depleting or jeopardize the health of another species such as monkfish. The MAFMC also recommended allowing the NFMA monkfish fishery to adjust to the interim final rule measures and reevaluate their efficacy after 6 months. The NEFMC and two other commenters noted that the potential effort shift into the SFMA is not a substantial concern. They observed that, historically, most vessels do not use their full monkfish DAS allocations in the NFMA because it is not profitable to do so, and that the monkfish landing limits would make it even less profitable to fish their monkfish DAS in the SFMA, particularly for trawl vessels.

Response: As noted in the interim final rule, we agree with the MAFMC that the NEFMC emergency action requests increase the potential for effort to shift into the SFMA. However, we also agree with the NEFMC, and recognize that SFMA monkfish landing limits may make it less profitable for monkfish vessels to shift effort into the SFMA. As indicated in the interim final rule for this action and recommended by the MAFMC, we have reevaluated the impacts of the interim final rule measures now that the fishery in the NFMA has had an opportunity to adjust to such measures. New data regarding the performance of the fishery during May–August 2013 suggest that there is little risk that potential effort shifts into the SFMA will adversely affect the monkfish resource. Therefore, to provide some economic relief to groundfish vessels without harming the monkfish stocks in either the NFMA or SFMA, we have implemented the original NEFMC request for emergency action through the remainder of FY 2013 through this temporary rule. We will continue to closely monitor monkfish landings and vessel activity using all available data. If the data suggest that the NFMA monkfish TAL will be exceeded, or that effort displacement into the SFMA area is occurring that could result in excessive monkfish catch, we can reinstate existing monkfish incidental landing limits for vessels fishing on a groundfish or both a groundfish and monkfish DAS to minimize incentives to shift effort into the SFMA.

Vessels will still be subject to existing regulations in other fisheries, including effort controls such as DAS, possession and landing limits, minimum mesh size requirements, and hard quotas and area closures, to ensure that ACLs are not exceeded and that overfishing does not occur on any species, as required by the Magnuson-Stevens Act. Therefore, the measures implemented by this temporary rule, in addition to existing measures in other fisheries, should ensure that other species are not depleted as a result of this action.

Comment 7: One vessel owner questioned why groundfish vessels would need to catch an unlimited amount of monkfish, when existing NFMA monkfish landing limits while operating under a monkfish DAS is a substantial amount of fish already. He noted that if the fishery is under-harvesting monkfish, then everyone should be allowed to land more monkfish, not just groundfish vessels. He implies that groundfish vessels expect to have greater access to the resource because they operate larger vessels than he does, even though they are also likely issued the same monkfish permits.

Response: The purpose of this emergency action is to help mitigate adverse economic impacts to the groundfish fishery as a result of substantial and unexpected reductions to FY 2013 groundfish ACLs. In contrast, the monkfish catch limits have increased since FY 2007, and have been the same since FY 2011. The monkfish fishery has under-harvested available TALs in both areas for the past several years. Both Councils are currently working on measures that would help increase monkfish landings in the directed monkfish fishery in both areas. These measures may be in place as early as May 2014 as part of Framework Adjustment 8 to the Monkfish FMP. Implementing such measures through this emergency action is not warranted,

as no emergency situation exists in the monkfish fishery similar to that currently being experienced in the groundfish fishery. The analysis prepared for this action indicates that monkfish incidental landing limits when fishing on a groundfish DAS constrain catch for such vessels. Because the measures implemented by the interim final rule did not appear to create sufficient incentives for vessels to increase monkfish landings by fishing under a monkfish DAS, additional action was necessary through this temporary rule to fulfill the purpose of this action. Finally, measures implemented by this interim final rule apply to all monkfish Category C or D vessels, regardless of size. Accordingly, there should be no differential impact to vessels of different size classes from such measures.

Comment 8: One vessel owner indicated that a majority of monkfish DAS are not being used now. He states that this is likely as an indication that vessels cannot harvest sufficient quantities of monkfish because the stock is not as healthy as previously thought.

Response: According to the latest monkfish stock assessment, monkfish, both stocks are neither overfished, nor subject to overfishing. According to both SAW 50 and data from the April 2013 monkfish stock assessment presented to the Council's Scientific and Statistical Committee, both stocks are well above their biomass thresholds, with NFMA monkfish biomass estimated to be very close to the target biomass level (46,074 mt), while the SFMA monkfish biomass was estimated to be about double the current target biomass level (71,667 mt). In fact, biomass in the NFMA has been increasing since 2006, suggesting the stock condition is improving. Therefore, although monkfish DAS are not being fully used, particularly in the NFMA, that does not appear to be directly linked with health of the stock, and may be influenced by a number of other factors such as changes to management measures, price of fuel, demographic patterns, etc.

Changes From the April 30, 2013, Emergency Interim Final Rule

In extending the emergency interim final rule, NMFS has made two changes to the proposed rule, including changes as a result of public comment. In § 648.94, this rule suspends paragraph (b)(3)(i), and adds the paragraph (b)(3)(iv) to exempt monkfish Category C and D vessels from existing monkfish landing limits when fishing under a groundfish DAS in the NFMA as part of this temporary rule. Both of these changes are consistent with the initial proposed emergency measures.

Classification

The NMFS Assistant Administrator has determined that the emergency measures implemented by this temporary rule are consistent with the Monkfish FMP, provisions of the Magnuson-Stevens Act, agency guidelines on emergency rules, and other applicable law. NMFS, in making a final determination, has taken into account the data, views, and comments received during the public comment period for the interim final rule.

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

This interim final rule does not contain policies with Federalism or takings implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

Relevant analyses and determinations required by the Regulatory Flexibility Act were summarized in the classification section of both the February 25, 2013, proposed rule and the April 30, 2013, emergency interim final rule, and are not repeated here. All relevant comments in response to the IRFA were summarized and addressed in the Classification section of the April 30, 2013, interim final rule for this action. No new issues related to the IRFA or FRFA were raised during the public comment period for the interim final rule. Economic impacts of the measures implemented by this temporary rule are outlined as Alternative 2 in section 5.2.3 of the EA prepared for this action (see **ADDRESSES**), and summarized in the IRFA prepared for the February 25, 2013, proposed rule for this action. Because this temporary rule does not impose any costs, and suspends monkfish landing limits for certain vessels, no adverse economic impacts are expected from this action and that vessel revenue is expected to increase as a result of measures implemented by this temporary rule.

On June 20, 2013, the Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 22, 2013 (June 20, 2013; 78 FR 37398). The rule increased the size standard for Finfish Fishing from $4.0 to 19.0 million, Shellfish Fishing from $4.0 to 5.0 million, and Other Marine Fishing from $4.0 to 7.0 million. Pursuant to the Regulatory Flexibility Act, and prior to SBA's June 20 final rule, a FRFA was developed for this action using SBA's former size standards. We have reviewed the analyses prepared for this action in light of the new size standards. Under the former, lower size standards, 277 entities subject to this action were considered small entities, while 26 were considered large entities in FY 2011 (the latest year for which complete data are available), as described in Section 7.11.2 of the EA prepared for this action (see **ADDRESSES**) and the FRFA prepared for the April 30, 2013, interim final rule. Under the new standards, all entities would be considered small, as mean gross sales for any one entity never exceeded the $19 million standard for finfish operations in FY 2011. Because this emergency action does not impose any costs on affected entities, there are no disproportionate impacts between small and large entities associated with this action, and a no small entities would be placed at a significant competitive disadvantage compared to large entities. Eliminating monkfish landing limits for affected vessels would increase, rather than decrease, profitability during FY 2013, helping small entities remain in business. Vessels would be able to capitalize on additional catch of monkfish that would have previously been discarded if exceeding the existing possession restrictions and gain efficiency by retaining such monkfish without incurring additional operational expenses. Therefore, NMFS has determined that the new size standards do not affect analyses prepared for this action.

An EA was prepared for this emergency action, with impacts for the measures implemented by this temporary rule described under Alternative 2 throughout the document. Because the EA evaluated impacts of alternatives over the duration of FY 2013, and this temporary rule implements Alternative 2 considered in that EA, the impacts of implementing emergency management measures through this temporary rule have already been considered. A copy of the EA and the Finding of No Significant Impact prepared for the emergency action are available from the Regional Administrator (see **ADDRESSES**).

Because this rule relieves a restriction by suspending the current monkfish possession restrictions for vessels fishing under a groundfish DAS or both a groundfish and monkfish DAS in the NFMA, it is not subject to the 30-day delayed effectiveness provision of the APA pursuant to 5 U.S.C. 553(d)(1). Vessels issued a Federal limited access monkfish Category C or D permit fishing in the NFMA under a monkfish DAS would otherwise be subject to a monkfish landing limit of 1,250 lb (567 kg) or 600 lb (272 kg) tail weight per

DAS fished, respectively. If fishing under just a groundfish DAS, such vessels would be subject to a monkfish landing limit of up to 25 percent of the total weight of fish on board, not to exceed 300 lb (136 kg) tail weight or its whole weight equivalent per DAS. If monkfish catch exceeds these limits, a vessel must either discard monkfish, or retain legal-sized fish and remain at sea until sufficient time has elapsed to account for the amount of monkfish retained. Alternatively, if the vessel was fishing under a groundfish DAS, it could declare a monkfish DAS at sea and retain the fish, but only if it had first declared the option to potentially use a monkfish DAS via its vessel monitoring system prior to leaving the dock. This action suspends those landing limits to encourage greater monkfish landings and associated fishing revenue as a means to help alleviate the substantial economic and social impacts expected from substantially reduced groundfish ACLs in FY 2013. Accordingly, implementing this action following a 30-day delayed effectiveness would be contrary to the public interest, because it would unnecessarily delay the public's ability to take advantage of unlimited monkfish landing limits and associated economic benefits of higher monkfish landings, thereby undermining the intent of the rule. A swift implementation of this final action minimizes the chances of negative economic impacts resulting from the reduced groundfish ACLs for some stocks during FY 2013. Thus, there is also good cause under 5 U.S.C. 553(d)(3) to waive the delay in effectiveness for this action.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a letter to permit holders that also serves as small entity compliance guide (the guide) was prepared. Copies of this temporary rule are available from the Northeast Regional Office, and the guide, i.e., permit holder letter, will be sent to all holders of permits for the groundfish and monkfish fisheries. The guide and this temporary rule will be available upon request from the Regional Administrator (see **ADDRESSES**).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 22, 2013.

Alan D. Risenhoover,

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

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.94, suspend paragraph (b)(3)(i), and add paragraph (b)(3)(iv) to read as follows:

§ 648.94 Monkfish possession and landing restrictions.

* * * * *

(b) * * *

(3) * * *

(iv) *NFMA*—(A) *Category C and D vessels.* Unless otherwise specified pursuant to paragraph (h) of this section, there is no monkfish landing limit for limited access monkfish Category C or D vessels that are fishing under a NE multispecies DAS exclusively in the NFMA.

(B) *Category F vessels.* A limited access monkfish Category F vessel that is fishing under a NE multispecies DAS, and not a monkfish DAS, exclusively in the NFMA is subject to the incidental catch limit specified in paragraph (c)(1)(i) of this section.

(C) *Vessels participating in the NE Multispecies Regular B DAS Program.* Category C, D, F, G, and H vessels participating in the NE Multispecies Regular B DAS Program, as specified under § 648.85(b)(6), are subject to the incidental catch limit specified in paragraph (c)(1)(i) of this section.

* * * * *

[FR Doc. 2013–25265 Filed 10–24–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 120918468–3111–02]

RIN 0648–XC929

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska

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

ACTION: Temporary rule; modification of a closure.

SUMMARY: NMFS is opening directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA). This action is necessary to fully use the 2013 total allowable catch of pollock in Statistical Area 630 of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 22, 2013, through 1200 hrs, A.l.t., November 1, 2013. Comments must be received at the following address no later than 4:30 p.m., A.l.t., November 6, 2013.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2012–0180 by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2012-0180,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.
- *Fax:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Fax comments to 907–586–7557.

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: Josh Keaton, 907–586–7228.

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

The 2013 total allowable catch (TAC) of pollock in Statistical Area 630 of the GOA is 27,372 metric tons (mt) as established by the final 2013 and 2014 harvest specifications for groundfish of the GOA (78 FR 13162, February 26, 2013). The D season apportionment of the Statistical Area 630 pollock TAC is 9,378 mt.

In accordance with § 679.20(a)(5)(iv)(B), the Administrator, Alaska Region, NMFS, (Regional Administrator) hereby reapportions 1,876 mt of the C season underharvest of pollock in Statistical Area 610 to the D season apportionment of the Statistical Area 630 pollock TAC. Therefore, the revised D season allowance of the pollock TAC in Statistical Area 630 is 11,254 mt (9,378 mt plus 1,876 mt) and the revised 2013 TAC in Statistical Area 630 is 29,248 mt (27,372 mt plus 1,876 mt).

NMFS closed directed fishing for pollock in Statistical Area 630 of the GOA under § 679.20(d)(1)(iii) on October 8, 2013 (78 FR 62005, October 11, 2013).

As of October 21, 2013, NMFS has determined that approximately 650 metric tons of pollock remain in the directed fishing allowance for pollock in Statistical Area 630 of the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the 2013 TAC of pollock in Statistical Area 630 of the GOA, NMFS is terminating the previous closure and is reopening directed fishing pollock in Statistical Area 630 of the GOA, effective 1200 hrs, A.l.t., October 22, 2013.

The Administrator, Alaska Region (Regional Administrator) considered the following factors in reaching this decision: (1) The current catch of pollock in Statistical Area 630 of the GOA and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of the directed pollock fishery in Statistical Area 630 of the GOA. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet and processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 21, 2013.

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

Without this inseason adjustment, NMFS could not allow pollock fishery in Statistical Area 630 of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until November 6, 2013.

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

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

Dated: October 22, 2013.

Kelly Denit,

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

[FR Doc. 2013–25135 Filed 10–22–13; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 207
Friday, October 25, 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 Parts 50 and 55

[NRC–2012–0031]

RIN 3150–AJ11

Onsite Emergency Response Capabilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory basis.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is making available a regulatory basis document to support the potential amendment of its regulations concerning nuclear power plant licensees' onsite emergency response capabilities. The NRC is not seeking public comments on this document. The issuance of this regulatory basis document is one of the actions stemming from the NRC's lessons-learned efforts associated with the March 2011 Fukushima Dai-ichi Nuclear Power Plant accident in Japan.

DATES: At this time, the NRC is not soliciting formal public comments on this document. There will be an opportunity for formal public comment on the proposed rule when it is published in the **Federal Register**.

ADDRESSES: Please refer to Docket ID NRC–2012–0031 when contacting the NRC about the availability of information for this document. You may access information related to this document by any of the following methods:

- *Federal Rulemaking Web site:* Go to *www.regulations.gov* and search for Docket ID NRC–2012–0031. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS Accession Number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Stewart Schneider, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4123; email: *Stewart.Schneider@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background
II. Publicly Available Documents
III. Non-Concurrence
IV. Plain Writing

I. Background

As the NRC continues its ongoing proposed rulemaking effort to amend portions of Parts 50 and 55 of Title 10 of the *Code of Federal Regulations* (10 CFR) to strengthen and integrate onsite emergency response capabilities, the NRC is making documents publicly available on the Federal rulemaking Web site, *www.regulations.gov*, under Docket ID NRC–2012–0031. By making these documents publicly available, the NRC seeks to inform stakeholders of the current status of the NRC's rulemaking development activities and to provide preparatory material for future public meetings.

II. Publicly Available Documents

The NRC has posted on *www.regulations.gov* for public availability the regulatory basis to strengthen and integrate onsite emergency response capabilities. This regulatory basis documents the reasons why the NRC determined rulemaking was the appropriate course of action to enhance regulatory requirements.

In addition, the NRC has posted preliminary proposed rule language related to this rulemaking as Appendix C of the regulatory basis. This preliminary proposed rule language contains one portion of the NRC's proposed changes. This language does not represent a final NRC staff position nor has it been reviewed by the Commission. Therefore, the preliminary proposed rule language may undergo significant revision during the rulemaking process.

The NRC is not requesting formal public comments on the regulatory basis or the preliminary proposed rule language. The NRC may post additional materials, including other preliminary proposed rule language, to the Federal rulemaking Web site at *www.regulations.gov*, under Docket ID NRC–2012–0031. 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–2012–0031); (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).

III. Non-Concurrence

Several NRC staff members did not agree with some content of the regulatory basis and submitted non-concurrences on this document. In accordance with the NRC's non-concurrence process, NRC management and staff worked to address the staff members' concerns, and documentation of the non-concurrences can be found at Accession Nos. ML13269A322 and ML13269A327. The non-concurrence issues were assessed, and the regulatory basis was revised to address the staff members' concerns. As a result, four of the staff members concurred, and one staff member reaffirmed his non-concurrence.

IV. Plain Writing

The Plain Writing Act of 2010, (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. Although regulations are exempt under the Act, the NRC is applying the same principles to its rulemaking documents. Therefore, the NRC has written this document, including the preliminary proposed rule

language, to be consistent with the Plain Writing Act.

Dated at Rockville, Maryland, this 1st day of October, 2013.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–24879 Filed 10–24–13; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2012–0772; Notice No. 25–13–05–SC]

Special Conditions: Embraer S.A., Model EMB–550 Airplanes; Flight Envelope Protection: Normal Load Factor (g) Limiting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Embraer S.A. Model EMB–550 airplane. This airplane will have a novel or unusual design feature associated with an electronic flight control system that prevents the pilot from inadvertently or intentionally exceeding the positive or negative airplane limit load factor. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send your comments on or before December 9, 2013.

ADDRESSES: Send comments identified by docket number FAA–2013–0772 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 8 a.m. and 5 p.m., Monday through Friday, except federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/*, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov/at* any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Airplane and Flight Crew Interface Branch, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2011; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 14, 2009, Embraer S.A. applied for a type certificate for its new Model EMB–550 airplane. The Model EMB–550 airplane is the first of a new family of jet airplanes designed for corporate flight, fractional, charter, and private owner operations. The airplane has a conventional configuration with low wing and T-tail empennage. The primary structure is metal with composite empennage and control surfaces. The Model EMB–550 airplane is designed for 8 passengers, with a maximum of 12 passengers. It is equipped with two Honeywell HTF7500–E medium bypass ratio turbofan engines mounted on aft fuselage pylons. Each engine produces approximately 6,540 pounds of thrust for normal takeoff. The primary flight controls consist of hydraulically powered fly-by-wire elevators, ailerons, and rudders controlled by the pilot or copilot sidestick.

The design of the electronic flight control system for the Model EMB–550 airplane incorporates normal load factor limiting on a full time basis that prevents the flight crew from inadvertently or intentionally exceeding the positive or negative airplane limit load factor. This feature is considered novel and unusual in that the current regulations do not provide standards for maneuverability and controllability evaluations for such systems.

Type Certification Basis

Under the provisions of Title 14, Federal Code of Regulations (14 CFR) 21.17, Embraer S.A. must show that the Model EMB–550 airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–127 thereto.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model EMB–550 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model EMB–550 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36 and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Model EMB–550 airplane will incorporate the following novel or unusual design features: The design of the electronic flight control system incorporates normal load factor limiting on a full-time basis that will prevent the flight crew from inadvertently or intentionally exceeding the positive or negative airplane limit load factor. This feature is considered novel and because the current regulations do not provide standards for maneuverability and controllability evaluations for such systems. Therefore, a special condition is needed to ensure adequate maneuverability and controllability when using this design feature.

Discussion

Title 14 Code of Federal Regulations (14 CFR) part 25 sections do not specify requirements or policy for demonstrating maneuver control that impose any handling qualities requirements beyond the design limit structural loads. Nevertheless, some pilots have become accustomed to the availability of this excess maneuver capacity in case of extreme emergency such as upset recoveries or collision avoidance.

As with previous fly-by-wire airplanes, the FAA has no regulatory or safety reason to prohibit a design for an electronic flight control system with load factor limiting. It is possible that pilots accustomed to this feature feel more freedom in commanding full-stick displacement maneuvers because of the following:

- Knowledge that the limit system will protect the structure,
- Low stick force/displacement gradients,
- Smooth transition from pilot elevator control to limit control.

The special conditions will ensure adequate maneuverability and controllability when using this design feature.

Applicability

As discussed above, these special conditions are applicable to the Model EMB–550 airplane. Should Embraer S.A. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Embraer S.A. Model EMB–550 airplanes.

1. Flight Envelope Protection: Normal Load Factor (*g*) Limiting.

To meet the intent of adequate maneuverability and controllability required by § 25.143(a), and in addition to the requirements of § 25.143(a) and in the absence of other limiting factors, the following special conditions are proposed based on § 25.333(b):

(a) The positive limiting load factor must not be less than:

(1) 2.5*g* for the normal state of the electronic flight control system with the high lift devices retracted.

(2) 2.0*g* for the normal state of the electronic flight control system with the high lift devices extended.

(b) The negative limiting load factor must be equal to or more negative than:

(1) Minus 1.0*g* for the normal state of the electronic flight control system with the high lift devices retracted.

(2) 0.0*g* for the normal state of the electronic flight control system with high lift devices extended.

(c) Maximum reachable positive load factor wings level may be limited by the characteristics of the electronic flight control system or flight envelope protections (other than load factor protection) provided that:

(1) The required values are readily achievable in turns, and

(2) That wings level pitch up is satisfactory.

(d) Maximum achievable negative load factor may be limited by the characteristics of the electronic flight control system or flight envelope protections (other than load factor protection) provided that:

(1) Pitch down responsiveness is satisfactory, and

(2) From level flight, 0*g* is readily achievable or alternatively, a satisfactory trajectory change is readily achievable at operational speeds. For the FAA to consider a trajectory change as satisfactory, the applicant should propose and justify a pitch rate that provides sufficient maneuvering capability in the most critical scenarios.

(e) Compliance demonstration with the above requirements may be performed without ice accretion on the airframe.

(f) These proposed special conditions do not impose an upper bound for the normal load factor limit, nor does it require that the limiter exist. If the limit is set at a value beyond the structural design limit maneuvering load factor *n* of §§ 25.333(b), 25.337(b), 25.337 (c), there should be a very obvious positive tactile feel built into the controller so that it serves as a deterrent to inadvertently exceeding the structural limit.

Issued in Renton, Washington, on September 6, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–25204 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0867; Directorate Identifier 2013–NM–115–AD]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes. This proposed AD was prompted by reports of severe corrosion on bonding jumpers installed on the flight control surfaces. This proposed AD would require repetitive bonding jumper inspections for corrosion, sealant disbond, and insufficient sealant coverage, and corrective actions if necessary. This proposed AD also specifies an optional action of doing an inspection for corrosion damage of the bonding brackets, and corrective actions if necessary, which would terminate the repetitive inspections. For certain airplanes, this proposed AD would also require installing certain bonding jumpers and related ground clips and fasteners to the elevators, horizontal stabilizers, rudder, and vertical fin, removing certain bonding jumpers and installing new bonding jumpers, and replacing single-tabbed brackets with two-tabbed brackets. We are proposing this AD to detect and correct corrosion

on bonding jumpers installed on the flight control surfaces, which, in the event of a lighting strike, could damage the actuator control electronics (ACEs) and result in the loss of the ability to command individual flight control surfaces or cause uncommanded motion of individual flight control surfaces.

DATES: We must receive comments on this proposed AD by December 9, 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 proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket 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: Georgios Roussos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6482; fax: 425–917–6590; email: *Georgios.Roussos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0867; Directorate Identifier 2013–NM–115–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

We have received a report of severe corrosion on 15 bonding jumpers on the ailerons, horizontal stabilizers, and vertical fins of six airplanes that were approximately eight years old. We also received a similar report on an airplane that was approximately seven years old. The corrosion is caused by sealant voids, which allow moisture under the sealant and then trap it inside.

The bonding jumpers are part of the lightning protection ground path for the flight control surfaces that prevent excessive lightning energy from traveling to the primary flight control actuators and then to one of the four ACEs. Corrosion damage on the bonding jumper connections creates high resistance bonding paths that could, in the event of a lightning strike, potentially expose multiple flight control system ACEs to high voltage transients. The excessive voltage could cause damage to the ACEs and result in the loss of the ability to command individual flight control surfaces or cause uncommanded motion of individual flight control surfaces.

A new category 2 fay seal method has been developed to improve the integrity of the bonding jumper connections. This new method creates a continuous layer of sealant inside and outside of all mating surfaces to keep moisture away from the bonding surfaces and prevent corrosion.

Relevant Service Information

We reviewed the following service bulletins:

- Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013
- Boeing Service Bulletin 777–55A0010, Revision 1, dated April 17, 2001
- Boeing Service Bulletin 777–55A0014, Revision 1, dated April 1, 2010

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2013–0867.

Other Relevant Rulemaking

This proposed AD is related to AD 2012–08–13, Amendment 39–17030 (77 FR 24357, April 24, 2012). AD 2012–08–13 requires replacing certain single-tabbed bonding brackets in the airplane empennage with two-tabbed bonding brackets. AD 2012–08–13 also requires, for certain airplanes, installing new bonding jumpers, and measuring the resistance of the modified installation to verify resistance is within specified limits. AD 2012–08–13 refers to Boeing Service Bulletin 777–55A0010, Revision 1, dated April 17, 2001; and Boeing Service Bulletin 777–55A0014, Revision 1, dated April 1, 2010; as the appropriate sources of service information for accomplishing the required actions.

This proposed AD would require inspecting the installation of the bonding jumpers associated with AD 2012–08–13, Amendment 39–17030 (77 FR 24357, April 24, 2012).

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 require accomplishing the actions specified in the service information identified previously, except as discussed under ''Differences Between the Proposed Rule and the Service Information.''

The phrase ''corrective actions'' might be used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Difference Between the Proposed Rule and the Service Bulletin

Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing

those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD affects 131 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of bonding jumpers	Up to 67 work–hours × $85 per hour = Up to $5,695 per inspection cycle.	$0	Up to $5,695 per inspection cycle.	Up to $746,045 per inspection cycle.
Replacement of bonding brackets	Up to 158 work–hours × $85 per hour = Up to $13,430.	37,928	Up to $51,358	Up to $6,727,898.
Concurrent cost Boeing Service Bulletin 777–55A0010, Revision 1, dated April 17, 2001.	66 work–hours × $85 per hour = $5,610	2,668	$8,278	$1,084,418.
Concurrent cost Boeing Service Bulletin 777–55A0014, Revision 1, dated April 1, 2010.	21 work-hours × $85 per hour = $1,785	1,235	$3,020	$395,620.

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of bonding brackets	Up to 158 work–hours × $85 per hour = Up to $13,430	$37,928	Up to $51,358.

We have received no definitive data that would enable us to provide cost estimates for certain on-condition repairs specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2013–0867; Directorate Identifier 2013–NM–115–AD.

(a) Comments Due Date

We must receive comments by December 9, 2013.

(b) Affected ADs

This AD affects AD 2012–08–13, Amendment 39–17030 (77 FR 24357, April 24, 2012).

(c) Applicability

This AD applies to the Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes, certificated in any category, as identified in Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by reports of severe corrosion on bonding jumpers installed on the flight control surfaces. We are issuing this AD to detect and correct corrosion on bonding jumpers installed on the flight control surfaces, which, in the event of a lighting strike, could damage the actuator control electronics (ACEs) and result in the

loss of the ability to command individual flight control surfaces or cause uncommanded motion of individual flight control surfaces.

(f) Compliance

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

(g) Bonding Jumper or Bracket Inspection

At the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013, except as specified in paragraphs (j)(1) and (j)(2) of this AD: Do a general visual inspection or a detailed inspection using a borescope, as applicable, for corrosion, sealant disbond, and insufficient sealant coverage of bonding jumpers; and do all applicable corrective actions; in accordance with Option 1, and Option 2, as applicable, of the Accomplishment Instructions of Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013, except as required by paragraph (j)(3) of this AD. Do a detailed inspection using a borescope if the horizontal stabilizer tips have not been removed. Do all applicable corrective actions before further flight. Repeat the inspection thereafter at intervals not to exceed 48 months. Doing the actions specified in paragraph (h)(1) of this AD on a bonding jumper terminates the repetitive inspections required by this paragraph. Doing the actions specified in paragraph (h)(2) of this AD terminates repetitive inspections required by this paragraph for that bonding jumper.

(h) Optional Terminating Action and Termination of Certain Repetitive Inspections

(1) Doing a general visual inspection or a detailed inspection for corrosion damage of the bonding jumper brackets, and all applicable corrective actions; in accordance with Option 2 of the Accomplishment Instructions of Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013; terminates the repetitive inspections required by paragraph (g) of this AD. Do all applicable corrective actions before further flight.

(2) The repetitive inspections required by paragraph (g) of this AD are not required on the bonding jumpers that were removed, inspected, and replaced with new bonding jumpers and new fasteners using the new category 2 fay sealed direct standard ground stud installation method, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013.

(i) Prior and Concurrent Requirements

(1) For Group 1 airplanes, as identified in Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013: Prior to or concurrently with accomplishing the actions required by paragraph (g) of this AD, install new bonding jumpers, and do resistance measurements of the modified installation to verify resistance is within the limits specified in the Accomplishment Instructions of Boeing Service Bulletin 777–55A0010, Revision 1, dated April 17, 2001. Do the actions in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777–55A0010, Revision 1, dated April 17, 2001.

Note 1 to paragraph (i)(1) of this AD: AD 2012–08–13, Amendment 39–17030 (77 FR 24357, April 24, 2012), refers to Boeing Service Bulletin 777–55A0010, Revision 1, dated April 17, 2001, as the appropriate source of service information for accomplishing the actions specified in paragraph (h) of AD 2012–08–13.

(2) For Group 1 and Group 2 airplanes, as identified in Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013: Prior to or concurrently with accomplishing the actions required by paragraph (g) of this AD, replace certain single-tabbed bonding brackets in the airplane empennage with two-tabbed bonding brackets, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777–55A0014, Revision 1, dated April 1, 2010.

Note 2 to paragraph (i)(2) of this AD: AD 2012–08–13, Amendment 39–17030 (77 FR 24357, April 24, 2012), refers to Boeing Service Bulletin 777–55A0014, Revision 1, dated April 1, 2010, as the appropriate source of service information for accomplishing the actions specified in paragraph (g) of AD 2012–08–13.

(j) Exceptions to Service Information

(1) Where Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013, specifies a compliance time after the ''Original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) The ''Condition'' column in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013, refers to a condition as of the ''Original Issue date of this service bulletin.'' This AD applies to the corresponding condition as of the effective date of this AD.

(3) If any corrosion damage is found during any inspection required by this AD, and Boeing Service Bulletin 777–27A0078, Revision 1, dated April 1, 2013, specifies to contact Boeing for appropriate action: Before further flight, repair the corrosion damage using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(k) Credit for Previous Actions

(1) For Groups 1, 2, and 6 through 9, as identified in Boeing Alert Service Bulletin 777–27A0078, dated September 10, 2009: This paragraph provides credit for actions required by paragraph (g) of this AD and the actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 777–27A0078, dated September 10, 2009, which is not incorporated by reference in this AD.

(2) For Groups 3 through 5, as identified in Boeing Alert Service Bulletin 777–27A0078, dated September 10, 2009: This paragraph provides credit for actions required by paragraph (g) of this AD, except for the actions required for bonding jumpers 21 and 22, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 777–27A0078, dated September 10, 2009, which is not incorporated by reference in this AD. If a check of the airplane's maintenance records positively determines that bonding jumpers 21 and 22 were inspected before the effective date of this AD in accordance with Option 1 of Work Package 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 777–27A0078, dated September 10, 2009, this paragraph provides credit for the actions required by paragraph (g) of this AD for the inspected bonding jumpers.

(3) For Groups 3 through 5, as identified in Boeing Alert Service Bulletin 777–27A0078, dated September 10, 2009: This paragraph provides credit for actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 777–27A0078, dated September 10, 2009, which is not incorporated by reference in this AD; provided that a check of the airplane's maintenance records positively determines that bonding jumpers 21 and 22 were replaced in accordance with Option 2 of Work Package 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 777–27A0078, dated September 10, 2009, or were replaced using the new Category 2 fay sealed direct ground stud installation method.

(4) This paragraph provides credit for actions required by paragraph (i)(1) of this AD if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 777–55A0010, dated October 26, 2000, which is not incorporated by reference in this AD.

(5) This paragraph provides credit for actions required by paragraph (i)(2) of this AD if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 777–55A0014, dated May 8, 2008, which is not incorporated by reference in this AD.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in paragraph (m) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your Principal Maintenance Inspector or Principal Avionics Inspector, as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes ODA that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(m) Related Information

(1) For more information about this AD, Georgios Roussos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6482; fax: 425–917–6590; email: *Georgios.Roussos@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on October 15, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–25134 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0888; Directorate Identifier 2013–CE–024–AD]

RIN 2120–AA64

Airworthiness Directives; Costruzioni Aeronautiche Tecnam srl Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Costruzioni Aeronautiche Tecnam srl Model P2006T airplanes. This proposed AD 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 of the nose landing gear (NLG) lower link. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by December 9, 2013.

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

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

For service information identified in this proposed AD, contact Costruzioni Aeronautiche Tecnam Airworthiness Office, Via Maiorise–81043 Capua (CE) Italy; telephone: +39 0823 620134; fax: +39 0823 622899; email: *m.oliva@tecnam.com* or *g.paduano@tecnam.com;* Internet: *www.tecnam.com/it-IT/documenti/service-bulletins.aspx.* 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.

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 (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090; email: *albert.mercado@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–2013–0888; Directorate Identifier 2013–CE–024–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://regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No.: 2013–0134, dated July 2, 2013 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> During an inspection of a P2006T, a nose landing gear (NLG) lower link was found with two cracks. The affected NLG lower link is part of NLG lower link assembly P/N 26–8–1417–000.
>
> This condition, if not detected and corrected, could lead to NLG failure, possibly resulting in damage to the aeroplane and injury to the occupants.
>
> To address this potential unsafe condition, Costruzioni Aeronautiche Tecnam (hereafter referred to as Tecnam) issued Service Bulletin (SB) SB–128–CS, providing inspection instructions. Tecnam also developed an improved NLG lower link assembly with P/N 26–8–8000–000, which can be installed in service by accomplishment of Tecnam SB–104–CS.
>
> For the reasons described above, this AD requires, for aeroplanes equipped with NLG lower link assembly P/N 26–8–1417–000, a one-time inspection of the NLG lower link and, depending on findings, accomplishment of the applicable corrective action. This AD also requires installation of the improved NLG lower link assembly P/N 26–8–8000–000.

You may obtain further information by examining the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0888.

Relevant Service Information

Costruzioni Aeronautiche Tecnam srl issued Service Bulletin No. SB 104–CS, Edition 2, Revision 1, dated March 28, 2013 (now superseded); Service Bulletin No. SB 128–CS, Revision 0, dated May 15, 2013; Job Card 442, Revision 1, dated February 11, 2013; Job Card 468, dated October 12, 2012; and Job Card 528, Revision 1, dated April 2, 2013. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 7 products of U.S. registry. We also estimate that it would take about .5 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $297.50, or $42.50 per product.

In addition, we estimate that any necessary follow-on actions would take about 6 work-hours and require parts costing $1,800, for a cost on U.S. operators of $16,170, or $2,310 per product.

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Costruzioni Aeronautiche Tecnam srl: Docket No. FAA–2013–0888; Directorate Identifier 2013–CE–024–AD.

(a) Comments Due Date

We must receive comments by December 9, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Costruzioni Aeronautiche Tecnam srl Model P2006T airplanes, serial numbers (S/N) 001/US through S/N 9999/US, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by 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 cracking of the nose landing gear (NLG) lower link. We are issuing this AD to detect and correct cracks in an NLG lower link, which could lead to NLG failure, possibly resulting in damage to the airplane and injury to the occupants.

(f) Actions and Compliance

Unless already done, do the following actions as specified in paragraphs (f)(1) through (f)(5) of this AD:

(1) For airplanes with an NLG lower link assembly part number (P/N) 26–8–1417–000 installed, within the next 25 hours time-in-service (TIS) after the effective date of this AD or within the next 30 days after the effective date of this AD, whichever occurs first, do a detailed inspection of the NLG lower link part (this is in the NLG -000 assembly) P/N 26–8–1417–1 following the INSPECTION/REPLACEMENT INSTRUCTIONS of Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 128–CS, Revision 0, dated May 15, 2013.

(2) If a crack is detected during the inspection required by paragraph (f)(1) of this AD, before further flight, replace the NLG lower link assembly with an improved assembly. Follow, as applicable, sections 1 through 8 (including subparagraphs) of Costruzioni Aeronautiche Tecnam Job Card 442, Revision 1, dated February 11, 2013; sections 1 through 7 (including subparagraphs) of Costruzioni Aeronautiche Tecnam Job Card 468, dated October 12, 2012; or sections 1 through 6 (including subparagraphs) of Costruzioni Aeronautiche Tecnam Job Card 528, Revision 1, dated April 2, 2013, as specified in the Required Material section of Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 128–CS, Revision 0, dated May 15, 2013; and as specified in the INSPECTION/REPLACEMENT INSTRUCTIONS of Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 128–CS, Revision 0, dated May 15, 2013.

Note 1 to paragraphs (f)(2) and (f)(3): Although Costruzioni Aeronautiche Tecnam Job Card 442, Revision 1, dated February 11, 2013, is designated P2006T NLG upper link replacement, it still pertains to the replacement of the lower link.

(3) Unless already done as required by paragraph (f)(2) of this AD, within the next 50 hours TIS after the effective date of this AD or within the next 60 days after the effective date of this AD, whichever occurs first, replace the NLG lower link assembly P/N 26–8–1417–000 with an improved assembly. Follow, as applicable, sections 1 through 8 (including subparagraphs) of Costruzioni Aeronautiche Tecnam Job Card 442, Revision 1, dated February 11, 2013; sections 1 through 7 (including subparagraphs) of Costruzioni Aeronautiche Tecnam Job Card 468, dated October 12, 2012; or sections 1 through 6 (including subparagraphs) of Costruzioni Aeronautiche Tecnam Job Card 528, Revision 1, dated April

2, 2013, as specified in the Required Material section of Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 128–CS, Revision 0, dated May 15, 2013; and as specified in the INSPECTION/REPLACEMENT INSTRUCTIONS of Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 128–CS, Revision 0, dated May 15, 2013.

(4) After modification of an airplane as required by paragraph (f)(2) or (f)(3) of this AD, as applicable, do not install an NLG lower link assembly P/N 26–8–1417–000 or an NLG lower link part (this is in the NLG -000 assembly) P/N 26–8–1417–1 on that airplane.

(5) For an airplane with an NLG lower link assembly P/N 26–8–8000–000 already installed, after the effective date of this AD, do not install a NLG lower link assembly P/N 26–8–1417–000 or a NLG lower link P/N 26–8–1417–1 on that airplane.

(h) Credit for Actions Done Following Previous Service Information

This AD provides credit for the initial inspection required in paragraph (f)(1) of this AD and any necessary replacement required in paragraphs (f)(2) and (f)(3) of this AD if already done before the effective date of this AD following Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 104–CS, Edition 2, Revision 1, dated March 28, 2013.

(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: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090; email: *albert.mercado@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.: 2013–0134, dated July 2, 2013 for more information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0888. For service information related to this AD, contact Costruzioni Aeronautiche Tecnam Airworthiness Office, Via Maiorise–81043 Capua (CE) Italy; telephone: +39 0823 620134; fax: +39 0823 622899; email: *m.oliva@tecnam.com* or *g.paduano@tecnam.com*; Internet: *www.tecnam.com/it-IT/documenti/service-bulletins.aspx*. 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.

Issued in Kansas City, Missouri, on October 18, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–25137 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

[SATS No. MO–041–FOR; Docket ID: OSM–2013–0008; S1D1SSS 08011000 SX066A00067 F134S180110; S2D2SSS 08011000 SX066A00033 F13XS501520]

Missouri Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Missouri regulatory program (Missouri program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Missouri proposes revisions to its Valid Existing Rights Rules and the Coal Alignment Rules. Missouri intends to revise its program to be no less effective than the Federal regulations and to improve operational efficiency.

This document gives the times and locations that the Missouri program and this proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., c.d.t., November 25, 2013. If requested, we will hold a public hearing on the amendment on November 19, 2013. We will accept requests to speak at a hearing until 4:00 p.m., c.d.t. on November 12, 2013.

ADDRESSES: You may submit comments, identified by SATS No. MO–041–FOR, by any of the following methods:

- *Mail/Hand Delivery:* Len Meier, Division Chief, Alton Field Division, Office of Surface Mining Reclamation and Enforcement, 501 Belle Street, Suite 216, Alton, IL 62002.
- *Fax:* (618) 463–6470
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Missouri program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Alton Field Division or the full text of the program amendment is available for you to read at *www.regulations.gov*.

Len Meier, Division Chief, Alton Field Division, Office of Surface Mining Reclamation and Enforcement, 501 Belle Street, Suite 216, Alton, IL 62002, Telephone: (618) 463–6460, Email: *lmeier@osmre.gov*.

In addition, you may review a copy of the amendment during regular business hours at the following location: Department of Natural Resources, Land Reclamation Program, 1738 East Elm Street, Jefferson City, Missouri 65101, Telephone: (573) 751–4041.

FOR FURTHER INFORMATION CONTACT: Len Meier, Division Chief, Alton Field Division, Office of Surface Mining Reclamation and Enforcement, 501 Belle Street, Suite 216, Alton, IL 62002 Telephone: (618) 463–6460. Email: *lmeier@osmre.gov*.

SUPPLEMENTARY INFORMATION:

I. Background on the Missouri Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Missouri Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, ''. . . State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act . . .; and rules and regulations consistent

with regulations issued by the Secretary pursuant to this Act.'' See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Missouri program on November 21, 1980. You can find background information on the Missouri program, including the Secretary's findings, the disposition of comments, and conditions of approval, in the November 21, 1980, **Federal Register** (45 FR 77027). You can also find later actions concerning the Missouri program and program amendments at 30 CFR 925.10, 925.12, 925.15, and 925.16.

II. Description of the Proposed Amendment

By letter dated August 13, 2013 (Administrative Record No. MO–678), Missouri sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Missouri submitted the proposed amendment in response to a January 31, 2008, letter (Administrative Record No. MO–669) that OSM sent to Missouri in accordance with 30 CFR 732.17(c). Below is a summary of Missouri's proposed changes. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *www.regulations.gov*.

Missouri proposes to make changes to its Code of State Regulations at Title 10, Division 40 (10 CSR 40) in the following chapters:

A. For Valid Existing Rights: Chapter 5.010 and 5.020

Missouri proposes to add clarifying language and delete verbiage no longer required. These changes are editorial and administrative in nature, correcting references and grammatical errors.

B. For Coal Alignment Rules: Chapters 3, 6, 7, and 8

Missouri proposes to change terms, add clarifying language, make grammar changes, and correct reference errors. The items below list the affected rule sections and proposed changes.

1. *10 CSR 40–3.040—Requirements for Protection of the Hydrologic Balance.* Changes the word ''pond'' to ''structure'' in several places of section (6) and deletes meaningless language at the end of section (10).

2. *10 CSR 40–3.060—Requirements for the Disposal of Excess Spoil.* Clarifies who will inspect fills constructed of excess spoil and who will provide follow up reports on the fill.

3. *10 CSR 40–3.170—Signs and Markers for Underground Operations.* Directs the reader to the proper parts of other rules mentioned with respect to buffer zones.

4. *10 CSR 40–3.180—Casing and Sealing of Exposed Underground Openings.* Specifies compliance with other laws that address underground openings and wells, and directs the reader to the proper portions of another rule.

5. *10 CSR 40–3.200—Requirements for Protection of the Hydrologic Balance for Underground Operations.* Changes the word ''pond'' to ''structure'' in several places, changes the name of the ''Soil Conservation Service'' to the new name of ''Natural Resources Conservation Service'' and directs the reader to the proper parts of other rules.

6. *10 CSR 40–3.210—Requirements for the Use of Explosives for Underground Operations.* Clarifies what structures are protected from the effects of blasting in underground coal mining operations, sets forth the requirements for the use of explosives pursuant to 444.855, RSMo and directs the reader to the proper portion of another section of this rule.

7. *10 CSR 40–3.220—Disposal of Underground Development Waste and Excess Spoil.* Clarifies who will inspect fills constructed of excess spoil and who will provide follow up reports on the fill for underground mines.

8. *10 CSR 40–3.230—Requirements for the Disposal of Coal Processing Waste for Underground Operations.* Clarifies where coal processing waste from underground mining operations is to be disposed of and directs the reader to the correct part in another rule.

9. *10 CSR 40–3.240—Air Resource Protection.* Clarifies language in section (1) for underground coal mining.

10. *10 CSR 40–3.260—Requirements for Backfilling and Grading for Underground Operations.* Removes existing language and adds clarifying language that addresses the stabilization of rills and gullies associated with underground coal mining operations.

11. *10 CSR 40–3.300—Postmining Land Use Requirements for Underground Operations.* Corrects a rule citation for the reader.

12. *10 CSR 40–6.020—General Requirements for Coal Exploration, Permits.* Addresses permits for coal exploration activities upon lands designated as unsuitable for surface coal mining.

13. *10 CSR 40–6.030—Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance and Related Information.* Defines requirements for mining within 100 feet of a public road as stated in another rule and directs the reader to the proper part of that rule.

14. *10 CSR 40–6.040—Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources.* Changes the name of the ''Soil Conservation Service'' to the correct name of the ''Natural Resources Conservation Service.''

15. *10 CSR 40–6.050—Surface Mining Permit Application—Minimum Requirements for Reclamation and Operations Plan.* Directs the reader to the correct citations of another rule.

16. *10 CSR 40–6.060—Requirements for Permits for Special Categories of Surface Coal Mining and Reclamation Operations.* Changes the name of the ''Soil Conservation Service'' to ''Natural Resources Conservation Service'' and the street address of the Land Reclamation Program and also directs the reader to the proper reference of a subsection of this rule.

17. *10 CSR 40–6.070—Review, Public Participation and Approval of Permit Applications and Permit Terms and Conditions.* Clarifies the information necessary to approve mine related activities within 100 feet of the outside right-of-way of a public road or to relocate the road and directs the reader to the correct subsections in another rule.

18. *10 CSR 40–6.100—Underground Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance and Related Information.* Adds language in section (1) to be consistent with other sections of the rule.

19. *10 CSR 40–6.110—Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources.* Changes ''Soil Conservation Service'' to ''Natural Resources Conservation Service'' and directs the reader to the correct subsection of another rule.

20. *10 CSR 40–6.120—Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operations Plan.* Changes the word ''description'' to the words ''supplemental information,'' and directs the reader to the correct subsection of a rule in section (8) and directs the reader to the correct subsection of a rule and changes the phrase ''underground mining activities'' to ''surface coal mining operations'' in section (9).

21. *10 CSR 40–7.050—Requirements, Conditions and Terms of Liability Insurance.* Improves grammar and changes ''commission'' to ''director.''

22. *10 CSR 40–8.010—Definitions.* Adds a definition of water supply replacement and also adds a definition for ''E'' Horizon soil. Numbering of definitions is also changed.

23. *10 CSR 40–8.020—Exemption for Coal Extraction Incident to Government Financed Highway or Other Construction.* Clarifies the term ''government financed construction.

24. *10 CSR 40–8.070—Applicability and General Requirements.* Changes the date(s) for annual reporting purposes for coal mines operating under the 16⅔ per cent exemption rule.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Electronic or Written Comments

If you submit written or electronic comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for your recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involver personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

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.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.d.t. on November 12, 2013. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 23, 2013.

Ervin J. Barchenger,

Regional Director, Mid-Continent Region.

[FR Doc. 2013–25164 Filed 10–24–13; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

[SATS No. [MT–035–FOR]; Docket ID: OSM–2013–0009; S1D1SSS08011000 SX066A00067 F134S180110; S2D2SSS08011000 SX066A00033 F13XS501520]

Montana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We are announcing receipt of a proposed amendment to the Montana regulatory program (hereinafter, the ''Montana program'') under the Surface Mining Control and Reclamation Act of 1977 (''SMCRA'' or ''the Act''). Montana proposes revisions and additions to statute regarding permit application requirements, prospecting application requirements, annual reporting requirements for coal permittees, and lawsuits for damages to water supplies. Montana is also proposing to revise its rules at Administrative Rules of Montana (ARM) 17.24 subchapter 10 to incorporate rule changes regarding a new expedited coal prospecting permitting process.

This document gives the times and locations that the Montana program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., [m.d.t.] November 25, 2013. If requested, we will hold a public hearing on the amendment on *November 19, 2013.* We will accept requests to speak until 4:00 p.m., [m.d.t.] on November 12, 2013.

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

- *Federal eRulemaking Portal: www.regulations.gov.* This proposed rule has been assigned Docket ID: OSM–2013–0009. If you would like to submit comments through the Federal

eRulemaking Portal, go to *www.regulations.gov* and do the following. Click on the ''Advanced Docket Search'' button on the right side of the screen. Type in the Docket ID ''OSM–2013–0009'' and click the ''Submit'' button at the bottom of the page. The next screen will display the Docket Search Results for the rulemaking. If you click on OSM–2013–0009, you can view the proposed rule and submit a comment. You can also view supporting material and any comments submitted by others.

• *Mail/Hand Delivery/Courier:* Alan Boehms, Denver Field Branch Chief, Denver Field Division, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, CO 80202.

For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''III. Public Comment Procedures'' in the **SUPPLEMENTARY INFORMATION** section of this document.

In addition to viewing the docket and obtaining copies of documents at *www.regulations.gov*, you may review copies of the Montana program, this amendment, a listing of any public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may also receive one free copy of the amendment by contacting OSM's Casper Field Office.

Jeffrey Fleischman, Chief, Denver Field Division, Office of Surface Mining Reclamation and Enforcement, Dick Cheney Federal Building, POB 11018, 150 East B Street, Casper, Wyoming 82601–1018.

Edward L. Coleman, Bureau Chief, Industrial and Energy Minerals Bureau, Montana Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620–0901, (406) 444–4973, *ecoleman@mt.gov*.

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Telephone: (307) 261–6550. Internet: *jfleischman@osmre.gov*.

SUPPLEMENTARY INFORMATION:

I. Background on the Montana Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Montana Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, ''a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act . . . ; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act.'' See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Montana program on April 1, 1980. You can find background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program in the April 1, 1980, **Federal Register** (45 FR 21560). You can also find later actions concerning Montana's program and program amendments at 30 CFR 926.15, 926.16, and 926.30.

II. Description of the Proposed Amendment

By letter dated August 20, 2013, Montana sent us a proposed amendment to its program (Administrative Record Document ID No. OSM–2013–0009–0001) under SMCRA (30 U.S.C. 1201 *et seq.*). Montana sent the amendment to include the changes made at its own initiative.

Specifically, Montana proposes changes to the Montana Strip and Underground Mine Reclamation Act (MSUMRA) that pertain to permit application requirements, coal prospecting application requirements, annual reporting requirements for coal permittees, and lawsuits for damages to water supplies. Montana intends to revise its program to comply with changes made in the Montana Legislature as a result of the passage of Senate Bills 286 and 92. These statutory changes are codified at Montana Code Annotated (MCA) 82–4–222, 82–4–226, 82–4–237, and 82–4–253. Additionally, Montana is proposing to implement rule changes at ARM 17.24 subchapter 10 regarding a modified coal prospecting permitting process. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Montana program.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed above (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

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.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., [m.d.t.] on November 12, 2013. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold the hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at a public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 926

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 28, 2013.

Allen D. Klein,

Director, Western Region.

[FR Doc. 2013–25165 Filed 10–24–13; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF EDUCATION

34 CFR Chapters I–VI

[Docket ID ED–2013–OII–0110]

RIN 1894–AA05

Proposed Priority—Promise Zones

AGENCY: Department of Education.

ACTION: Proposed priority.

SUMMARY: The Secretary of Education (Secretary) proposes a priority that the Department of Education (Department) may use for any appropriate discretionary grant program in fiscal year (FY) 2014 and future years. We take this action to focus Federal financial assistance on expanding the number of Department programs and projects that support activities in designated Promise Zones.

This action will permit all offices in the Department to use this priority, as appropriate, in any discretionary grant competition.

DATES: We must receive your comments on or before November 25, 2013.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or email. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''How to Use This Site.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Jane Hodgdon, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W219, LBJ, Washington, DC 20202–3970.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Jane Hodgdon. Telephone: 202–453–6620. Or by email: *Jane.Hodgdon@ed.gov*.

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

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this proposed priority.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice by accessing Regulations.gov. You may also inspect the comments in person in room 4W335, 400 Maryland Avenue SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Program Authority: 20 U.S.C. 1221e–3, 3474.

PROPOSED PRIORITY:

Background:

The Secretary proposes a priority that the Department may use, as appropriate, for discretionary grant competitions in FY 2014 and future years. This priority will allow the Department and, by extension, program participants to focus limited Federal resources in designated Promise Zones. The Secretary recognizes that this priority will not be appropriate for all discretionary grant programs.

A child's zip code should never determine his or her destiny; but today, the neighborhood a child grows up in affects his or her odds of graduating from high school, health outcomes, and lifetime economic opportunities. Collaborative efforts among private businesses and Federal, State, and local officials; faith-based and non-profit organizations; and families, children, and students can help change these odds and ensure that all children have the opportunity to earn a decent living when they reach adulthood.

Since 2009, the President has provided tools to combat poverty, investing more than $350 million in 100 of the Nation's persistent pockets of poverty. Building on those efforts, the President has announced an initiative to designate, over the next 4 years, 20 high-poverty communities as ''Promise Zones'' where the Federal government will partner with, and invest in,

communities to create jobs, leverage private investment, increase economic activity, improve educational opportunities, and improve public safety. Co-led by the U.S. Departments of Housing and Urban Development, Education, Agriculture, and Justice, Promise Zones are part of the President's Ladders of Opportunity plan to ensure that hard-working Americans make it to the middle class.

Promise Zones will align the work of multiple Federal programs in high-poverty urban, rural, and tribal communities that have both substantial needs and a strong, evidence-based plan to address them. The five primary goals of Promise Zones are creating jobs, increasing economic activity, improving educational opportunities, reducing violent crime, and leveraging private investment. The initiative builds on lessons learned from existing place-based programs, such as the Department's Promise Neighborhoods program.

In order to be designated as a Promise Zone, communities must demonstrate the strength and effectiveness of their local commitment through a competitive, transparent process managed by the U.S. Department of Housing and Urban Development and the U.S. Department of Agriculture. Designated Promise Zones must identify a set of outcomes they will pursue to revitalize their communities, develop a strategy to achieve and sustain those outcomes, and realign local, State, Federal and, as applicable, private resources accordingly. The Federal government will partner with the Promise Zones to help them access the resources and expertise they need, including the resources from the President's signature revitalization initiatives to ensure that Federal programs and resources support the efforts to transform these communities. Specifically, Promise Zones will: Receive Promise Zones tax incentives, if enacted by Congress, to stimulate hiring and business investment; benefit from an intensive Federal partnership through collaboration with Federal staff to provide specialized technical assistance; and have increased access to additional investments that further the goals of job creation, additional private investments, increased economic activity, improved educational opportunity, and reduction in violent crime.

For calendar year 2013, only communities that have previously been granted funds under one of a related set of Federal programs (Choice Neighborhoods, Promise Neighborhoods, Byrne Criminal Justice Innovation grants, Stronger Economies Together, Rural Jobs Accelerator, and Sustainable Housing and Communities) will be eligible to apply to the Department of Housing and Urban Development for designation as Promise Zones. Each of these programs is nationally competitive, and participation indicates a level of capacity among local institutions that promotes the success of Promise Zones.

In calendar year 2013, the Department of Housing and Urban Development is planning to propose for public comment eligibility requirements and selection criteria for future Promise Zones competitions. (For additional information about eligibility for a Promise Zone designation, draft selection criteria for 2013, and the selection process, please visit the Promise Zones Web page: *www.hud.gov/promisezones*. The Department of Housing and Urban Development published a notice estimating the burden for applying for a 2013 Promise Zones designation in the **Federal Register** on August 7, 2013 (78 FR 48182).)

To ensure that the Department's discretionary grant programs can provide, where appropriate, the increased access to additional investments for Promise Zones, the Secretary proposes a priority for projects that will serve and coordinate with a federally designated Promise Zone.

Proposed Priority—Promise Zones.

Projects that are designed to serve and coordinate with a federally designated Promise Zone.

Types of Priorities: When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority: We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order.

This proposed regulatory action is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are proposing this priority only on a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected the approach that would maximize net benefits. Based on the analysis that follows, the Departments believe that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this proposed regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Intergovernmental Review: Some of the programs affected by this proposed priority are subject to Executive Order 12372 and the regulations in 34 CFR Part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

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

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

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

Dated: October 21, 2013.

Arne Duncan,

Secretary of Education.

[FR Doc. 2013–25006 Filed 10–24–13; 8:45 am]

BILLING CODE 4000–01–P

POSTAL SERVICE

39 CFR Part 111

New Mailing Standards for Domestic Mailing Services Products

AGENCY: Postal Service™.

ACTION: Proposed rule.

SUMMARY: On September 26, 2013, the Postal Service filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective January 2014. This proposed rule contains the revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) that we would adopt to implement the changes coincident with the price adjustments.

DATES: We must receive comments on or before November 25, 2013.

ADDRESSES: Mail or deliver written comments to the manager, Product Classification, U.S. Postal Service®, 475 L'Enfant Plaza SW., Room 4446, Washington, DC, 20260–5015. You may inspect and photocopy all written comments at USPS® Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington DC by appointment only between the hours of 9 a.m. and 4 p.m., Monday through Friday by calling 1–202–268–2906 in advance. Faxed comments will not be accepted.

FOR FURTHER INFORMATION CONTACT: Bill Chatfield at 202–268–7278, Lizbeth Dobbins at 202–268–3789, or Steve Monteith at 202–268–6983.

SUPPLEMENTARY INFORMATION: Proposed prices will be available under Docket No. R2013–10 on the Postal Regulatory Commission's Web site at *www.prc.gov.*

The Postal Service's proposed rule includes new pricing eligibility for retail and commercial nonpresorted First-Class Mail® letters, several mail classification changes, and some condensing of current standards for Periodicals publications.

Proposed Change for Letters

Retail and Commercial First-Class Mail® Letters

The Postal Service proposes to add a new single-piece commercial nonpresorted First-Class Mail letter price category to be called *Metered Mail* price. Prices for this category are separate from other retail single-piece First-Class Mail letters and would apply for First-Class Mail letters when postage is affixed or imprinted by the mailer for metered indicia, PCPostage, precanceled stamps, or permit imprint. The price also would be available for single-piece retail letters when postage is paid as described. There would be no minimum volume, except for pieces paid by permit imprint, for which the existing minimum of at least 200 pieces would apply. These prices also would apply to residual pieces from automation or presorted First-Class Mail letter mailings, presented in letter trays. When such residual pieces are part of a permit imprint mailing for the presorted or automation mailing, and claimed on the same postage statement as the primary mailing, there would be no separate minimum number of pieces for the commercial nonpresorted portion.

The Postal Service proposes to change the current price structure for residual First-Class Mail letters. Residuals from uniform 1-ounce presort letter mailings will pay the 1-ounce Metered letter price. Residuals from uniform 2-ounce presort letter mailings will pay the 2-ounce Metered letter price Residuals from mixed mailings of 1-ounce and 2-

ounce letters will pay the ''blended'' First-Class Mail Residual letter price.

Proposed Changes for Flats

All Flats

Although not making any changes to mailing standards with this filing, the Postal Service will evaluate the impact of certain types of paper and other physical characteristics for flat mail machinability and may later propose related changes in standards for automation flats.

Standard Mail® Flats

We propose to disallow the use of detached address labels (DALs) with all Standard Mail flats mailed with simplified addresses (EDDM®). Therefore, all EDDM flats (entered at BMEUs or Retail) would have to bear simplified addresses directly on the flats.

Required Flats Sequencing System (FSS) Preparation

The Postal Service initially introduced optional FSS preparation standards in the August 23, 2010 **Federal Register**, final rule (75 FR 51668–51671) which were incorporated into the DMM on January 2, 2011. These FSS preparation standards were developed in collaboration with the mailing industry group, including both mail owners and mail service providers. This industry group determined that the preparation of bundles and pallets specifically for FSS processing could lead to greater efficiencies and cost savings for both the USPS and the mailing industry. The mailing industry group agreed that the production of uniform bundle heights could reduce the costs associated with preparing bundles, and that more stable pallet construction would improve mailer transport of the mail to drop shipment locations. In addition, preparing FSS scheme pallets allows for the creation of larger pallets, which permits the mail to move directly to the FSS mail prep area.

In the August 23, 2010 final rule, the Postal Service also provided advance notice that FSS-based mail preparation requirements would become mandatory at some point in the future. The Postal Service now proposes to require bundle and pallet preparation of flat-size Standard Mail, Periodicals and Bound Printed Matter mailpieces prepared for delivery within the ZIP Codes™ served by FSS processing. FSS is a critical element in the Postal Service's strategic operations plan. The expansion of its use will allow the Postal Service to improve delivery efficiency and control costs. The efficient induction of mailpieces into FSS requires bundles of flats to be of equal height, in order to facilitate their placement into the standard containers that feed into the FSS induction mechanism.

With this revision, mailers would be required to place mailings of presorted and basic carrier route Standard Mail flats, and Periodicals and Bound Printed Matter presorted and carrier route flats meeting the deflection standards and the physical standards in DMM 301.3.2, and combined mailings of Standard Mail and Periodicals flats prepared under DMM 705.15 into combined 5-digit FSS scheme pools when addressed for delivery to any FSS 5-digit scheme combination per labeling list L006. Optionally, mailers may include nonmachinable Periodicals flats no more than 1-inch thick if they meet the standards in 705.14.

Mailers would place qualifying mailpieces from all price categories into a separate pool for each individual 5-digit FSS-scheme combination. Mailings that include 10 or more pieces of Standard Mail flats, 6 or more pieces of Periodicals flats or 10 or more pieces (or 10 or more pounds) of Bound Printed Matter flats to a FSS scheme must include FSS scheme bundles for that 5-digit FSS scheme. Mailers may optionally prepare scheme pools with less than 10 pieces of Standard Mail flats, 6 pieces of Periodical flats, or 10 pieces (or 10 pounds) of Bound Printed Matter flats and may prepare a FSS scheme bundle if they have a minimum of 3 inches of mail. Mailings of Bound Printed Matter flats not meeting the eligibility standards for presort or carrier route pricing may also be included in FSS preparation, but would not be eligible for presorted or carrier route prices. All pieces for each combined mailpiece pool must be placed in uniform bundles of between 3 inches and 6.5 inches, except for one overflow bundle that may be under the minimum height. Bundles must be otherwise prepared in accordance with the other conditions in DMM 705.14.0.

Bundles must be identified as 5-digit scheme presort, either with an optional endorsement line (OEL) under 708.7.0 or with a ''red Label 5 SCH'' barcoded pressure-sensitive bundle label. However, mailpieces entered under a combined mailing of Standard Mail and Periodicals flats will continue to require a unique OEL on each piece as described in DMM exhibit 708.7.1.1. Mailers are reminded that every mailpiece prepared under these standards must still include class and price markings as described in DMM 302.3.0 applicable to the price paid, in addition to the FSS bundle identification.

Pallets prepared to the FSS sort plan level (all for the same 5-digit FSS-scheme ZIP Code combination) would continue to be required at 250 pounds, and optional below 250 pounds. However, FSS facility sort (all 5-digit FSS-scheme ZIP Code combinations processed within the same facility) pallets would be optional at any level. Pallets would be required to bear a pallet placard with an Intelligent Mail container barcode. Mailers without the capacity to palletize could request an exception to these palletization requirements from the local plant manager.

Mailpieces that meet the current eligibility standards for basic carrier route prices would be included in FSS preparation requirement. Saturation price Standard Mail and Periodicals flats are not eligible for this preparation. Mailers may optionally include pieces eligible for high density and high density plus prices into FSS preparation, but their inclusion will not be required. Only saturation, high density, and high density plus mailpieces would be eligible for destination delivery unit (DDU) entry within FSS zones. The sequencing of mailpieces within bundles is not required or recommended when preparing FSS bundles.

The Postal Service is adding a new destination FSS (DFSS) price for FSS sort plan containers entered at the correct FSS facility. Initially only FSS sort plan containers would be eligible for these destination-entry prices. The Postal Service is also investigating the feasibility of allowing FSS facility containers to be entered at FSS facilities that are co-located with bundle sortation capability, but no final decision has been made. DFSS entry piece pricing would be available for Standard Mail flats qualifying for carrier route and 5-digit piece prices.

Standard Mail flats properly included in a FSS scheme pool, but qualifying for 3-digit, ADC or mixed ADC prices, would claim 3-digit prices. However, these pieces would not be eligible for DFSS prices when placed on a FSS scheme pallet entered at a DFSS. These pieces would be eligible for DSCF entry prices.

FSS preparation would be optional for Periodicals flats mailed at In-County prices and Periodicals mailings of five thousand pieces or less mailed at Outside-County prices. The 5-digit Outside-County bundle charge would continue to be assessed on bundles of Outside-County Periodicals prepared in accordance with these standards, even

though mailpieces being claimed at the carrier route piece price may be properly placed within these bundles. FSS sort plan pallets would be assessed the Outside-County container charge for a 3-digit level pallet, and FSS facility sort level pallets would be charged a container price for an SCF pallet, except that there will be no container charge when FSS sort plan pallets are entered at an FSS facility. The Outside-County price would be the same as the DSCF price and the Inside-County pound price would claim the price for the ''none'' entry level. FSS scheme pallets entered at a FSS facility would pay the DSCF prices.

Bound Printed Matter (BPM) flats prepared under these standards placed on FSS scheme pallets, sacks or trays, and entered at a FSS facility would be eligible for DSCF prices. DFSS entry prices would not be available for BPM flats at this time.

Additionally, the Postal Service is currently investigating the operational feasibility of allowing flats exceeding 20 ounces to be included in FSS preparation, and will advise the mailing industry of its findings.

Proposed Changes for Letters, Flats, and Parcels

All Commercial Mail

To accommodate changes in facility functions, the Postal Service has been allowing destination sectional center (DSCF) facility pricing at some former SCFs. As advance notice, effective January 2015, to qualify for DSCF pricing, mailers would be required to enter mail at an actual SCF.

Periodicals

We add a few editorial revisions to standards for Periodicals in DMM 707.4.0, 707.6.0, 707.7.0, 707.9.0, and 707.18.0 to simplify the text. We include these revisions in this proposal to invite any comments and ensure that we are not removing any text needed by customers or employees.

Tray and Sack Labels

We propose to add a restriction on all tray and sack labels to formalize what has been a practical restriction: that all tray and sack labels be non-adhesive. This will enable quicker turnaround of empty sacks and trays for customer use.

Proposed Changes for Parcels

New Live Animal Transportation Fee

The Postal Service is proposing to require all shipments containing mailable live animals to be assessed a Live Animal Transportation Fee. In 2006, as a result of an assessment charged by commercial airlines, the Postal Service first provided notice to mailers of a surcharge for live shipments of $0.20 per pound for day-old poultry in the mail.

To ensure the safety of the animals during mail processing and transportation, the Postal Service has historically provided extra care in handling live animals as a course of action, regardless of the class of mail or the extra service being purchased. This has resulted in additional expense incurred by the Postal Service to isolate and protect live shipments.

Therefore, the Postal Service is proposing to adopt a per pound Live Animal Transportation Fee applicable to all shipments containing live animals.

This proposed Live Animal Transportation Fee is subject to regulatory review by the Postal Regulatory Commission (PRC). Therefore, the Postal Service would proceed with the implementation of the pricing component of this rule following filing with the PRC and their subsequent review and input. The Postal Service expects that the Live Animal Transportation Fee will help offset costs for additional handling and care given to shipments of live animals.

New Minimum Volume Criteria for Manifested Parcels (MMS & eVS)

To provide customers with more flexibility to ship their packages using the Postal Service, we propose reducing the minimum criteria of 200 pieces or 50 pounds, when paying postage by permit imprint, to 50 pieces or 50 pounds for manifest mailers using a manifest mailing system (MMS) and eVS® for any single-piece parcel mailings. The Postal Service would allow a combination of any domestic single-piece priced (nonpresorted) parcels to meet the new minimum criteria using one or more of the following: Priority Mail Express™ (PME), Priority Mail, First-Class Mail, First-Class Package Service®, Parcel Select® Nonpresort, nonpresorted Bound Printed Matter, and single-piece Media Mail or Library Mail.

Extra Services and Other Services

Collect on Delivery (COD) Changes

The Postal Service proposes to remove the current option for senders of nursery stock shipped Collect on Delivery (COD) to include special instructions for undeliverable shipments to be auctioned off to the highest bidder and the proceeds remitted to the sender. Effective July 28, 2013, the holding period for COD articles was reduced from 30 days to 10 days, resulting in the USPS being able to return the nursery stock in less time than we previously would hold it for delivery. Additionally, this option has not been commonly used and has been difficult to administer. Therefore, the special instructions for auctions are no longer needed.

The Postal Service also proposes to expand the standards for COD mail to allow Hold for Pick Up service to be added when COD mail is sent as Priority Mail, First-Class Package Service, or Parcel Select Nonpresort.

Signature Hand Stamp Usage

The Postal Service will clarify the standards for use of an addressee's signature hand stamp for Priority Mail Express or accountable mail items. Specifically, we clarify that the use of a hand stamp is not exclusive to the Form 3849. Once approved by the Postmaster, a hand stamp may be used for Priority Mail Express and other accountable mail, including a Return Receipt (Form 3811) purchased with the applicable extra service.

Although these revisions will not be published in the DMM until January 26, 2014, mailers may begin using addressee's signature hand stamps under the revised mailing standards upon publication of the final rule.

Filing of Indemnity Claims

The Postal Service is continuing its efforts to simplify the claims process and reduce the adjudication period when customers file indemnity claims. In addition to further enhancements to our online claims system, the Postal Service proposes to streamline the filing periods and manual processes associated with claims processing for improved efficiency. The claims filing periods for indemnity claims would be 60 days from the date of mailing and subsequently, the claims appeals timeline would be reduced from 60 days to 30 days from the date of the original decision.

Customers will continue to file indemnity claims online or, when no internet access is available to the customer, claims may be filed by mail directly to the Accounting Service Center. A toll-free number is being made available to obtain Form 1000 for customers filing by mail. The local Post Office™ will no longer file the indemnity claims for customers, which eliminates this extra time consuming step.

Clarity is also proposed to the DMM language for payable claims for coins, and other collectibles to require a sales receipt, invoice or bill of sale, or statement of value from a reputable

dealer, and for firearms to require a Form 1508 submission with the claim. Also, gift cards, most of which are replaceable, are being added to those items under nonpayable claims.

Return Receipt for Merchandise

Additionally, the Postal Service plans to discontinue offering Return Receipt for Merchandise service in July 2014, because Signature Confirmation provides the same or equivalent service for a lower price.

2014 Promotions

The Postal Service will offer numerous mailing promotions in calendar year 2014, and will share the details of these promotions on the RIBBS Web site soon.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C. 553(b), (c)] regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is proposed to be amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

100 Retail Mail

* * * * *

130 First-Class Mail

133 Prices and Eligibility

1.0 First-Class Mail Prices and Fees

1.1 First-Class Mail Single-Piece Price Application

See Notice 123—Price List. The single-piece prices for First-Class Mail are applied as follows:

[Revise items 1.1a and 1.1b as follows:]

a. The card price applies to a card meeting the standards in 101.6.3.

b. The letter price applies to letter-size pieces that meet the standards in 101.1.1 and weigh 3.5 ounces or less, and that are not eligible for and claimed at the card price. There are separate prices for stamped letters, and for letters with postage affixed (other than regular stamps) or imprinted by the mailer (*Metered Mail* price); see 134.1.1.

134 Postage Payment Methods

1.0 Postage Payment Methods for First-Class Mail

1.1 Payment Method

[Revise the text of 1.1 as follows:]

Postage for single-piece First-Class Mail must be paid with affixed postage stamps (604.1.0), postage evidencing system postage (604.4.0) or permit imprint (604.5.0) as specified in 1.0. When mailers affix postage (other than regular stamps) or use permit imprint on letters, such pieces are eligible for the *Metered Mail* price.

* * * * *

200 Commercial Letters and Cards

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230 First-Class Mail

233 Prices and Eligibility

1.0 Prices and Fees for First-Class Mail

* * * * *

1.2 Price Computation for First-Class Mail Letters

[Revise the text of 1.2 as follows:]

Commercial First-Class Mail Presorted letters are charged at one price for the first 2 ounces, with separate prices for pieces over 2 ounces up to 3 ounces and for pieces over 3 ounces up to 3.5 ounces. Any fraction of an ounce is considered a whole ounce. The pricing per ounce is similar for automation First-Class Mail letters, with pricing per sortation level. Single-piece price letters that are residual pieces from either a Presorted or automation mailing are charged the residual single-piece price for letters up to 2 ounces when the mailing contains both 1-ounce and 2-ounce pieces and pieces are presented together, and the applicable *Metered Mail* prices (see 234.1.0) for all other residual pieces. See Notice 123—Price List.

* * * * *

234 Postage Payment Methods

1.0 Basic Standards for Postage Payment

1.1 Postage Payment Options

[Revise the text of 1.1 as follows:]

Postage for Presorted or automation First-Class Mail letters must be paid with affixed postage or permit imprint as specified in 2.0. Residual letters (from presorted or automation mailings) with such postage may be eligible for the *Metered Mail* price.

2.0 Postage Payment for Presorted and Automation Letters

2.1 Payment Methods

[Revise the text of 2.1 as follows:]

First-Class Mail presorted and automation postage must be paid with postage evidencing system indicia, permit imprints, or precanceled stamps. All pieces in a mailing must be paid with the same method unless otherwise permitted by standard or Business Mailer Support authorization. Permit imprints may be used for mailings of nonidentical-weight pieces only if authorized by Business Mailer Support.

* * * * *

235 Mail Preparation

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5.0 Preparing Nonautomation Letters

5.1 Basic Standards

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5.1.2 Single-Piece Price Pieces Presented With Presort Mailings

* * * The following standards apply:

[Revise the first two sentences of the introductory paragraph of item 5.1.2a as follows:]

a. The mailer must prepare the single-piece price pieces in separate trays from the automation and presort pieces. Mailers must label the trays under 708.6.0 using CIN code 260 on trays of single-piece letters. * * *

* * * * *

[Revise item 5.1.2.a2 as follows:]

2. Line 2: Use the human-readable content line corresponding to content identifier number 260 (see Exhibit 708.6.2.4).

* * * * *

300 Commercial Flats

* * * * *

340 Standard Mail

343 Prices and Eligibility

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5.0 Additional Eligibility Standards for Nonautomation Standard Mail Flats

5.1 Basic Standards

All pieces in a Regular Standard Mail or Nonprofit Standard Mail Presorted price mailing must:

* * * * *

[Revise 5.1d as follows:]

d. Be marked, sorted and documented as specified in 345 or 705.14.0.

* * * * *

5.3 5-Digit Prices for Flats

The 5-digit price applies to flat-size pieces:

[Revise 5.3a as follows:]

a. In a 5-digit/scheme bundle of 10 or more pieces, or 15 or more pieces, as applicable; properly placed in a 5-digit/scheme sack containing at least 125 pieces or 15 pounds of pieces; or pieces included in a FSS 5-digit scheme pool prepared under 705.14.

* * * * *

5.4 3-Digit Prices for Flats

The 3-digit price applies to flat-size pieces:

* * * * *

[Add new item 5.4c as follows:]

c. That are residual pieces not qualifying for carrier route or 5-digit prices, but properly included in a FSS 5-digit scheme pool prepared under 705.14.

* * * * *

6.0 Additional Eligibility Standards for Enhanced Carrier Route Standard Mail Flats

6.1 General Enhanced Carrier Route Standards

* * * * *

6.1.2 Basic Eligibility Standards

All pieces in an Enhanced Carrier Route or Nonprofit Enhanced Carrier Route Standard Mail mailing must:

* * * * *

[Revise item 6.1.2c as follows:]

c. Be sorted to carrier routes, marked, and documented under 345.6.0 or 705.8.0; or prepared under 705.14.0.

* * * * *

6.3 Basic Price Enhanced Carrier Route Standards

* * * * *

6.3.2 Basic Price Eligibility

Basic prices apply to each piece in a carrier route bundle of 10 or more pieces that is:

* * * * *

[Revise item 6.3.2a as follows:]

a. Palletized under 705.8.0, 705.10.0, 705.12.0, or 705.13.0.

* * * * *

[Add new item 6.3.2e as follows:]

e. Properly prepared to a FSS 5-digit scheme pool prepared under 705.14.

* * * * *

6.4 High Density and High-Density Plus (Enhanced Carrier Route) Standards

6.4.1 Basic Eligibility Standards for High Density and High-Density Plus Prices

All pieces mailed at high density prices must:

* * * * *

[Revise the third sentence of item 6.4.1b as follows:]

b. * * * Multiple pieces per delivery address can count toward the density standards, except for pieces with simplified addresses as allowed under 602.3.0.

* * * * *

7.0 Additional Eligibility Standards for Automation Standard Mail Flats

7.1 Basic Eligibility Standards for Automation Standard Mail

All pieces in a Regular Standard Mail or Nonprofit Standard Mail automation mailing must:

* * * * *

[Revise 7.1f as follows:]

f. Be marked, sorted and documented under 345.7.0 and 705.8.0 through 705.13.0; or prepared under 705.14.0.

* * * * *

7.3 Price Application

Automation prices apply to each piece properly sorted into qualifying groups:

[Revise 7.3a and 7.3b as follows:]

a. The 5-digit price applies to flat-size pieces in a 5-digit/scheme bundle of 10 or more pieces, or 15 or more pieces, as applicable; or 10 or more pieces prepared to a FSS 5-digit scheme pool under 705.14.

b. The 3-digit price applies to flat-size pieces in a 3-digit/scheme bundle of 10 or more pieces. It also applies to residual pieces not qualifying for carrier route or 5-digit prices but included in a FSS 5-digit scheme pool under 705.14.

* * * * *

345 Mail Preparation

1.0 General Information for Mail Preparation

* * * * *

[Add a new 1.6 as follows:]

1.6 FSS Preparation

Except for Standard Mail flats mailed at saturation, High Density or High-Density Plus prices, all Standard Mail flats destinating to FSS zones in accordance with labeling list L006 must be prepared under 705.14.0. Flats qualifying for High Density and High-Density Plus prices also may be included in FSS 5-digit scheme pools.

* * * * *

346 Enter and Deposit

* * * * *

4.0 Destination Sectional Center Facility (DSCF) Entry

* * * * *

4.2 Eligibility

Pieces in a mailing that meets the standards in 2.0 and 4.0 are eligible for the DSCF price, as follows:

* * * * *

[Revise item 4.2c as follows:]

c. DSCF prices apply to residual pieces eligible for 3-digit prices that are properly placed on a FSS scheme pallet, and pieces from all eligible price categories properly placed in a FSS scheme sack or tray, when deposited at a USPS-designated FSS processing facility and labeled to a FSS sort plan processed by that facility or to a 5-digit destination processed by that facility under labeling list L006. These pieces must include a full delivery address and meet the physical standards for FSS-machinability in 705.14.0.

[Delete item 4.2d in its entirety.]

* * * * *

[Renumber the current 5.0 as the new 6.0, and add a new 5.0 as follows:]

5.0 Destination Flat Sequencing System (DFSS) Facility Entry

5.1 Definition

Destination Flat Sequencing System Facility (DFSS) refers to the facilities listed in L006, Column C.

5.2 Eligibility

DFSS prices apply to pieces deposited at a USPS-designated FSS processing facility and correctly placed on a pallet labeled to a FSS sort plan processed by that facility or to a 5-digit destination processed by that facility under labeling list L006. These pieces must include a full delivery address and meet the physical standards for FSS machinability in 705.14.0.

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360 Bound Printed Matter

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365 Mail Preparation

1.0 General Information for Mail Preparation

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[Add a new 1.6 as follows:]

1.6 FSS Preparation

BPM flats claiming presort or carrier route prices, meeting the standards in

301.3.2 and destinating to FSS zones in accordance with labeling list L006, must be prepared under 705.14.0.

* * * * *

366 Enter and Deposit

* * * * *

5.0 Destination Sectional Center Facility (DSCF) Entry

5.1 Eligibility

[Revise the introductory text of 5.1 as follows:]

Bound Printed Matter pieces in a mailing meeting the standards in 3.0 are eligible for the DSCF price when they meet all of the following additional conditions:

* * * * *

b. are deposited at:

[Revise item 5.1b2 as follows:]

2. a USPS-designated FSS processing facility and correctly placed in a flat tray, sack, or on a pallet, labeled to a FSS sort plan processed by that facility or to a 5-digit destination processed by that facility under labeling list L006. These pieces must include a full delivery address and meet the physical standards for FSS-machinability in 705.14.0.

* * * * *

500 Additional Mailing Services

503 Extra Services

1.0 Registered Mail

* * * * *

1.6 Inquiry on Uninsured Article

* * * * *

1.6.2 When and How to File

[Revise the current third sentence and add a new fourth sentence to 1.6.2 as follows:]

* * * File an inquiry for Registered Mail with no declared value by completing a Form 1000, available online at *www.usps.com/forms/_pdf/ps1000.pdf.* See Publication 122 for additional information.

* * * * *

12.0 Collect on Delivery (COD)

* * * * *

12.2 Basic Information

12.2.1 Description

[Revise the text of 12.2.1 as follows:]

Any mailer may use collect on delivery (COD) service to mail an article for which the mailer has not been paid and have its price and the cost of the postage collected (not to exceed $1,000.00) from the addressee (or addressee's agent). COD service provides the mailer with a mailing receipt and the USPS maintains a record of delivery (including the recipient's signature) for two years. The recipient may pay the COD amount due for a mailpiece (with one form of payment) by cash, or a personal check or money order made payable to the mailer. The USPS forwards the check or money order to the mailer. The Postal Service cannot intervene in disputes between mailers and recipients of COD mail after payment was returned to the mailer. Customers may obtain a delivery record by purchasing return receipt (5.0). Bulk proof of delivery service (6.0) is also available if purchasing electronic return receipt service at the time of mailing. A mailer must use a unique COD number for each article mailed.

12.2.2 Eligible Matter

[Revise the introductory text of 12.2.2 as follows:]

COD service may be used for Priority Mail Express (next day and second day service only), Priority Mail (except Critical Mail), First-Class Mail, First-Class Package Service, Standard Post, and Package Services or Parcel Select (except Parcel Select Lightweight) mailpieces if: * * *

* * * * *

12.2.3 Additional Services

[Revise 12.2.3 as follows:]

COD service may be used with Hold For Pick Up service under 508.7, and may also be combined with the following services when the additional service fees are paid:

a. Restricted delivery.

b. Return receipt.

c. USPS Tracking (except with Priority Mail Express COD).

d. Registered Mail.

e. Signature Confirmation (except with Priority Mail Express COD).

f. Special handling.

12.2.4 Registered COD Mail

[Revise 12.2.4 by deleting the current last two sentences and inserting a new last sentence as follows:]

* * * The label and form must be affixed according to 12.4.1

12.2.5 Priority Mail Express COD

[Revise 12.2.5 as follows:]

Any article sent COD also may be sent by Priority Mail Express (next day and second day) when a delivery signature is requested. The maximum amount collectible from the addressee and the indemnity for an individual article is limited to $1,000.00. Priority Mail Express postage and the COD fees must be paid. The label and form must be affixed according to 12.4.1.

* * * * *

12.2.7 Redirecting COD Articles

[Revise 12.2.7 as follows:]

The mailer of a COD article may use USPS Package Intercept service under 507.5.0 to redirect the article to a new addressee at a designated Post Office using Hold For Pickup service.

12.3 Forms

12.3.1 Form 3816

[Revise 12.3.1 as follows:]

Mailers must complete barcoded Form 3816 (see Exhibit 12.3.1) or Form 3816–AS (see 12.3.2) and attach it above the delivery address and to the right of the return address, or to the left of the delivery address on parcels.

* * * * *

12.3.2 Privately Printed Form 3816–AS

[Revise 12.3.2 as follows:]

If authorized, a mailer may use a privately printed Form 3816–AS in a 3-ply or 5-ply format. If Form 3816–AS does not provide detachable second and third copies, use Form 3877 under 12.4.4. The privately printed form must be nearly identical in text, design, and color to postal Form 3816, with a COD article number that can be read by automated postal equipment and an Intelligent Mail package barcode (IMpb) prepared under 708.5.0. As stated in Publication 199, available at *http://ribbs.usps.gov/,* mailers must provide pre-production barcoded COD labels to the National Customer Service Center (NCSC) for review and approval prior to use.

12.3.3 Nursery Stock

[Revise 12.3.3 as follows:]

A firm that mails nursery stock may use Form 3816–AS (see 12.3.2) and include instructions for disposing of shipments not delivered immediately under the following conditions:

a. The firm's instructions on the back of the delivery office part of the COD form *(1),* and on the remittance coupon *(2),* should read as follows:

1. ''If recipient refuses to pay charges for any reason, deliver at once without collecting the charges. If parcel is not deliverable or not claimed by the addressee after 10 days, destroy parcel. See remittance coupon for further instructions.''

2. ''Return this coupon with money order. If parcel is delivered without collection of charges, or is destroyed after 10 days, check disposition and send coupon to sender in penalty envelope.''

Delivered to addressee without collecting charges.

Destroyed after 10 days.

12.4 Mailing

12.4.1 Identifying Number

[Revise 12.4.1 as follows:]

COD articles are identified by a number on each section of the COD form. When COD is used with Priority Mail Express, Registered Mail, Hold For Pickup service or, a separate barcoded shipping label, the mailer must place both the label and the COD form on the front of the article. The Priority Mail Express article number or the Registered Mail number is used for delivery receipt and indemnity claims. When a separate Hold For Pickup or barcoded shipping label is used, the identifying tracking numbers on the label and the COD form must match.

[Delete item 12.4.2, Numbering for Large Volumes, in its entirety (context of text relocated into 12.2.1), and renumber current items 12.4.3 through 12.4.8 as new items 12.4.2 through 12.4.7]

12.4.2 Completing COD Forms

[Revise the text of renumbered 12.4.2 as follows:]

The mailer must securely affix the COD form to each COD article. The form must show article number, names and addresses of mailer and recipient, amount due mailer, and amount of money order fee. This required information must be handwritten with ink, typewritten, or computer printed. The mailer may not stipulate ''Cash Only'' on the COD form. The USPS is not responsible for errors that a mailer makes in stating the charges to be collected.

12.4.3 Addressing Forms

[Revise the second sentence of renumbered 12.4.3 as follows:]

* * * The return address on the COD form must be the same as the return address on the COD article, except that a mailer using a Form 3816–AS may print a different address on the remittance coupon where payments are to be sent.* * *

12.4.4 Receipt

[Revise the text of renumbered 12.4.4 as follows:]

A mailer using Form 3816 receives a section of this form as a receipt. If three or more COD articles are presented for mailing at one time, the mailer may use Form 3877 (firm sheet) or privately printed firm sheets in conjunction with Form 3816. When a mailer uses a Form 3816–AS that does not provide detachable second and third copies, Form 3877 also must be used. Privately printed or computer-generated firm sheets that contain the same information as Form 3877 may be approved by the local postmaster or manager, business mail entry. Mailers may omit columns from Form 3877 that do not apply to COD mail. The mailer must submit firm sheets in duplicate and will receive one copy of the postmarked form as a mailing receipt (in lieu of Copy 3 of Form 3816 or Form 3816–AS) after the entries are verified by the accepting postal employee. The acceptance Post Office will retain the second copy. All entries on Form 3877 or privately-printed firm sheets must be made by typewriter, printed in ink, or computer-generated. Alterations must be initialed by the mailer and accepting employee. All unused portions of the addressee column must be obliterated with a diagonal line.

* * * * *

12.5 Delivery

[Revise the text of 12.5 as follows:]

Delivery of COD mail is subject to 508.1.0 and 508.2.0. Except for Priority Mail Express COD, a postmaster may restrict delivery of COD mail if the amount to be collected makes the carrier a potential target for theft or if it is known that the addressee will be unavailable to receive the article at the time of delivery. If payment is by the recipient's check or a money order made payable to the mailer, the recipient must present adequate identification. If payment is made by cash, a money order fee is collected from the recipient in addition to the COD amount.

* * * * *

507 Mailer Services

1.0 Treatment of Mail

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1.8 Returning Mail

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1.8.5 Extra Services

[Revise 1.8.5 by revising the third and fourth sentences and adding a new fifth sentence as follows:]

* * * The sender must sign a delivery receipt for returned Priority Mail Express, Registered Mail, COD articles, Adult Signature services, and mail insured for more than $200. Returned Priority Mail Express (when waiver of signature is requested by sender), Certified Mail, and mail with Signature Confirmation or return receipt for merchandise service may be returned to the sender without obtaining a signature when those mailpieces are properly returned as undeliverable.

* * * * *

4.0 Address Correction Services

* * * * *

4.3 Sender Instructions

* * * * *

4.3.2 Extra Services

[Revise the complete text of 4.3.2 as follows:]

A change-of-address order covers Certified Mail, COD, insured, Registered Mail, Signature Confirmation, Adult Signature services, and return receipt for merchandise mail unless the sender gives other instructions or the addressee moves outside the United States. This mail is treated as follows:

a. COD mail is not forwarded to overseas military Post Offices.

b. Ordinary and insured parcels marked on the envelope or wrapper with the mailer's instructions are treated following instructions, such as: ''Do not forward or return. If not accepted within _____ days, treat as abandoned. Notify mailer of disposition.''

c. COD mail will be handled as requested when marked under 503.12.

* * * * *

508 Recipient Services

1.0 Recipient Options

1.1 Basic Recipient Concerns

* * * * *

1.1.7 Priority Mail Express and Accountable Mail

[Revise the introductory text of 1.1.7 as follows:]

The following conditions also apply to the delivery of Priority Mail Express and other accountable mail (Registered Mail, Certified Mail, insured for more than $200.00, COD, or Adult Signature services as well as mail with return receipt service, return receipt for merchandise service, or restricted delivery service:

[Revise the text of item 1.1.7a as follows:]

a. The addressee (or addressee's representative) may obtain the sender's name and address and may look at the mailpiece while held by the USPS employee before accepting delivery and endorsing the delivery receipt.

* * * * *

[Revise the text of item 1.1.7c as follows:]

c. Suitable identification may be required of the recipient before delivery of the mailpiece.

* * * * *

[Revise the text of item 1.1.7e as follows:]

e. USPS responsibility ends when the mailpiece is delivered to the addressee (or another party, subject to 1.0).

* * * * *

[Revise all of item 1.1.7g as follows:]

g. A hand stamp approved by the postmaster may be used to provide the signature and name of the individual or organization receiving the mailpiece as follows:

1. The hand stamp imprint must fit within the Signature and Printed Name blocks on Form 3849, without overlapping into the delivery office information section or the Delivery Address block.

2. To obtain approval for a hand stamp, the company must submit a written statement to the postmaster that the person whose name appears on the stamp is authorized to accept accountable mail, accompanied by a sample of the authorized employee's signature. After approval, the documentation submitted is held by the postmaster and the stamped signature and name are acceptable only if a legible impression is provided within the Signature and Printed Name blocks on Form 3849.

3. For mail addressed only to a federal or state official, the stamp need show only the name and location of the accepting organization. In these cases, the stamp imprint must fit within the Printed Name and Delivery Address block of Form 3849 without overlapping into the Signature block or barcode sections.

* * * * *

7.0 Hold For Pickup

* * * * *

7.2 Basic Information

7.2.1 Description

[Revise the text of 7.2.1 as follows:]

Hold For Pickup service allows eligible mailpieces to be held at a designated Post Office for pick up by an addressee or designee. When the mailer has provided contact information to the destination Post Office, the customer is notified by email that a package is available for pickup. This service provides the shipper with the date and time of delivery to the addressee. If the item has not been picked up within 5 days, the Post Office will make a second attempt to notify the addressee. The item will be returned to the sender if not picked up within 15 days.

7.2.2 Basic Eligibility

[Revise the text of 7.2.2 as follows:]

Hold For Pickup service is available with Priority Mail Express. It is also available with commercial mailings of Priority Mail (except Critical Mail), First-Class Package Service parcels, and Parcel Select Nonpresort parcels when:

a. Mailpieces bear the Hold For Pickup label (additional labeling standards under 503.12 apply when combined with COD service).

b. Mailpieces bear an Intelligent Mail package barcode meeting the standards in 708.5.0.

c. One of the extra services in 7.2.6 is combined with Hold For Pickup service.

* * * * *

7.2.6 Extra Services

[Revise the introductory text of 7.2.6 as follows:]

Hold For Pickup service, except when used with Priority Mail Express, must be combined with one or more of the following:

* * * * *

[Add new item 7.2.6e as follows:]

e. Collect on Delivery (COD).

7.3 Preparation Definitions and Instructions

Except for Priority Mail Express Hold For Pickup presented at retail Post Office locations, mailers or their agents must prepare mailpieces bearing the ''Hold For Pickup'' label as follows:

[Delete current item 7.3a in its entirety, and redesignate current items b through d as new items a through c; additionally revise redesignated item 7.3a as follows:]

a. Exchange electronic files with USPS through an approved file transfer protocol to notify the addressee when a parcel is available for pickup or to notify the mailer or agent that items are available to be picked up as ''return to sender.''

* * * * *

c. In addition to the markings defined in 7.0, address labels on a Hold For Pickup mailpiece must contain the elements below:

* * * * *

[Revise redesignated 7.3c7 as follows:]

7. The lower half of the address label must contain an Intelligent Mail package barcode meeting the standards in 708.5.0 or an integrated barcode as defined in Publication 199.

[Insert new item 7.3c8 as follows:]

8. If combined with COD service, other information as required in 503.12.

* * * * *

600 Basic Standards for All Mailing Services

601 Mailability

* * * * *

9.0 Perishables

* * * * *

9.3 Live Animals

* * * * *

[Insert new item 9.3.13 as follows:]

9.3.13 Live Animal Transportation Fee

In addition to the applicable postage and any extra services fees, a shipment containing any mailable live animal is charged a live animal transportation fee based upon the weight of the shipment. See Notice 123—Price List.

* * * * *

602 Addressing

1.0 Elements of Addressing

* * * * *

1.5 Return Addresses

* * * * *

[Renumber current 1.5.4 as new 1.5.5; add new 1.5.4 to read as follows:]

1.5.4 Use of Foreign Return Addresses

Regardless of destination, when U.S. postage is applied to a mailpiece, only a domestic return address is authorized, except when the addressee's permanent residence is outside the United States or its territories (e.g., a tourist who lives abroad and is shipping an item home from the United States). This exception is applicable for only incidental non-commercial use for single-piece price mailpieces.

* * * * *

4.0 Detached Address Labels (DALs) and Detached Marketing Labels (DMLs)

4.1 DAL and DML Use

* * * * *

4.1.2 Periodicals or Standard Mail Flats Saturation Mailings

[Revise the text of 4.1.2 as follows:]

Saturation mailings of unaddressed Periodicals or Standard Mail flats, except Standard Mail flats with simplified addresses (EDDM), may be mailed with detached address labels (DALs). For this standard, saturation mailing means a mailing sent to at least 75% of the total addresses on a carrier route or 90% of the residential addresses on a route, whichever is less. Saturation flats presented with DALs that are not automation-compatible and correctly barcoded do not qualify for saturation prices. Instead they may be entered at applicable basic carrier route prices. This standard (for automation-compatible barcoded DALs) does not apply to DALs with simplified addressing when correctly used with Periodicals flats.

* * * * *

4.2 Label Preparation

* * * * *

4.2.2 Addressing

[Revise the text of 4.2.2 as follows:]

The address for each item must be placed on a DAL, parallel to the longest dimension of the DAL, and may not appear on the item it accompanies. The DAL must contain the delivery address and a return address. In addition, if DALs accompany saturation mailings of Periodicals or Standard Mail flats, a correct Intelligent Mail barcode with an 11-digit routing code must be printed on each DAL except when using a simplified address for Periodicals flats as allowed by standards.

* * * * *

4.5 Postage

* * * * *

4.5.2 Postage Computation and Payment

* * * In addition, these methods of postage payment apply:

* * * * *

[Revise item 4.5.2b as follows:]

b. Standard Mail flats (except EDDM flats) and parcels and Bound Printed Matter pieces must be paid by permit imprint, which must appear on each DAL.

* * * * *

604 Postage Payment Methods

* * * * *

5.0 Permit Imprint (Indicia)

5.1 General Standards

* * * * *

5.1.2 Minimum Volume

Permit imprint mailings must contain at least 200 pieces or 50 pounds of mail, except:

* * * * *

[Add new item 5.1.2g as follows:]

g. A mailing containing 50 pieces or 50 pounds of nonpresorted single-piece domestic mail parcels submitted under the terms of an approved Manifest Mailing System (including eVS) agreement under 705.2.0. Mailers may include any combination of the following products under this provision: Priority Mail Express (eVS only), Priority Mail, First-Class Package Service parcels, First-Class Mail parcels, nonpresorted Bound Printed Matter parcels, Parcel Select Nonpresort parcels, and single-piece Media Mail and Library Mail parcels. Parcels in USPS-provided packaging, including Flat Rate Envelopes and Boxes, may be included.

* * * * *

609 Filing Indemnity Claims for Loss or Damage

1.0 General Filing Instructions

1.1 Extra Services With Indemnity

[Revise the text of 1.1 as follows:]

A customer may file an indemnity claim for insured mail, COD items, Registered Mail with postal insurance, or Priority Mail Express. See Publication 122, available on www.usps.com, for additional information.

* * * * *

1.4 When to File

File claims as follows:

* * * * *

[Revise the chart in 1.4 as follows:]

Mail type or service	When to file (from mailing date)	
	No sooner than	No later than
Priority Mail Express	7 days	60 days.
Priority Mail Express COD	15 days	60 days.
Registered Mail	15 days	60 days.
Registered Mail COD	15 days	60 days.
Insured Mail (including Priority Mail under 3.2)	15 days	60 days.
COD	15 days	60 days.
APO/FPO Insured Mail (First-Class Mail, SAM, or PAL)	45 days	1 year.
APO/FPO Insured Mail (Surface only)	75 days	1 year.

[Delete item 1.5, Where to File, in its entirely and renumber current 1.6 and 1.7 as new item 1.5 and 1.6, then revise the title of renumbered 1.5 as follows:]

1.5 Where and How to File

1.5.1 Claims Filed Online

[Revise the first and second sentences of 1.5.1 as follows:]

Indemnity claims should be filed online (preferred) at *www.usps.com/domestic-claims* for domestic insured mail, COD, Registered Mail with postal insurance, and Priority Mail Express. Proof of value is required and should be submitted as an uploaded file (.pdf or .jpeg).* * *

1.5.2 Claims Filed by Mail

[Revise the text of renumbered 1.5.2 as follows:]

Customers also may file a claim by completing a PS Form 1000, *Domestic or International Claim,* and mailing it to Domestic Claims, Accounting Services (see 608.8.0.) Proof of value must accompany the PS Form 1000. For pieces with multiple extra services, the customer must provide original receipts for all services purchased. Upon request by the USPS, the customer must submit proof of damage under 2.1 for damaged items or missing contents.

[Delete renumbered 1.5.3, Claims Filed at the Post Office and current 1.7, Filing Duplicate Claims, in their entirety.]

2.0 Providing Proof of Loss or Damage

[Delete the title of current 2.1, and revise the text of current 2.1 as new 2.0 as follows:]

If a claim is filed because some or all of the contents are missing or damaged, the addressee must retain the mailing container, including any damaged articles, all packaging, and any contents received. Upon written request by the USPS, the addressee must make this proof available to the local Post Office for inspection, retention, and disposition in accordance with the claims decision. Failure to do so will result in denial of the claim.

[Delete current 2.2, Proof of Damage, in its entirety.]

3.0 Providing Evidence of Insurance and Value

3.1 Evidence of Insurance

[Revise the complete text of 3.1 as follows:]

For a claim involving articles listed in 1.1, the customer must retain evidence showing that the particular service was purchased, until the claim is resolved. Examples of acceptable evidence are:

a. The original mailing receipt issued at the time of mailing (retail insured mail, Registered Mail, and COD receipts must contain a USPS postmark). For insured mail, a photocopy of the original mailing receipt is acceptable.

b. The outer packaging showing the names and addresses of the sender and

the addressee and the proper label showing that the article was sent insured, COD, Registered Mail with postal insurance, or Priority Mail Express. (If only the outer packaging is submitted, indemnity can be limited to $100 for insured, $50 for COD, $100 for Registered Mail, and $100 for Priority Mail Express.)

c. For Priority Mail Express items accepted under a Priority Mail Express Manifesting agreement in 705.2.0, a copy of the manifest page showing the Priority Mail Express label number for the item; the manifest summary page for the mailing date of the piece; a copy of Form 3152–E round-dated by the accepting Post Office; and a copy of the USPSCA monthly statement that lists the label number and postage for the mailpiece. If the customer purchased additional insurance, a copy of the round-stamped Form 3877 also must be submitted.

d. For insurance purchased online, a printed electronic online label record or a computer printout from the application used to print the label and purchase the insurance. The printout must identify the USPS Tracking number of the insured parcel, total postage paid, insurance fee paid, declared value, mailing date, origin ZIP Code, and delivery ZIP Code.

e. For insured mail or COD mail paid using MMS or eVS under 705.2, the mailer must use one of the following:

1. A Detail Record in their Shipping Services file version 1.6 or higher, with recipient name and address information for the accountable extra services pieces in the mailing.

2. A printout of the part of Form 3877 that identifies the parcel by article number, the package identification code (PIC) of the insured or COD parcel, total postage paid, fee paid, declared insured value, amount due sender if COD, mailing date, origin ZIP Code, and delivery ZIP Code reported in the parcel record in the manifest file.

[Revise the title and introductory text of 3.2 as follows:]

3.2 Proof of Value

Either the mailer or the addressee must submit acceptable proof to establish the cost or value of the article at the time it was mailed. Proof of value should be submitted electronically or attached to the claim form under 1.6; otherwise, the claim cannot be processed. Other proof may be requested to help determine an accurate value. Examples are:

* * * * *

[Revise item 3.2b as follows:]

b. For items valued up to $50, the customer's statement describing the lost or damaged article and including the date and place of purchase, the amount paid, and whether the item was new or used (if a receipt or invoice is not available).

* * * * *

[Revise item 3.2g as follows:]

g. A copy of a credit card statement or other documentation indicating the amount paid.

4.0 Claims

4.1 Payable Claim

[Revise the introductory sentence of 4.1 as follows:]

Insurance for loss or damage to insured, COD, or Registered Mail within the amount covered by the fee paid or the indemnity limits for Priority Mail Express (under 4.2) is payable for the following:

* * * * *

[Revise item 4.1g as follows:]

g. For stamps and coins of philatelic or numismatic value; the fair market value is determined by a recognized stamp or coin dealer or current coin and stamp collectors' newsletters and trade papers. The date of the fair market value determination must be current and prior to the mailing date.

* * * * *

[Insert new items 4.1p and 4.1q as follows:]

p. For firearms mailed by licensed firearm dealers under 601.12, a Form 1508 must be submitted with the claim.

q. For collectible items, a sales receipt, invoice or bill of sale, or statement of value from a reputable dealer must be provided as described in 3.2.a.

4.2 Payable Priority Mail Express Claim

[Revise the introductory text of 4.2 and the introductory text of item 4.2a as follows:]

In addition to the payable claims in 4.1, the following are payable for Priority Mail Express mailpieces:

a. Nonnegotiable documents are insured against loss, damage, or loss of some contents while in transit. Coverage is limited to $100 per mailpiece, subject to a maximum limit per occurrence as provided in 4.2a4. Claims for document reconstruction insurance must be supported by a statement of expense incurred in reconstruction. Nonnegotiable documents include audit and business records, commercial papers, and other written instruments that cannot be negotiable or cannot be converted into cash without forgery. Articles such as artwork, collector or antique items, books, pamphlets, readers' proofs, repro proofs, separation negatives, engineering drawings, blueprints, circulars, advertisements, film, negatives, and photographs are considered merchandise, not documents. Indemnity for document reconstruction is paid as follows:

* * * * *

4.3 Nonpayable Claims

Indemnity is not paid for insured mail, Registered Mail, COD, or Priority Mail Express in these situations:

* * * * *

[Revise item 4.3f as follows:]

f. Loss resulting from delay of the mail, except under 4.2a2 and 4.3ad below.

* * * * *

[Revise item 4.3k as follows:]

k. Death of honeybees, crickets, and harmless live animals not the fault of the USPS (mailability is subject to 601.9.0).

* * * * *

[Revise item 4.3r as follows:]

r. Consequential loss of Priority Mail Express, except under 4.2a3 and 4.3ad.

* * * * *

[Revise item 4.3aa as follows:]

aa. Lottery tickets, sweepstakes tickets, contest entries, gift cards and similar items.

* * * * *

6.0 Adjudication of Claims

* * * * *

6.2 Appealing a Claim Decision

[Revise the text of 6.2 as follows:]

A customer may appeal a claim decision within 30 days from the date of the original decision at *www.usps.com/insuranceclaims/online.* Customers without internet access must send written appeals to Accounting Services (see 608.8.0 for address).

6.3 Final USPS Decision of Claims

[Revise the text of 6.3 as follows:]

If Accounting Services sustains the denial of a claim, the customer may submit an additional appeal within 30 days for final review and decision to the Consumer Advocate (see 608.8.0 for address).

* * * * *

700 Special Standards

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705 Advanced Preparation and Special Postage Payment Systems

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8.0 Preparing Pallets

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8.5 General Preparation

* * * * *

8.5.6 Mail on Pallets

These standards apply to mail on pallets:

* * * * *

[Revise item 8.5.6h as follows:]

h. Heavier, fuller trays must be placed at the bottom of the load, unless excepted by other standards (such as 245.7.7) that may require placement on the top of the pallet.

* * * * *

14.0 Combining Bundles of Flats on Pallets within FSS Zones

14.1 General

[Revise the introductory paragraph of 14.1 as follows:]

Presorted and basic carrier route Standard Mail flats, and all Bound Printed Matter (BPM) presorted and carrier route flats and Periodicals flats meeting the standards in 301.3.2, must be consolidated into 5-digit FSS scheme bundles and placed on pallets, in sacks, or in approved alternate containers, for 5-digit FSS scheme ZIP Code combinations within the same facility. Mailings that include 10 or more pieces of Standard Mail flats, 6 or more pieces of Periodicals flats or 10 or more pieces (or 10 or more pounds) of BPM flats to a FSS scheme, must include FSS scheme bundles for that 5-digit FSS scheme. Mailers may optionally prepare scheme pools with less than those minimums and may prepare a FSS scheme bundle if there is a minimum of 3 inches per bundle. Mailings of nonpresorted BPM flats may be included in FSS preparation, but will not be eligible for presorted or carrier route prices. When possible, the Postal Service also recommends the use of flat trays in lieu of sacks for FSS bundles. Bundles of flats prepared to FSS zones may also be combined with flats not intended for FSS processing when prepared to less finely presorted containers in accordance with these standards and the standards in 8.0. Mailers must place qualifying mailpieces from all price categories into a separate combined pool for each individual 5-digit FSS-scheme combination, and then prepare bundles of uniform size from those pieces. Mailpieces that meet the eligibility standards for 5-digit prices, basic and high density carrier route prices, or BPM presort or carrier route prices will continue to be eligible for these prices when prepared in accordance with the FSS preparation standards. Saturation price Standard Mail and Periodicals flats are not eligible for preparation under this option. High Density and High-Density Plus Standard Mail flats that meet the physical requirements in 301.3 may be included when prepared in accordance with these standards. Mailpieces and bundles must also be prepared as follows:

[Revise 14.1a and b as follows:]

a. Bundles for all FSS sort plans must be identified as a 5-digit scheme presort with an optional endorsement line under 708.7.0; or when authorized, using a red Label 5 SCH barcoded pressure-sensitive bundle label.

b. It is recommended that all Standard Mail and Periodicals pieces placed into an FSS pool be barcoded, and bear an accurate delivery point Intelligent Mail barcode with an accurate 11-digit routing code.

* * * * *

[Revise 14.1j as follows:]

j. A FSS sort plan pallet, or alternate approved container, must be made when 250 pounds or more of bundles are available for an individual FSS 5-digit scheme. Bundles remaining after palletization may be placed in sacks (or flat trays if approved).

* * * * *

14.2 Periodicals

14.2.1 Basic Standards

[Revise the introductory paragraph of 14.2.1 as follows:]

Except for Periodicals flats mailed at In-County prices, Periodicals flats mailings of 5,000 pieces or less mailed at Outside-County prices, or otherwise excepted Periodicals flats mailings, all Periodicals flats meeting the standards in 301.3.2 (nonmachinable flats up to 1-inch thick may be included if they meet the standards in 705.14) and destinating to FSS zones as shown in L006, must be prepared according to these standards. Mailings of In-County Periodicals flats and Outside-County Periodicals flats mailings of 5,000 pieces or less also may be prepared according to these standards. Periodicals are subject to the following:

* * * * *

[Revise 14.2.1a and 14.2.1b as follows:]

a. Pricing eligibility is based on 707.11.0 through 707.14.0, except that the 5-digit Outside-County bundle charge will be assessed to bundles of Outside-County Periodicals prepared in accordance with these standards, including bundles of flats claimed at the carrier route piece price. All Periodicals flats prepared under these standards will be assessed the 3-digit bundle price without regard to the piece prices claimed. FSS bundles placed on FSS scheme or FSS facility pallets, sacks or trays will claim the 3-digit bundle price.

b. FSS 5-digit scheme pallets will be assessed the Outside-County container charge for the 3-digit level pallet, except that there is no container charge for FSS 5-digit scheme pallets entered at a DFSS facility. FSS facility sort level pallets will be charged a container price for the SCF pallet. FSS scheme sacks or trays will continue to be assessed the 3-digit price. Sacks and trays entered at a DFSS will claim the DSCF entry price.

[Redesignate current 14.2.1c through f as new 14.2.1d through g, and add new item 14.2.1c to read as follows:]

c. The Outside-County pound price will be the same as the DSCF price. The Inside-County price will claim prices for the ''none'' entry level.

* * * * *

[Revise redesignated items 14.2.1e, f and g as follows:]

e. Mailers must combine all 5-digit, carrier route, and 5-digit scheme eligible flat-size mailpieces into a combined mailpiece pool for each FSS 5-digit scheme combination according to L006.

f. Each bundle must be identified with a ''SCH 5–DIGIT FSS'' optional endorsement line in accordance with Exhibit 708.7.1.1; or when authorized, using a red Label 5 SCH barcoded pressure-sensitive bundle label.

g. All pooled Periodicals mailpieces prepared on pallets to a single presort destination must be prepared in uniform size bundles, between 3 inches and 6.5 inches in height and secured under 601.2.0, except that one overflow bundle per mailpiece pool may be under the minimum size.

* * * * *

14.2.2 Pallet Preparation and Labeling

* * * Preparation sequence and labeling:

* * * * *

[Revise the introductory text of 14.2.2b as follows:]

b. *FSS facility sort,* optional, no minimum, permitted only for FSS bundles prepared for the FSS sort plans processed within the same SCF as shown in L006.

* * * * *

14.2.3 Sack Preparation and Labeling

* * * Preparation and labeling:

* * * * *

[Revise the introductory text of 14.2.3b as follows:]

b. *FSS facility sort,* optional, permitted only for 5-digit FSS bundles prepared for the FSS sort plans processed within the same facility as shown in L006.

* * * * *

14.3 Standard Mail

14.3.1 Basic Standards

* * * Standard Mail flats are subject to the following:

* * * * *

[Revise 14.3.1c and d as follows:]

c. Mailers must combine all 5-digit, basic carrier route, and 5-digit scheme eligible flat-size mailpieces into a combined mailpiece pool for each FSS 5-digit scheme combination according to L006.

d. Each bundle must be identified with a ''SCH 5–DIGIT FSS'' optional endorsement line in accordance with Exhibit 708.7.1.1; or when authorized, using a red Label 5 SCH barcoded pressure-sensitive bundle label.

* * * * *

14.3.2 Pallet Preparation and Labeling

* * * Preparation sequence and labeling:

[Revise the introductory text of 14.3.2a as follows:]

a. *FSS sort plan,* required (optional under 250 pounds), no minimum, permitted only for FSS bundles prepared for a single FSS sort plan as shown in L006. Labeling:

* * * * *

[Revise the introductory text of 14.3.2b as follows:]

b. *FSS facility sort,* optional, no minimum, permitted only for FSS bundles prepared for the FSS sort plans processed within the same SCF as shown in L006. Labeling:

* * * * *

14.3.3 Sack Preparation and Labeling

* * * Preparation and labeling:

* * * * *

[Revise the introductory text of 14.2.3b as follows:]

b. *FSS facility sort,* optional, permitted only for 5-digit FSS bundles prepared for the FSS sort plans processed within the same facility as shown in L006.

* * * * *

14.4 Bound Printed Matter

14.4.1 Basic Standards

[Revise the introductory text of 14.4.1 as follows:]

Bound Printed Matter (BPM) flats eligible for, and paid at, presorted prices or carrier route prices, and that meet the standards in 301.3.2, must be combined in 5-digit FSS scheme bundles and placed on pallets, or in flat trays, sacks or approved alternate containers, for delivery to ZIP Codes having FSS processing capability, as shown in L006. BPM flats are subject to the following:

* * * * *

[Revise 14.4.1c and d as follows:]

c. Mailers must combine all eligible flat-size mailpieces into a combined mailpiece pool for each FSS 5-digit scheme combination according to L006.

d. Each bundle must be identified with a ''SCH 5–DIGIT FSS'' optional endorsement line in accordance with Exhibit 708.7.1.1; or when authorized, using a red Label 5 SCH barcoded pressure-sensitive bundle label.

* * * * *

14.4.2 Pallet Preparation and Labeling

* * * Preparation sequence and labeling:

[Revise the first sentence of the introductory text of 14.4.2b as follows:]

b. *FSS facility sort,* optional, no minimum; permitted only for FSS bundles prepared for the FSS sort plans processed within the same facility as shown in L006. * * *

* * * * *

14.4.3 Sack Preparation and Labeling

* * * Preparation and labeling:

* * * * *

[Revise the introductory text of 14.4.3b as follows:]

b. *FSS facility sort,* optional, permitted only for 5-digit FSS bundles prepared for the FSS sort plans processed within the same facility as shown in L006.

* * * * *

15.0 Combining Standard Mail Flats and Periodicals Flats

15.1 Basic Standards

* * * * *

[Revise the title and introductory text of 15.1.11 as follows:]

15.1.11 Preparation for FSS Zones

Mailers authorized to combine mailings of Standard Mail flats and Periodicals flats must prepare these mailings under 14.0, when the mailing includes pieces destinating within one or more of the FSS zones in L006. Mailpieces eligible for High Density and High-Density Plus prices are not required to, but may be, prepared under the standards in 14.0. The following applies:

[Delete current items 15.1.11a through c in their entirety and resequence current items 15.11.1d through f as new items 15.11.1a through 1c.]

* * * * *

707 Periodicals

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4.0 Basic Eligibility Standards

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4.9 Issues

4.9.1 Regular Issues

[Revise the text of 4.9.1 as follows:]

Regular issues must be published according to the publication's stated frequency. Issues may include annual reports, directories, buyers' guides, lists, and similar material if these issues bear the publication title and are included in the regular subscription price, if any.

* * * * *

[Delete 4.9.3, Content, in its entirety (text moved into 4.9.1).]

[Renumber current 4.9.4 and 4.9.5 as new 4.9.3 through 4.9.4.]

* * * * *

6.0 Qualification Categories

6.1 General Publication

* * * * *

6.1.2 Circulation Standards

General publications must meet these circulation standards:

* * * * *

[Revise items 6.12b through 6.1.2g as follows:]

b. Records for subscriptions to a publication must be kept so that subscriptions to each publication can be verified.

c. Persons whose subscriptions are obtained at a nominal price and those whose copies bear an alternative address must not be included in the legitimate list of subscribers. Such copies must be treated as nonsubscriber copies.

d. Subscriptions may be paid for with dues or contributions, if the amount paid for the subscription is stated. The USPS may require evidence of compliance; see 5.1.2 for more information.

e. A subscription must be separated from all other business transactions to be evident as an independent act. Publishers must be able to show that subscriptions are voluntary and that the subscription price is paid or promised.

f. At least 50% of a publication's distribution must be to persons who have paid above a nominal price. (For inclusion of electronic copies, see 6.5). Nominal price subscriptions include those sold at a price so low that it cannot be considered a material consideration; or at a reduction to the subscriber (under a premium offer or any other arrangement) of more than 70% of the basic annual subscription price. The value of a premium is its actual cost to the publisher, its recognized retail value, or its represented value, whichever is highest.

g. Publications primarily designed for free circulation or circulation at

nominal prices do not qualify for the general publications category.

[Delete items 6.1.2g1 through 6.1.2g4 in their entirety; the same substantive information is included in items 6.1.2a through 6.1.2f.]

* * * * *

6.4 Requester Publications

* * * * *

6.4.2 Circulation Standards

Requester publications must meet these circulation standards:

* * * * *

[Revise item 6.4.2b as follows:]

b. Subscription copies of the publications that are paid for or promised to be paid for, including those at or below a nominal price, may be included in the 50% request requirement. (For inclusion of electronic copies, see 6.5.)

* * * * *

[Revise items 6.4.2d through 6.4.2f as follows:]

d. Records of requests for a publication must be kept so that subscriptions or requests for each publication can be verified.

e. Requests that are more than 3 years old are not valid requests. Copies addressed using an alternative address format are not considered requested copies.

f. For a requester publication issued by a membership organization, the organization may adopt a resolution that each member receives a copy of each issue. Records must be kept to show that the publication is sent to members. Form 3500 must be accompanied by a copy of the resolution and the written assurance that the required records are kept.

* * * * *

6.7 News Agent Registry

6.7.1 Definition

[Revise the text of 6.7.1 by including text from current 6.7.2 as follows:]

The term *news agent* means a person or concern selling two or more Periodicals publications published by more than one publisher. A news agent must be authorized by the USPS before the agent may mail publications at Periodicals prices.

[Delete current 6.7.2, Authorization; text is relocated to 6.7.1.]

[Renumber current 6.7.3 through 6.7.5 as new 6.7.2 through 6.7.4.]

* * * * *

6.7.3 Unsold Copies

[Revise the text of renumbered 6.7.3 as follows:]

Unsold copies returned to the publishers or sent to other news agents or sent to persons not having subscriptions with news agents, are subject to the Outside-County Periodicals prices.

* * * * *

7.0 Mailing to Nonsubscribers or Nonrequesters

7.1 Sample Copies

[Revise the text of 7.1 as follows:]

Sample copies are nonsubscriber or nonrequester copies and may be mailed at prices according to standards in 7.0 and 10.0.

7.2 Simplified Address

[Revise the text of 7.2 as follows:]

Copies addressed with simplified addresses under 602.3.2 may be mailed only to nonsubscribers or nonrequesters. If a subscriber or requester receives a simplified address copy in addition to the subscriber or requester copy, the additional copy is considered a nonsubscriber or nonrequester copy.

* * * * *

7.4 Gift Subscriptions

[Revise the text of 7.4 as follows:]

Copies sent to persons whose subscriptions were paid by other individuals as gifts are considered subscriber copies. Subscriptions paid by advertisers or other persons promoting their own interests, and subscriptions given free by the publisher, are *not* gift subscriptions, and are considered nonsubscriber or nonrequester copies.

7.5 Exchange Copies

[Revise the text of 7.5 as follows:]

A small part of the distribution list may contain publishers to whom one copy each is sent in exchange for a copy of the recipients' publications. These exchange copies are considered subscriber or requester copies.

* * * * *

7.7 Complimentary Copies

[Revise the text of 7.7 as follows:]

All complimentary copies are considered nonsubscriber or nonrequester copies.

7.8 Proof Copies

[Revise the text of 7.8 as follows:]

One complete copy of each issue may be mailed to each advertiser (or agent) in the issue to prove that the advertisements are printed. These copies are considered subscriber or requester copies. Any additional copies sent to an advertiser (or agent) are considered nonsubscriber or nonrequester copies.

* * * * *

9.0 Changing Title, Frequency, or Known Office of Publication

9.1 General

9.1.1 When Required

[Revise the text of 9.1.1 as follows:]

Except under 9.1.2, the publisher must file an application for reentry on Form 3510 to the original entry postmaster to change the title, frequency of issue; or to change location of the known office of publication of an authorized Periodicals publication by submitting Form 3510 to the postmaster whose service area oversees the new location.

* * * * *

[Delete current 9.1.3, Where to File, in its entirety (text moved to 9.1.1).]

[Renumber current 9.1.4 through 9.1.4 as new 9.1.3 through 9.1.4.]

[Delete current 9.1.6, Same County, in its entirety; the same information appears in 707.11.3.]

[Renumber current 9.1.7 as new 9.1.5 and revise as follows:]

9.1.5 Filing Date

Publishers changing the title or frequency of a publication must file Form 3510 by the date on which copies are to be issued with the new title or on the new frequency.

[Delete current 9.1.8, Current Date, in its entirety; the same information is in current 9.3.5.]

[Renumber current 9.1.9 through 9.1.12 as new 9.1.6 through 9.1.9.]

* * * * *

9.1.7 Application Fee

[Revise the text of renumbered 9.1.7 as follows:]

The correct (nonrefundable) fee must accompany an application (Form 3510) for reentry. No additional fee is required when a revised Form 3500 is required as part of a reentry application.

9.1.8 Multiple Reentry Requests

[Revise the text of renumbered 9.1.8 as follows:]

A publisher may file one Form 3510 and pay one fee to request multiple reentry actions under 9.1 if all documentation is submitted with the Form 3510 under 9.1.3; and the effective dates for the reentry actions do not cover more than 30 calendar days. The publisher must submit a separate Form 3510 (and pay the fee) for each reentry action that cannot meet these conditions.

9.1.9 Other Actions

[Revise the text of renumbered 9.1.9 as follows:]

A publisher must submit a separate Form 3510 (and pay the fee) for each

reentry action under 28.4, 30.0, 10.0 (no fee), or 9.2. A publisher must file a separate Form 3510 (and pay the fee) if the publication's distribution plan is modified other than the frequency of issuance or the location of the original entry Post Office.

9.2 Changing Qualification Categories

[Revise the text of 9.2 as follows:]

To change the category under which a publication is authorized Periodicals mailing privileges, the publisher must file a revised Form 3500 and an application for reentry on Form 3510 with the original entry postmaster and pay the applicable fee. See 9.1.2 for when a reentry application may not be required.

[Delete current 9.2.1, 9.2.2, 9.2.3, and 9.2.4 in their entirety (the text of 9.2.1, 9.2.3, and 9.2.4 are merged into new text in 9.2; the text of 9.2.2 is already covered in current 9.1.2).]

9.3 Application for Reentry

9.3.1 Pending

While an application for reentry is pending, copies of an authorized Periodicals publication are accepted for mailing at the Periodicals prices, subject to 9.3.5.

[Delete current 9.3.2, Additional Information, in its entirety; the same information is in current 9.3.3.]

[Renumber current 9.3.3 through 9.3.5 as new 9.3.2 through 9.3.4, and revise the text of renumbered 9.3.2 as follows:]

9.3.2 Proof of Compliance

The publisher must be able to show (via circulation and other records) to USPS satisfaction that the reentered publication still meets all Periodicals standards. Failure to provide this evidence is sufficient grounds to deny the reentry request.

* * * * *

9.3.4 Effective Date

[Revise the text of renumbered 9.3.4 as follows:]

An entry office may not be used before authorization by the USPS. A publisher may not pay postage at another price to deposit copies at an unauthorized entry office. Subject to the restrictions in 9.1, the effective date of a reentry authorization is the application date or the eligibility date (if the publication became eligible after the application date). The requested date for a change in original entry office may be deferred until sufficient transportation or other resources are in place. If deferral is due to USPS transportation contract limitations, the publisher's requested date may be approved with the publisher's agreement to reimburse the USPS for costs caused by modifying contracted transportation.

[Delete current 9.3.6, Denial After Verification, in its entirety; the same information is in current 9.3.7.]

[Renumber current 9.3.7 through 9.3.12 as new 9.3.5 through 9.3.10.]

[Revise the title and text of renumbered 9.3.5 as follows:]

9.3.5 Denial

If the PCSC manager denies an application, a written notice of the reasons is provided to the publisher. The denial takes effect 15 days from the publisher's receipt of the notice, unless the publisher files an appeal under 9.3.6 within that time. Alternatively, the publisher may return to the publication status before the application for reentry was submitted.

* * * * *

12.0 Nonbarcoded (Presorted) Eligibility

12.1 Basic Standards

* * * * *

12.3 Prices—In-County

12.3.1 Five-Digit Prices

5-digit prices apply to:

* * * * *

[Add new item 12.3.1c as follows:]

c. Qualifying flats included in a FSS 5-digit scheme pool under 705.14.

* * * * *

12.3.2 Three-Digit Prices

3-digit prices apply to:

* * * * *

[Add new 12.3.2c as follows]

c. Flat-size pieces not qualifying for carrier route or 5-digit prices, but properly included in a FSS 5-digit scheme pool prepared under 705.14.

* * * * *

13.0 Carrier Route Eligibility

* * * * *

13.3 Walk-Sequence Prices

13.3.1 Eligibility

[Revise the text of 13.3.1 as follows]

The High Density or saturation prices apply to each walk-sequenced piece in a carrier route mailing, eligible under 13.2.1 and prepared under 705.8.0, 23.0, or (nonletter-size mail only) 705.10.0, 705.12.0, or 705.13.0, that also meets the corresponding addressing and density standards in 13.3.4. High density and saturation price mailings must be prepared in carrier walk sequence according to schemes prescribed by the USPS (see 23.8). Flats qualifying for High Density or High-Density Plus prices by meeting the density standards may be included in FSS 5-digit scheme pools under 705.14.

14.0 Barcoded (Automation) Eligibility

* * * * *

14.4 Prices—In-County

14.4.1 Five-Digit Prices

5-digit automation prices apply to:

* * * * *

[Add new item 14.4.1c as follows:]

c. Qualifying flats included in a FSS 5-digit scheme pool under 705.14.

* * * * *

14.4.2 Three-Digit Prices

3-digit automation prices apply to:

* * * * *

[Add 14.4.2c as follows]

c. Flat-size pieces not qualifying for carrier route or 5-digit prices, but properly included in a FSS 5-digit scheme pool prepared under 705.14.

* * * * *

18.0 General Mail Preparation

18.1 Definition of Presort

[Revise the text of 18.1 as follows:]

''Presort'' is the process by which a mailer prepares mail so that it is sorted to at least the finest extent required by the standards.

18.2 Definition of Mailings

''Mailings'' are defined as:

[Revise item 18.2a as follows:]

a. A mailing is a group of pieces within the same class of mail and the same processing category that are sorted together and presented under a minimum volume mailing requirement. Specific standards may define whether separate mailings may be combined, palletized, reported, or deposited together.

* * * * *

[Add a new 18.5 as follows:]

18.5 FSS Preparation

Except for Periodicals flats mailed at In-County prices, Periodicals flats mailings of 5,000 pieces or less mailed at Outside-County prices, Periodicals flats mailed at saturation, High Density or High-Density Plus prices, or otherwise excepted Periodicals flats mailings, all Periodicals flats (including nonmachinable flats up to 1-inch thick may be included if they meet the standards in 705.14) destinating to FSS zones as shown in L006, must be prepared under 705.14. Mailings of in-county Periodicals flats, outside-county Periodicals flats mailings of 5,000 pieces or less, and Periodicals qualifying for

High-Density and High-Density Plus may be included in FSS 5-digit scheme pools.

* * * * *

29.0 Destination Entry

* * * * *

29.4 Destination Sectional Center Facility

* * * * *

29.4.2 Price Eligibility

Determine price eligibility as follows:

* * * * *

[Delete the last sentence of the introductory text of 29.4.2b, and delete 29.4.2b1 and b2 in their entirety.]

* * * * *

[Renumber current 29.5. as new 29.6, and add a new 29.5 as follows:]

29.5. Destination Flat Sequencing System (DFSS) Facility Entry

29.5.1 Definition

For this standard, destination Flat Sequencing System Facility (DFSS) refers to the facilities listed in L006, Column C.

29.5.2 Eligibility

DFSS prices apply to pieces deposited at a USPS-designated FSS processing facility and correctly placed in a flat tray, sack, or on a pallet, labeled to a FSS sort plan or labeled to a 5-digit destination processed by that facility, under labeling list L006. These pieces must include a full delivery address and meet the physical standards for FSS-machinability in 705.14.0.

* * * * *

708 Technical Specifications

* * * * *

6.0 Standards for Barcoded Tray Labels, Sack Labels, and Container Placards

* * * * *

6.2 Specifications for Barcoded Tray and Sack Labels

6.2.1 Use

Exhibit 6.2.1 shows the types of mail requiring barcoded tray or sack labels. Barcoded labels must meet these general standards:

[Revise the text of item 6.2.1b as follows:]

b. Mailer-produced barcoded labels must meet the standards in 6.0, and must be non-adhesive.

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes if our proposal is adopted.

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2013–24980 Filed 10–24–13; 8:45 am]

BILLING CODE 7710–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2011–0202; FRL–9902–04–Region 6]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Rules and Regulations for Control of Air Pollution; Permitting of Grandfathered Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve revisions of the Texas State Implementation Plan submitted by the Texas Commission on Environmental Quality (TCEQ, or Commission) on July 31, 2002; September 4, 2002; and March 1, 2004. These revisions require that all grandfathered facilities obtain specific permits which include emission control methods to achieve mandated emission reductions, as required, or shutdown; and require that emissions from dockside vessels which result from operations at grandfathered land-based facilities be included in specific permits. The revisions also outline additional permitting procedures for certain grandfathered pipeline equipment located in an ozone nonattainment area.

These permitting requirements and emissions reductions will contribute to achieving attainment and help ensure attainment and continued maintenance of the National Ambient Air Quality Standards (NAAQS) for ozone in the State of Texas. EPA is proposing the revisions under section 110, part C, and part D of the Act, and EPA's regulations.

DATES: Written comments must be received on or before November 25, 2013.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2011–0202, by one of the following methods:

- *www.regulations.gov.* Follow the on-line instructions.
- Email: Mr. Rick Barrett at: *barrett.richard@epa.gov*. Please also send a copy by email to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- Mail or delivery: Mr. Rick Barrett, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2011–0202. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through *http://www.regulations.gov* or email, if you believe that it is CBI or otherwise protected from disclosure. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://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 along with any disk or CD–ROM submitted. 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 and any form of encryption and should 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: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Barrett (6PD–R), Air Permits

Section, telephone (214) 665–7227; fax (214) 665–7263; email: *barrett.richard@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''our,'' and ''us'' refers to EPA.

Table of Contents

I. Background
II. What Action is EPA proposing?
A. July 31, 2002 Submittal
B. September 4, 2002 Submittal
C. March 4, 2004 Submittal
D. Analysis
III. Proposed Action
IV. Statutory and Executive Order Reviews

I. Background

The 77th Texas State Legislature, 2001, amended the Texas Health and Safety Code (THSC) and the Texas Clean Air Act (TCAA) to require that all grandfathered facilities obtain permits. A ''grandfathered facility'' is one that existed at the time the Legislature amended the TCAA in 1971. Texas began permitting new and modified sources in 1971, and sources built before Texas' permitting rules became effective were not required to obtain permits for air emissions as long as they were not modified as defined under Texas' New Source Review (NSR) State Implementation Plan (SIP) program.

The purpose of this rulemaking by EPA is to propose approval of the TCEQ's permit and emission control requirements for grandfathered facilities and related permit application, monitoring, reporting and public notice procedures. Specifically, the permit application requirements, methods for monitoring and reporting emissions, and public notice procedures for grandfathered facilities are the subject of this proposed rule.

II. What action is EPA proposing?

We are proposing to fully approve certain revisions to 30 TAC Chapter 116, submitted by the State of Texas on July 31, 2002, and September 4, 2002. We are also proposing to fully approve the revisions to 30 TAC Chapter 116 submitted by the State of Texas on March 1, 2004. We are proposing to fully approve the July 31, 2002, and the September 4, 2002, submittals except for a severable portion in each which allows owners or operators of grandfathered facilities to apply for an existing facility flexible permit under the State's Flexible Permit Program. We will take separate action in the future in the **Federal Register** on the submittals with regard to the ''Existing Facility Flexible Permit'' portion. Also, please note that EPA's action on 30 TAC Chapter 116, Subchapter A: ''Definitions,'' section 116.18, and 30 TAC Chapter 116, Subchapter I: ''Electric Generating Facility Permits,'' sections 116.910—116.930, were previously acted on in a separate notice. See 76 FR 1525 (January 11, 2011).

The July 31, 2002, submittal concerns Subchapter H: ''Permits for Grandfathered Facilities,'' at 30 TAC sections 116.770–772, 116.774–777, 116.779–781, 116.783, 116.785–788, 116.790, 116.793–802, and 116.804–807. The TCEQ adopted these revisions on May 22, 2002.

The September 4, 2002, submittal concerns Subchapter H: ''Permits for Grandfathered Facilities,'' at 30 TAC sections 116.778 and 116.803; and Subchapter I: ''Electric Generating Facility Permits,'' at 30 TAC section 116.919. The TCEQ adopted these revisions on August 21, 2002.

The March 1, 2004, submittal concerns Subchapter H: ''Permits for Grandfathered Facilities,'' at 30 TAC sections 116.770 and 116.772. The TCEQ adopted these revisions on January 28, 2004.

Our Technical Support Document (TSD) contains a more detailed explanation of the submittal and the underlying regulatory requirements. The TSD is available in the public docket for this rulemaking.

A. July 31, 2002 Submittal

In the July 31, 2002 submittal, Texas submitted new and amended rules to Chapter 116, which include Subchapter A: ''Definitions,'' delineating certain definitions of words and terms used in Subchapter I; Subchapter H: ''Permits for Grandfathered Facilities'', Division 1, ''General Applicability;'' Division 2, ''Small Business Stationary Source Permits, Pipeline Facilities Permits, and Existing Facility Permits;'' Division 3, ''Existing Facility Flexible Permits;'' and Subchapter I: ''Electric Generating Facility Permits.'' In addition, Texas submitted 30 TAC Chapter 39, ''Public Notice,'' which includes Subchapter H: ''Applicability and General Provisions,'' and Subchapter K: ''Public Notice of Air Quality Applications.''

The above-referenced provisions contained in the Subchapter A and Subchapter I of Chapter 116, and Subchapter H and Subchapter K of Chapter 39, are severable and not part of today's proposal action. The provisions in Subchapter A and Subchapter I of Chapter 116 were previously acted on. See 76 FR 1525 (January 11, 2011). The provisions in Subchapter H and Subchapter K of Chapter 39 were previously withdrawn. See letter dated July 2, 2010, from the TCEQ to EPA Region 6, in the public docket for this proposed action. Also, in the July 31, 2002 submittal concerning Chapter 116, Subchapter H: ''Permits for Grandfathered Facilities,'' Division 3, ''Existing Facility Flexible Permits,'' sections 116.793–802 and 116.804–807 are severable and will be acted on in a future separate rulemaking. By severable, we mean that these sections can be implemented independently of the remaining portions of the submittal without affecting the stringency of the submitted rules.

EPA is acting only on a portion of Subchapter H: ''Permits for Grandfathered Facilities'': Division 1 and Division 2. The submitted amendments to Subchapter H, Permits for Grandfathered Facilities, implement the portions of TCAA, section 382.0158, which create new types of permits for grandfathered facilities. Division 1 and Division 2 representative sections include section 116.770, Requirements to Apply; section 116.774, Eligibility for Small Business Stationary Source Permits; section 116.775, Eligibility for Pipeline Facilities Permits; section 116.777, Eligibility for Existing Facility Permits; section 116.779, Applications for Small Business Stationary Source Permits, Pipeline Facilities Permits, or Existing Facility Permits; and section 116.783, Notice of Final Action on Pipeline Facilities Permit Applications and Existing Facility Permit Applications.

In section 116.770, the owner or operator of a grandfathered facility must apply for a permit to operate the facility under Chapter 116, qualify for a permit by rule under Chapter 106, or submit a notice of shutdown. Specific deadlines for facilities to apply are: Before September 1, 2003 for facilities located in the East Texas region, and before September 1, 2004 for facilities located in the West Texas region and El Paso County.

Section 116.774 identifies the types of facilities which are eligible for a small business stationary source permit in accordance with TCAA, section 382.05184. Only the owners or operators of facilities located at small business stationary sources and which are not required to submit emissions inventories to the commission may apply for a small business stationary source permit. The owner or operator must apply for the small business stationary source permit before September 1, 2004. The new section specifies that any grandfathered facility, including any facility for which the owner or operator has submitted a notice of shutdown located at a small business stationary source, may not emit air contaminants on or after March 1,

2008, unless the facility is permitted or has a pending permit application under Chapter 116, or a pending registration for a permit by rule under Chapter 106. The new section also requires an application for a small business stationary source permit to be submitted under the seal of a Texas licensed professional engineer, if required, and states that the facility's owner or operator is responsible for applying for the permit and complying with the subchapter. A small business stationary source may not emit air contaminants on or after March 1, 2008, unless the facility is permitted, has a permit application pending, or has a registration or pending registration for a permit by rule.

Section 116.775 identifies the types of facilities which are eligible for a pipeline facilities permit in accordance with TCAA, section 382.05186. The owner or operator of a grandfathered reciprocating internal combustion engine or group of engines that are part of processing, treating, compression, or pumping facilities connected to or part of a gathering or transmission pipeline may apply for a pipeline facilities permit. The new section also requires an application for a pipeline facilities permit to be submitted under the seal of a Texas licensed professional engineer, if required by section 116.110(e), and states that the facility's owner or operator is responsible for applying for the permit and complying with the subchapter. The new section allows the owner or operator of more than one grandfathered reciprocating internal combustion engine to apply for a pipeline facilities permit for a single grandfathered engine or for a group of grandfathered engines connected to or part of a gathering or transmission pipeline. The commission revised section 116.775(d) to clarify that the owner or operator may apply for a permit for a single engine or a group of engines.

Section 116.777 identifies the types of facilities which are eligible for an existing facility permit in accordance with TCAA, section 382.05183. The owner or operator of any grandfathered facility may apply for an existing facility permit. The new section also requires an application for an existing facility permit to be submitted under the seal of a Texas licensed professional engineer, if required by section 116.110(e), and states that the facility's owner or operator is responsible for applying for the permit and complying with Subchapter H.

Section 116.779 specifies the application requirements and demonstrations which must be met in order for a facility to be granted a small business stationary source permit, pipeline facilities permit, or existing facility permit. These requirements are consistent with the requirements for other permits issued under Chapter 116. Section 116.779 has three subsections:

Section 116.779(a) provides that the emissions from the facility must comply with the rules and regulations of the commission, including the protection of public health and physical property. The commission may not issue a permit for a grandfathered facility if it finds that the emissions from the grandfathered facility will not be protective of public health and physical property. In order to be consistent with the current review process for permits and applicable federal requirements, the section requires the owner or operator of a grandfathered facility applying for a small business stationary source permit, pipeline facilities permit, existing facility flexible permit, or EGF permit to be able to demonstrate that they meet applicable federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). Facilities must be able to meet performance standards specified in the application and may be required to provide information that demonstrates ongoing compliance after the permit is issued. If applicable, facilities would be required to comply with Prevention of Significant Deterioration (PSD) and nonattainment review as specified in Chapter 116, Subchapter B. Since grandfathered facilities may be required to comply with any applicable Federal requirements (for example, NESHAP standards), EPA expects Texas to clearly identify state and federal requirements in the permit.

Section 116.779(b) specifies additional requirements which apply to applicants for a pipeline facilities permit. In accordance with TCAA, section 382.05186(e), facilities located in the East Texas region will be required to demonstrate that each engine will achieve at least a 50% reduction of the hourly emissions rate of NO_X and may also be required to demonstrate a 50% reduction of the hourly emissions rate of VOC, both expressed in terms of grams per brake horsepower-hour (g/bhp-hr). Consistent with TCAA, section 382.05186(f), the new section also states that the commission shall require up to a 20% reduction in the hourly emissions rate of NO_X and shall require up to a 20% reduction in the hourly emissions rate of VOC, expressed in terms of g/bhp-hr, for facilities located in the West Texas region or El Paso County.

Section 116.779(c) specifies additional requirements with which applicants for an existing facility permit will have to comply. In accordance with TCAA, section 382.05183(b), applicants for existing facility permits will have to propose an air pollution control method that is at least as beneficial as the BACT that the commission required or would have required for a facility of the same class or type as a condition of issuing a permit or permit amendment 120 months (ten-year-old BACT) before the submittal of the existing facility permit application, considering the age and remaining useful life of the facility, and identify the date by which the control method will be implemented.

Section 116.783 specifies the commission's responsibilities for sending notice of the final action on an application for a pipeline facilities permit or an existing facility permit, and the information that the commission must include in the notice. The new section will require the commission to individually notify persons who commented during the public comment period or at a permit hearing, of the final action of the commission. The notice must be sent by first-class mail to the commenters and to the applicant. The proposed rule stated that the notice must include the response to comments, the identification of any changes in the permit, and a statement that any person affected by the decision of the commission may petition for rehearing and for judicial review. Because, in section 116.790, the commission is delegating to the executive director the authority to take any action on a permit issued under this division, this section now requires that the notice state that any person affected by the decision of the executive director may file a motion to overturn rather than a petition for rehearing.

B. September 4, 2002 Submittal

In the September 4, 2002 submittal, Texas submitted new and amended rules to Chapter 116, which include Subchapter A: ''Definitions,'' which adds certain definitions; Subchapter B: ''New Source Review Permits;'' Subchapter D: ''Permit Renewals;'' Subchapter F: ''Standard Permits;'' Subchapter G, ''Flexible Permits;'' Subchapter H: ''Permits for Grandfathered Facilities,'' Division 2, ''Small Business Stationary Source Permits, Pipeline Facilities Permits, and Existing Facility Permits;'' Division 3, ''Existing Facility Flexible Permits;'' and Subchapter I: ''Electric Generating Facility Permits.''

The above-referenced provisions contained in Subchapter A, Subchapter

B, Subchapter D, Subchapter F, Subchapter G, and Subchapter H: Division 3, of Chapter 116 are severable and not part of today's proposal action. These severable provisions are being acted on in separate rulemakings. By severable, we mean that these provisions can be implemented independently of the remaining portions of the submittal without affecting the stringency of the submitted rules.

EPA is acting only on Subchapter H: ''Permits for Grandfathered Facilities,'' Division 2; and Subchapter I: ''Electric Generating Facility Permits,'' from the September 4, 2002 submittal.

The submitted amendments to Subchapter H, Permits for Grandfathered Facilities, Division 2, implements the portions of TCAA, section 382.065, which primarily requires the permitting of all air contaminant emissions associated with dockside vessel operations. In Division 2, new section 116.778, ''Additional Requirements for Applications for Small Business Stationary Source Permits, Pipeline Facilities Permits, or Existing Facility Permits'' states that in addition to complying with all applicable requirements of Subchapter H, any application for a small business stationary source permit, a pipeline facilities permit, or an existing facility permit must include emissions from the facility resulting from any associated dockside vessel operations. These emissions must comply with all rules and regulations of the commission and with the intent of the TCAA, including protection of the health and property of the public and minimization of emissions to the extent possible, consistent with good air pollution control practices.

The submitted amendment to Subchapter I, Electric Generating Facility Permits, implements TCAA, section 382.05185(c) and (d), which adds additional requirements in new section 116.919. In addition to complying with all applicable requirements of this subchapter, any application for a new grandfathered electric generating facility permit for auxiliary combustors and coal-fired units only must include emissions from the facility resulting from any associated dockside vessel operations. These emissions must comply with all rules and regulations of the commission and with the intent of the TCAA, including protection of the health and property of the public and minimization of emissions to the extent possible, consistent with good air pollution control practices.

C. March 4, 2004 Submittal

In the March 4, 2004 submittal, Texas submitted amended rules to Chapter 116, Subchapter H: ''Permits for Grandfathered Facilities, Division 1, General Applicability,'' sections 116.770 and 116.772. The submitted amendments to Subchapter H, Permits for Grandfathered Facilities, implement portions of TCAA, section 382.05186, which requires pipeline facilities permits. The amended sections are: Section 116.770, Requirements to Apply; and section 116.772, Notice of Shutdown.

The amendment to section 116.770 changes the section title from ''Requirement to Apply'' to ''Requirement to Apply or Register'' to better specify the purpose of the section. Also, it adds new subsections (b) and (c), which specify that certain facilities are considered permitted and that the owners and operators of those facilities must submit registrations. Adopted section 116 .770(b) implements TCAA, section 382.05186(j). Specifically, section 116.770(b) states that a reciprocating internal combustion engine required to obtain a pipeline facility permit that is subject to a mass emissions cap established by the commission is considered permitted if the facility is located in an ozone nonattainment area and is in compliance with all state and federal requirements for that area by June 20, 2003. 30 TAC section 101.351(a) currently specifies that a mass emissions cap applies to the Houston/Galveston ozone nonattainment area. Adopted section 116.770(b)(2) requires that the grandfathered reciprocating internal combustion engines satisfy any currently applicable state or federal regulations in effect as of June 20, 2003, the effective date of House Bill 638, in order to be considered permitted. In addition, the commission adopts new section 116.770(c), which requires owners and operators of facilities that are considered permitted under section 116.770(b) to submit registrations on or before July 1, 2004. The registration requirement is necessary for the executive director to determine whether all facilities that are considered to be permitted meet the criteria outlined in House Bill 638. The adopted subsections require registration rather than require those facilities to obtain a permit under Chapter 116, qualify for a permit by rule, or shut down. Registrations must be submitted by July 1, 2004, and must include Form PI–1 G, Grandfathered Facility Permit Application.

The amendment to section 116.772 only adopts a change to the cross-references in section 116.772(a) and (b) to parallel changes made in section 116.770.

D. Analysis

The July 31, 2002, September 4, 2002, and March 1, 2004 submittals address the applicability and permitting requirements for grandfathered facilities. The permits issued for these facilities are expected to result in reduced emissions of air contaminants and improved compliance with state and federal air pollution control requirements. Further, these permits should achieve better protection of public health and welfare, and improve the existing SIP. These provisions meet the requirement in 40 CFR 51.160(a) that each plan include legally enforceable procedures to determine whether the construction or modification of a facility, building, structure, or installation, or combination of these will result in (1) a violation of applicable portions of the control strategy; or (2) interference with attainment or maintenance of a national standard in the state in which the proposed source (or modification) is located or in a neighboring state.

The revision also meets 40 CFR 51.160(e) by identifying a type of facility that will be subject to review under 40 CFR 51.160(a). In this case, Texas specifically identified grandfathered facilities.

The revisions to 30 Texas Administrative Code (TAC) Chapter 116, concerning the permitting of grandfathered facilities, will achieve Texas' emissions reductions goals. Compliance with these revisions will cause decreased air emissions due to the shutdown of the source, or the use of emission control methods on grandfathered sources that had previously been exempt from having to use emission controls. Because the revisions will cause additional emission reductions from these sources, they will better serve to protect the public health and welfare. The revisions will also continue to contribute to improvement of air quality and attainment or maintenance of the federal air quality standards. Overall, these provisions serve to improve the existing SIP. Lastly, these provisions meet the requirement in 40 CFR 51.160(a) that each plan include legally enforceable procedures to determine whether the construction or modification of a facility, building, structure, or installation, or combination of these will result in (1) a violation of applicable portions of the control

strategy; or (2) interference with attainment or maintenance of a national standard in the State in which the proposed source (or modification) is located or in a neighboring State.

Each revision to an implementation plan submitted by a State under the Clean Air Act requires reasonable notice and public hearing prior to adoption by the State and submission to EPA as a SIP revision. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of this Act. EPA is proposing to approve these revisions because they improve the SIP in accordance with Section 110 of the Act. The reductions achieved through the permitting of grandfathered facilities program occur throughout the State of Texas and include reducing precursors to ozone (NO_X and VOC) emissions. The NO_X emissions reductions in certain regions of the State were relied upon in Texas' ozone attainment demonstration plans and will provide benefits in reducing ozone concentrations in nonattainment areas and near nonattainment areas, as well as attainment areas. Further, the permitting of grandfathered sources will benefit the public due to reductions of air contaminants emitted from affected grandfathered facilities, and present the opportunity for public participation and comment in the permitting procedures for formerly grandfathered facilities. The program establishes requirements, procedures, deadlines and responsibilities for permit applications for facilities formerly exempt from permit requirements.

III. Proposed Action

EPA is proposing to approve revisions to the Texas SIP that includes 30 TAC Chapter 116, subchapter H: ''Permits for Grandfathered Facilities,'' sections 116.770–772, 116.774–777, 116.779–781, 116.783, 116.785–788, 116.790, 116.793–802, and 116.804–807, which Texas submitted on July 31, 2002. EPA is proposing to approve all of the July 31, 2002, SIP revision submittal as part of the Texas NSR SIP except sections 116.793–802 and 116.804–807, as discussed above.

EPA is proposing to approve revisions to the Texas SIP that includes 30 TAC Chapter 116, Subchapter H: ''Permits for Grandfathered Facilities,'' sections 116.778 and 116.803; and Subchapter I: ''Electric Generating Facility Permits,'' section 116.919, which Texas submitted on September 4, 2002. EPA is proposing to approve all of the September 4, 2002, SIP revision submittal as part of the Texas NSR SIP except section 116.803 as discussed above.

EPA is proposing to approve revisions to the Texas SIP that include 30 TAC Chapter 116, Subchapter H: ''Permits for Grandfathered Facilities'' sections 116.770 and 116.772, which Texas submitted on March 1, 2004. EPA is proposing to approve all of the March 1, 2004, SIP revision submittal as part of the Texas NSR SIP

The July 31, 2002, September 4, 2002, and March 1, 2004 submittals address the applicability and permitting requirements for grandfathered facilities. The revisions will contribute to improvement in overall air quality in Texas. We have evaluated the State's submittal, determined that it meets the applicable requirements of the CAA and EPA air quality regulations, and is consistent with EPA policy.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely 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 action:

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: September 27, 2013.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2013–25262 Filed 10–24–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0594; FRL–9901–79–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Ambient Air Quality Standards for Fine Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia adding ambient air quality standards and associated reference conditions for Fine Particulate Matter ($PM_{2.5}$) that are consistent with the 2013 National Ambient Air Quality Standards (NAAQS) for $PM_{2.5}$. In the Final Rules

section of this **Federal Register,** EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by November 25, 2013.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2013–0594 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2013–0594, Cristina Fernandez, Associate Director, Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2013–0594. 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.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, (215) 814–5787, or by email at *schmitt.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: September 20, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2013–25044 Filed 10–24–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2013–0683; FRL–9902–01–Region9]

Approval of Air Quality Implementation Plans; California; El Dorado County Air Quality Management District; Reasonably Available Control Technology for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by California for the El Dorado County Air Quality Management District (EDAQMD) portion of the California SIP. The submitted SIP revision contains the District's demonstrations regarding Reasonably Available Control Technology (RACT) requirements for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS). We are proposing to approve the submitted SIP revision 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 November 25, 2013.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2013–0683, 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.

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), 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: Stanley Tong, EPA Region IX, (415) 947–4122, *tong.stanley@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. The State's Submittal
A. What document did the State submit?
B. Are there other versions of this document?
C. What is the purpose of the RACT SIP submission?
II. EPA's Evaluation and Proposed Action
A. How is EPA evaluating the RACT SIP submission?
B. Does the RACT SIP submission meet the evaluation criteria?
C. EPA Recommendations To Strengthen the SIP
D. Proposed Action and Request for Public Comment
III. Statutory and Executive Order Reviews

I. The State's Submittal

A. What document did the State submit?

Table 1 lists the document 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 DOCUMENT

Local agency	Document	Adopted	Submitted
EDAQMD	EDAQMD Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Update Analysis Staff Report (''2006 RACT SIP'').	02/06/07	07/11/07

EDAQMD's RACT SIP submittal became complete by operation of law under CAA section 110(k)(1)(B) on January 11, 2008.

B. Are there other versions of this document?

There is no previous version of this document in the El Dorado portion of the California SIP.

C. What is the purpose of the RACT SIP submission?

Volatile organic compounds (VOCs) and nitrogen oxides (NO_X) help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit enforceable regulations that control VOC and NO_X emissions. Sections 182(b)(2) and (f) require that SIPs for ozone nonattainment areas classified as moderate or above require implementation of RACT for any source covered by a Control Techniques Guideline (CTG) document and any other major stationary source of VOCs or NO_X. The EDAQMD is subject to this requirement as it is designated and classified as a severe ozone nonattainment area for the 1997 8-hour ozone NAAQS. 40 CFR 81.305; 69 FR 23858 at 23887 (April 30, 2004) (final rule designating and classifying the Sacramento Metro area, which includes the El Dorado County AQMD, as serious nonattainment for the 1997 8-hour ozone NAAQs); 75 FR 24409 (May 5, 2010) (final rule reclassifying Sacramento Metro area as severe-15 nonattainment for the 1997 8-hour ozone NAAQS). Therefore, the EDAQMD must, at a minimum, adopt RACT-level controls for all sources covered by a CTG document and for all major non-CTG sources of VOCs or NO_X within the EDAQMD nonattainment area. Any stationary source that emits or has a potential to emit at least 25 tons per year (tpy) of VOCs or NO_X is a major stationary source in a severe ozone nonattainment area. CAA 182(d), (f).

Section IV.G. of EPA's final rule to implement the 1997 8-hour ozone NAAQS (70 FR 71612, November 29, 2005) discusses RACT requirements. It states in part that where a RACT SIP is required, States implementing the 8-hour standard generally must assure that RACT is met either through a certification that previously required RACT controls represent RACT for 8-hour implementation purposes or through a new RACT determination. The submitted document provides EDAQMD's analyses of its compliance with the CAA section 182 RACT requirements for the 1997 8-hour ozone NAAQS. EPA's technical support document (TSD)(''2006 RACT SIP TSD'') has more information about the District's submission and EPA's evaluation thereof.

II. EPA's Evaluation and Proposed Action

A. How is EPA evaluating the RACT SIP submission?

Rules and guidance documents that we use to evaluate CAA section 182 RACT SIPs include the following:

1. ''Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2'' (70 FR 71612; November 29, 2005).
2. ''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).
3. Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations: Clarification to Appendix D of November 24, 1987 **Federal Register**, May 25, 1988, U.S. EPA, Air Quality Management Division, Office of Air Quality Planning and Standards (''The Blue Book'').
4. *Guidance Document for Correcting Common VOC and Other Rule Deficiencies,* August 21, 2001, U.S. EPA Region IX (the ''Little Bluebook'').
5. ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (57 FR 55620, November 25, 1992) (''the NO_X Supplement'').
6. RACT SIPs, Letter dated March 9, 2006 from EPA Region IX (Andrew Steckel) to CARB (Kurt Karperos) describing Region IX's understanding of what constitutes a minimally acceptable RACT SIP.
7. Memorandum from William T. Harnett to Regional Air Division Directors, (May 18, 2006), ''RACT Qs & As—Reasonably Available Control Technology (RACT) Questions and Answers''.
8. RACT SIPs, Letter dated April 4, 2006 from EPA Region IX (Andrew Steckel) to CARB (Kurt Karperos) listing EPA's current CTGs, ACTs, and other documents which may help to establish RACT.

With respect to major stationary sources, EPA evaluated the 2006 RACT SIP submission in accordance with the major source threshold (25 tons per year) that applies in severe ozone nonattainment areas. CAA 182(d), (f).

B. Does the RACT SIP submission meet the evaluation criteria?

The 2006 RACT SIP provides the District's conclusion that the applicable SIP for the El Dorado County AQMD

satisfies CAA section 182 RACT requirements for the 1997 8-hour ozone NAAQS. This conclusion is based on the District's analysis of SIP-approved requirements that apply to: (1) CTG source categories; and (2) major stationary sources of NO_X or VOC emissions. *See* 2006 RACT SIP Staff Report at Table B and Appendix A.

First, with respect to CTG source categories, Appendix A of the 2006 RACT SIP Staff Report lists all CTG source categories and matches those CTG categories with corresponding District rules which implement RACT. EDAQMD also searched its database of permitted sources and Standard Industrial Classification (SIC) codes and other source data and emission inventory data for potential sources belonging to those CTG categories for which the District did not have rules. Based on these evaluations, the District's analysis indicated that except for the metal parts and products category, there were no CTG source categories for which the District had sources but no applicable RACT requirement. *See* 2006 RACT SIP at 7. Recent discussions with EDAQMD revealed that emissions at its metal parts coating facilities are below the applicability threshold for the CTG. Specifically, one facility emitted 0.24 tons and 0.28 tons of VOCs in 2010 and 2011 and another facility emitted 0.7 tons of VOCs in 2011,[1] well below the CTG's applicability threshold of 10 tons per year. EDAQMD should submit a negative declaration for the metal parts CTG.

We reviewed CARB's emissions inventory database for other potential CTG and/or major non-CTG sources not included in EDAQMD's analysis and did not identify any additional CTG source category or major source in the District that is subject to section 182 RACT.

It should be noted that EDAQMD does not have many significant air pollution sources and has submitted a number of negative declarations. Not including gasoline stations, print shops, autobody shops and dry cleaners, CARB's 2007 emissions inventory for EDAQMD only lists six facilities. Included in the six is EDAQMD's only major source, Sierra Pacific sawmill, which shut operations in 2009 and has not restarted.[2] The next largest source in EDAQMD is a landfill which emitted 4.2 tpy VOCs and 2.1 tpy NO_X in 2010, according to CARB's 2010 emissions inventory.

Where there are no existing sources covered by a particular CTG document, states may, in lieu of adopting RACT requirements for those sources, adopt negative declarations certifying that there are no such sources in the relevant nonattainment area. Table 1 below lists all of the source categories for which EDAQMD's 2006 RACT SIP provides negative declarations.

TABLE 1—EDAQMD NEGATIVE DECLARATIONS

CTG source category	CTG document title
Aerospace	EPA–453/R–97–004—Control of VOC Emissions from Coating Operations at Aerospace Manufacturing and Rework.
Automobile Coating; Metal Coil Container, & Closure; Paper & Fabric	EPA–450/2–77–008—Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.
Large Appliances	EPA–450/2–77–034—Control of Volatile Organic Emissions from Existing Stationary Sources, Volume V: Surface Coating of Large Appliances.
Magnet Wire	EPA 450/2–77–033—Control of Volatile Organic Emissions from Existing Stationary Sources, Volume IV: Surface Coating of Insulation of Magnet Wire.
Metal Furniture	EPA–450/2–77–032—Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Surface Coating of Metal Furniture.
Ships	61 FR 44050 Shipbuilding and Ship Repair Operations (Surface Coating).
Wood Coating: Factory Surface Coating of Flat Wood Paneling	EPA 450/2–78–032—Control of Volatile Organic emissions from Existing Stationary Sources, Volume VII: Factory Surface Coating of Flat Wood Paneling.
Wood Furniture	EPA 453/R–96–007—Control of VOC Emissions from Wood Furniture Manufacturing Operations.
Natural Gas/Gasoline	EPA–450/2–83–007—Control of VOC Equipment Leaks from Natural Gas/Gasoline Processing Plants.
Refineries	EPA–450/2–77–025—Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.
	EPA–450/2–78–036—Control of VOC Leaks from Petroleum Refinery Equipment.
Synthetic Organic Chemical	EPA–450/3–84–015—Control of VOC Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry.
	EPA–450/4–91–031—Control of VOC Emissions from Reactor Processes and Distillation Operations in SOCMI.
Tanks	EPA–450/2–77–036—Control of VOC Emissions from Storage of Petroleum Liquids in Fixed Roof Tanks.
	EPA–450/2–78–047—Control of VOC Emissions from Petroleum Liquid Storage in External Floating Roof Tanks.
Dry Cleaning	EPA–450/3–82–009—Control of VOC Emissions from Large Petroleum Dry Cleaners.
Pharmaceutical Products	EPA–450/2–78–029—Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products.

[1] See email dated February 29, 2012 from Stanley Tong (EPA Region 9) to Adam Baughman (El Dorado AQMD).

[2] Sierra Pacific Industries does not appear in CARB's 2010 emissions inventory. *http://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php*

TABLE 1—EDAQMD NEGATIVE DECLARATIONS—Continued

CTG source category	CTG document title
Polyester Resin	EPA–450/3–83–008—Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.
	EPA–450/3–83–006—Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.
Rubber Tires	EPA–450/2–78–030—Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires.

Source: 2006 RACT SIP at 9.

We are proposing to find that the EDAQMD 2006 RACT SIP submission, including all of these negative declarations, adequately demonstrates that the applicable SIP rules for all CTG source categories operating within the El Dorado AQMD satisfy RACT and that there are no existing major stationary sources of NO_x or VOC in El Dorado County subject to RACT for the 1997 8-hour ozone NAAQS.

C. EPA Recommendations to Strengthen the SIP

We recommend strengthening the solvent cleaning limits in Rule 225, ''Solvent Cleaning Operations (Degreasing)'' and coating limits in Rule 215, ''Architectural Coatings,'' to more closely match corresponding requirements adopted by the Sacramento Metro AQMD and Placer County Air Pollution Control District.[3] These recommendations will strengthen the SIP, but are not required to satisfy RACT. We discuss these recommendations further in our 2006 RACT SIP TSD.

D. Proposed Action and Request for Public Comment

Based on the evaluations discussed above and more fully in our 2006 RACT SIP TSD, we are proposing to conclude that EDAQMD's 2006 RACT SIP submission satisfies CAA section 182 RACT requirements for the 1997 8-hour ozone NAAQS and to fully approve this submission into the California SIP pursuant to 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 RACT submission into the federally enforceable SIP.

[3] See Sacramento Metro AQMD Rule 466, Solvent Cleaning, section 301.1 which specifies a 25 grams/liter VOC limit for general solvent cleaning; 40 CFR Part 59, subpart D, National Volatile Organic Compound Emission Standards for Architectural Coatings; and CARB's suggested control measures for architectural coatings at: *http://www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf.*

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. This 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, as appropriate, disproportionate human health or environmental effects, with practical 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: September 25, 2013.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2013–25260 Filed 10–24–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52, 62 and 70

[EPA–R07–OAR–2012–0410; FRL 990–64-Region 7]

Approval and Promulgation of Implementation Plans; Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, State of Iowa; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units, Negative Declaration and 111(d) Plan Rescission; Approval and Promulgation of Operating Permits Program, State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve, through direct final rulemaking, revisions to the State of Iowa's State Implementation Plan (SIP), Title V program and Clean Air Act (CAA) section 111(d) Plan. The purpose of these revisions is to make general updates to existing state air quality rules, approve an exemption from constructing permitting for engines used in periodic pipeline testing, approve changes to State rules regarding regional haze requirements, and to approve adoption of Federal regulations including the National Ambient Air Quality Standards (NAAQS) for 2008 Ozone, 2008 Lead, and 2010 Nitrogen Dioxide. EPA is proposing approval of the SIP provisions pursuant to section 110 of the CAA.

EPA is also proposing to approve the State of Iowa's negative declaration and withdrawal of its section 111(d)/129 plan for Hospital Medical Infectious Waste Incinerators (HMIWI) units. EPA is proposing approval of these actions pursuant to section 111 of the CAA.

EPA is also proposing to approve two minor administrative changes to the Title V program, pursuant to section 500 of the CAA.

DATES: Comments on this proposed action must be received in writing by November 25, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2012–0410; by mail to Michael Jay, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Blvd., Lenexa, KS 66219. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Michael Jay at (913) 551–7460, or by email at *jay.michael@epa.gov*.

SUPPLEMENTARY INFORMATION: In the final rules section of today's **Federal Register**, EPA is approving the State's revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: September 6, 2013.

Karl Brooks,

Regional Administrator, Region 7.

[FR Doc. 2013–24865 Filed 10–21–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0023; FRL–9901–96]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before November 25, 2013.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), (703) 305–7090, email address: *BPPDFRNotices@epa.gov;* or the Registration Division (RD) (7505P), (703) 305–7090, email address: *RDFRNotices@epa.gov.*; Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the pesticide petition summary of interest.

B. What should I consider as I prepare my comments for EPA?

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

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), (21 U.S.C. 346a), requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available online at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

New Tolerances

1. *PP 2E8119.* (EPA–HQ–OPP–2013–0949). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W., Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide triflumizole, 1-(1-((4-chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyethyl)-1*H*-imidazole, in or on tomato at 1.5 parts per million (ppm); fruit, pome, group 11–10 at 0.5 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 2.5 ppm; and berry, low growing, subgroup, 13–07G at 2.0 ppm. The analytical method is suitable for analyzing crops for residues of triflumizole and its aniline containing metabolites at the proposed tolerance levels. The analytical method has been independently validated. Residue levels of triflumizole are converted to FA–1–1 by acidic and alkaline reflux, followed by distillation. Residues are then extracted and subjected to SPE purification. Detection and quantitation are conducted by gas chromatograph equipped with nitrogen phosphorus detector (GC–NPD), electron capture detector (ECD) or mass spectrometry detection (MSD). The enforcement methodology has been submitted to the Food and Drug Administration (FDA) for publication in the Pesticide Analytical Manual, Vol. II (PAM II). (RD)

2. *PP 2E8138.* (EPA–HQ–OPP–2013–0653). Bayer CropScience LP, P.O. Box 12014, 2 T. W. Alexander Drive, Research Triangle Park, NC 27709, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide tebuconazole, in or on orange, whole fruit at 1 ppm; orange, juice at 0.15 ppm; and orange, oil at 400 ppm. An enforcement method for plant commodities has been validated on various commodities. It has undergone successful EPA validation and has been submitted for inclusion in PAM II. The animal method has also been approved as an adequate enforcement method. (RD)

3. *PP 3F8156.* (EPA–HQ–OPP–2013–0654). Cheminova A/S, c/o Cheminova, Inc., 1600 Wilson Blvd., Suite 700, Arlington, VA 22209–2510, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide flutriafol, [(±)-α-(2-fluorophenyl)-α-(4-fluorophenyl)-1 *H*-1,2,4-triazole-1-ethanol], including its metabolites and degradates, in or on cattle, liver at 0.3 ppm; cattle, muscle at 0.01 ppm; goat, liver at 0.3 ppm; goat, muscle at 0.01 ppm; horse, liver at 0.3 ppm; horse, muscle at 0.01 ppm; milk at 0.01 ppm; sheep, liver at 0.3 ppm; and sheep, muscle at 0.01 ppm. Adequate enforcement analytical methods for determining flutriafol in/on appropriate raw agricultural commodities and processed commodities are available for the established and proposed tolerances. (RD)

4. *PP 3F8174.* (EPA–HQ–OPP–2013–0655). Cheminova A/S, c/o Cheminova, Inc., 1600 Wilson Blvd., Suite 700, Arlington, VA 22209–2510, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide flutriafol, [(±)-α-(2-fluorophenyl)-α-(4-fluorophenyl)-1 *H*-1,2,4-triazole-1-ethanol], including its metabolites and degradates, in or on African tree nut at 0.015 ppm; almond, nutmeat at 0.6 ppm; almond, hulls at 15 ppm; Brazil nut at 0.015 ppm; bur oak at 0.015 ppm; horse, butternut at 0.015 ppm; cajon at 0.015 ppm; cashew at 0.015 ppm; castanha-do-maranhao at 0.015 ppm; cattle, liver at 1.0 ppm; cattle, meat byproducts, except liver at 0.10 ppm; cattle, muscle at 0.03 ppm; coconut at 0.015 ppm; coquito nut at 0.015 ppm; dika nut at 0.015 ppm; goat, liver at 1.0 ppm; goat, meat byproducts, except liver at 0.10 ppm; goat, muscle at 0.03 ppm; Guiana chestnut at 0.015 ppm; hazelnut at 0.015 ppm; heartnut at 0.015 ppm; hickory nut at 0.015 ppm; horse, liver at 1.0 ppm; horse, meat byproducts, except liver at 0.10 ppm; horse, muscle at 0.03 ppm; Japanese horse-chestnut at 0.015 ppm; macadamia nut at 0.015 ppm; milk at 0.02 ppm; mongongo nut at 0.015 ppm; monkey-pot at 0.015 ppm; pachira nut

at 0.015 ppm; peanut, hay at 15 ppm; pecan at 0.015 ppm; sapucaia nut at 0.015 ppm; sheep, liver at 1.0 ppm; sheep, meat byproducts, except liver at 0.10 ppm; sheep, muscle at 0.03 ppm; strawberry at 1.5 ppm; tomato, paste at 1.5 ppm; triticale, grain at 0.10 ppm; vegetable, cucurbit, Group 9 at 0.20 ppm; vegetable, fruiting, Group 8–10 at 0.60 ppm; walnut, black at 0.015 ppm; walnut, English at 0.015 ppm; wheat, forage at 30 ppm; wheat, grain at 0.10 ppm; wheat, hay at 15 ppm; and wheat, straw at 9 ppm. Adequate enforcement analytical methods for determining flutriafol in/on appropriate raw agricultural commodities and processed commodities are available for the established and proposed tolerances. (RD)

5. *PP 3F8180.* (EPA–HQ–OPP–2013–0504). Bayer CropScience, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide trifloxystrobin (benzeneacetic acid, (E,E)-α-(methoxyimino)-2-[[[[1-[3-(trifluoromethyl)phenyl] ethylidene]amino]oxy]methyl]-methyl ester) and the free form of its acid metabolite CGA–321113 ((*E,E*)-methoxyimino-[2-[1-(3-trifluoromethyl-phenyl)-ethylideneaminooxymethyl]-phenyl]acetic acid), in or on pea, dry, seed at 0.06 ppm; pea, field, hay at 15 ppm; pea, field, vines at 4.0 ppm; chickpea, seed at 0.06 ppm; and lentil, seed at 0.06 ppm. A practical analytical methodology for detecting and measuring levels of trifloxystrobin in or on raw agricultural commodities has been submitted. The method is based on crop specific cleanup procedures and determination by GC–NPD. A newer analytical method is available employing identical solvent mixtures and solvent to matrix ratio (as the first method), deuterated internal standards, and liquid chromatography/mass spectrometry-mass spectrometry (LC/MS–MS) with an electrospray interface, operated in the positive ion mode. (RD)

6. *PP 3F8192.* (EPA–HQ–OPP–2013–0622). BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528, requests to establish tolerances in 40 CFR part 180 for residues of the herbicide saflufenacil, including its metabolites and degradates, in or on grass, forage at 15 ppm; grass, hay at 20 ppm; grass, seed screenings at 0.9 ppm; and grass, straw at 1.5 ppm. Adequate enforcement methodology (LC/MS–MS) methods for plant and livestock commodities are available to enforce the tolerance expression. (RD)

Amended Tolerances

1. *PP 2E8119.* (EPA–HQ–OPP–2013–0949). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W., Princeton, NJ 08540, requests to amend the existing tolerance in 40 CFR 180.476 for residues of the fungicide triflumizole, 1-(1-((4-chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyethyl)-1*H*-imidazole, in or on vegetable, cucurbit, group 9 from 0.5 ppm to 0.8 ppm. IR–4 also proposed, upon approval of the tolerances in 1. under ''New Tolerance'', to remove established tolerances for apple at 0.5 ppm; pear at 0.5 ppm; grape at 2.5 ppm; and strawberry at 2.0 ppm. The analytical method is suitable for analyzing crops for residues of triflumizole and its aniline containing metabolites at the proposed tolerance levels. The analytical method has been independently validated. Residue levels of triflumizole are converted to FA–1–1 by acidic and alkaline reflux, followed by distillation. Residues are then extracted and subjected to SPE purification. Detection and quantitation are conducted by GC–NPD, ECD or MSD. The enforcement methodology has been submitted to the FDA for publication in the PAM II. (RD)

2. *PP 2F8090.* (EPA–HQ–OPP–2013–0659). McLaughlin Gormley King Company, 8810 Tenth Avenue North, Minneapolis, MN 55427, requests to amend 40 CFR 180.545 to read: ''(a)(1) A tolerance of 1.0 ppm is established for residues of the insecticide prallethrin, including its metabolites and degradates, in or on all raw agricultural commodities and processed food from use of prallethrin in food handling establishments where food and food products are held, processed, prepared and/or served, or as a wide-area mosquito adulticide. Compliance with the tolerance level specified is to be determined by measuring only prallethrin, (RS)-2-methyl-4-oxo-3-(2-propynyl) cyclopent-2-enyl(1RS)-cis,trans-chrysanthemate.'' An LC/MS–MS analytical method was developed and validated for prallethrin in grass, alfalfa, and leaf lettuce. (RD)

3. *PP 3F8156.* (EPA–HQ–OPP–2013–0654). Cheminova A/S, c/o Cheminova, Inc., 1600 Wilson Blvd., Suite 700, Arlington, VA 22209–2510, requests to amend the established tolerances in 40 CFR 180.629 for residues of the fungicide flutriafol, [(±)-α-(2-fluorophenyl)-α-(4-fluorophenyl)-1 *H*-1,2,4-triazole-1-ethanol], including its metabolites and degradates, in or on corn, field, forage from 0.75 ppm to 5.0 ppm; corn, field, stover from 1.5 ppm to 15 ppm; corn, pop, stover from 1.5 ppm to 15 ppm; and cattle, meat byproducts at 0.07 ppm to cattle, meat byproducts, except liver at 0.03 ppm; goat, meat byproducts at 0.07 ppm to goat, meat byproducts, except liver at 0.03 ppm; horse, meat byproducts at 0.07 ppm to horse, meat byproducts, except liver at 0.03 ppm; and sheep, meat byproducts at 0.07 ppm to sheep, meat byproducts, except liver at 0.03 ppm. Adequate enforcement analytical methods for determining flutriafol in/on appropriate raw agricultural commodities and processed commodities are available for the established and proposed tolerances. (RD)

4. *PP 3F8157.* (EPA–HQ–OPP–2013–0656). BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528, requests to amend the tolerances in 40 CFR 180.617 for residues of the fungicide metconazole, [5-[(4-chlorophenyl)methyl]-2,2-dimethyl-1-(1*H* -1,2,4-triazol-1-ylmethyl)cyclopentanol] as the sum of its *cis*- and *trans*- isomers in or on corn, field, stover from 4.5 ppm to 30.0 ppm and corn, pop, stover from 4.5 ppm to 30.0 ppm. Independently validated analytical methods have been submitted for analyzing parent metconazole residues with appropriate sensitivity in the raw crop and processed commodities for field and sweet corn stover for which an increase in tolerance is being requested. (RD)

5. *PP 3F8185.* (EPA–HQ–OPP–2013–0622). BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528, requests to amend the tolerances in 40 CFR 180.649 for residues of the herbicide saflufenacil, including its metabolites and degradates, in or on barley, grain from 0.10 ppm to1.0 ppm; barley, straw from 0.10 ppm to15.0 ppm; barley, bran from 0.10 ppm to 1.53 ppm; wheat, grain from 0.10 ppm to 0.6 ppm; and wheat, straw from 0.10 ppm to 6.0 ppm, included under the existing tolerances for ''Grain, cereal, group 15'' and ''Grain, cereal, forage, fodder and straw group 16''. In addition, BASF Corporation requests to amend the existing commodity definition, ''Grain, cereal, forage, fodder and straw group 16'' to ''Grain, cereal, forage, fodder and straw, group 16, except barley, rice and wheat straw'' as well as amend the commodity definition, ''Grain, cereal, group 15'' to ''Grain, cereal, group 15, except barley and wheat.'' Adequate enforcement methodology (LC/MS–MS) methods for plant and livestock commodities are available to enforce the tolerance expression. (RD)

6. *PP 3F8192.* (EPA–HQ–OPP–2013–0622). BASF Corporation, 26 Davis

Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528, requests to amend the tolerances in 40 CFR 180.649 for residues of the herbicide saflufenacil, including its metabolites and degradates, in or on livestock commodities (cattle, goat, horse, sheep): fat from 0.01 ppm to 0.05 ppm; liver from 2.5 ppm to 45 ppm; and meat byproducts, except liver from 0.05 ppm to 0.5 ppm; hog, fat from 0.01 ppm to 0.05 ppm; hog, liver from 0.80 ppm to 45 ppm; and hog, meat byproducts, except liver from 0.02 ppm to 0.5 ppm. Adequate enforcement methodology (LC/MS-MS) methods for plant and livestock commodities are available to enforce the tolerance expression. (RD)

7. *PP 3F8196.* (EPA–HQ–OPP–2013–0673). K-I Chemical U.S.A., Inc. c/o Landis International, Inc., P.O. Box 5126 Valdosta, GA 31603–5126, requests to amend the tolerances in 40 CFR 180.659 for residues of the sum of the herbicide pyroxasulfone, [3-[[[5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1H-pyrazol-4-yl]methyl] sulfonyl]-4,5-dihydro-5,5-dimethylisoxazole] and its metabolite 5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1H-pyrazol-4-carboxylic acid (M-3) calculated as the stoichiometric equivalent of pyroxasulfone, in or on corn, field, grain at 0.02 ppm; and pyroxasulfone [3-[[[5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1H-pyrazol-4-yl]methyl]sulfonyl]-4,5-dihydro-5,5-dimethylisoxazole] and its metabolites [5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1H-pyrazol-4-yl]methanesulfonic acid (M-1), 5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1H-pyrazol-4-carboxylic acid (M-3), and [5-(difluoromethoxy)-3-(trifluoromethyl)-1H-pyrazol-4-yl]methanesulfonic acid (M-25), calculated as the stoichiometric equivalent of pyroxasulfone in or on corn, field, forage at 0.09 ppm. EPA has approved an analytical enforcement methodology including LC/MS-MS to enforce the tolerance expression for pyroxasulfone. (RD)

8. *PP 3F8197.* (EPA–HQ–OPP–2013–0670). BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528, requests to amend the tolerances in 40 CFR 180.464 for residues of the herbicide dimethenamid, in or on cottonseed, subgroup 20 at 0.01 ppm; cotton, gin byproducts at 1.5 ppm; and cotton, seed, refined oil at 0.02 ppm. Compliance with the plant commodity tolerances level is to be determined by measuring only the sum of residues of dimethenamid, 1 (R,S)-2-chloro- N -[(1-methyl-2-methoxy)ethyl]- N -(2,4-dimethylthien-3-yl)-acetamide, applied as either the 90:10 or 50:50 S:R isomers, in or on commodities. The enforcement analytical method uses extraction and clean up followed by quantification with capillary column gas chromatography using thermionic nitrogen specific detector. A gas spectrometry/MS (GS/MS) method for identification is also available. This method is not selective towards the dimethenamid isomer and is therefore valid for residues from both racemic dimethenamid and the enriched isomer dimethenamid-P. An LC/MS–MS method was developed as a residue generation method to fulfill residue chemistry investigations, and was used to develop the cotton residue data. Tolerances are proposed on a non-isomer specific basis. (RD)

New Tolerance Exemptions

1. *PP 3F8148.* (EPA–HQ–OPP–2013–0277). Amy Plato Roberts, Regulatory Consultant, Technology Sciences Group, Inc., 712 Fifth St., Suite A, Davis, CA 95616, on behalf of Agri-Neo, Inc., 3485 Ashby Saint-Laurent (Quebec), H4R 2K3, Canada, requests to establish an exemption from the requirement of a tolerance for residues of the biochemical tetraacetylethylenediamine (TAED) and its degradation product diacetylethylenediamine (DAED), in or on all food commodities. The petitioner believes no analytical method is needed because it is not required for a tolerance exemption. (BPPD)

2. *PP 3F8172.* (EPA–HQ–OPP–2013–0666). Novozymes BioAg, Inc., 13100 W. Lisbon Road, Suite 600, Brookfield, WI 53005, requests to establish an exemption from the requirement of a tolerance for residues of the microbial insecticide, *Chromobacterium subtsugae* strain SB3872, in or on all food commodities. The petitioner believes no analytical method is needed because, when used as directed, *Chromobacterium subtsugae* strain SB3872 will not result in residues that are of toxicological concern. (BPPD)

3. *PP IN–10622.* (EPA–HQ–OPP–2013–0590). Technology Sciences Group, Inc., 1150 18th St. NW., Suite 1000, Washington, DC 20036, requests to establish an exemption from the requirement of a tolerance for residues of coco alkyl dimethyl amines (CAS No. 61788–93–0), under 40 CFR 180.920, when used as a pesticide inert ingredient in pesticide formulations for use in or on growing crops. The petitioner believes no analytical method is needed because it is not required for the establishment of a tolerance exemption for inert ingredients. (RD)

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 30, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2013–25267 Filed 10–24–13; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 130819728–3728–01]

RIN 0648–XC822

Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List 23 Species of Corals as Threatened or Endangered Under the Endangered Species Act

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

ACTION: Notice of 90-day petition finding; request for information.

SUMMARY: We (NMFS) announce a 90-day finding on a petition to list 23 species of corals as threatened or endangered under the Endangered Species Act (ESA). We find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for 3 species: *Cantharellus noumeae, Siderastrea glynni,* and *Tubastraea floreana.* Therefore, we will conduct status reviews of the three species to determine if the petitioned actions are warranted. To ensure that the status reviews are comprehensive, we are soliciting scientific and commercial information pertaining to these petitioned species from any interested party. We find that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted for 20 species: *Acropora roseni, Acropora suharsonoi, Alveopora excelsa, Alveopora minuta, Ctenella chagius, Hydnophora bonsai, Isopora togianensis, Lithophyllon ranjithi, Lobophyllia serratus, Millepora boschmai, Millepora striata, Montipora setosa, Parasimplastrea sheppardi, Pectinia maxima, Pocillopora*

fungiformis, Porites desilveri, Porites eridani, Porites ornata, Rhizopsammia wellingtoni, and *Stylophora madagascarensis.*

DATES: Information and comments on the subject action must be received by December 24, 2013.

ADDRESSES: You may submit comments, information, or data on this document, identified by the code NOAA–NMFS–2013–0138, by any of the following methods:

- *Electronic Submissions:* Submit all electronic comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0138*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.
- Fax: 301–713–4060, Attn: Dwayne Meadows.

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. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous), although submitting comments anonymously will prevent us from contacting you if we have difficulty retrieving your submission. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Copies of the petition and related materials are available upon request from the Director, Office of Protected Resources, 1315 East West Highway, Silver Spring, MD 20910, or online at: *www.nmfs.noaa.gov/pr/species/petition81.htm.*

FOR FURTHER INFORMATION CONTACT: Dwayne Meadows, Office of Protected Resources, 301–427–8403.

SUPPLEMENTARY INFORMATION:

Background

On July 15, 2013, we received a petition from the WildEarth Guardians to list 81 marine species as threatened or endangered under the ESA and to designate critical habitat under the ESA. Copies of this petition are available from us (see **ADDRESSES**). This finding addresses the 23 species of corals identified as part of this petition. The 23 coral species considered in this finding are: *Acropora roseni, Acropora suharsonoi, Alveopora excelsa, Alveopora minuta, Cantharellus noumeae, Ctenella chagius, Hydnophora bonsai, Isopora togianensis, Lithophyllon ranjithi, Lobophyllia serratus, Millepora boschmai, Millepora striata, Montipora setosa, Parasimplastrea sheppardi, Pectinia maxima, Pocillopora fungiformis, Porites desilveri, Porites eridani, Porites ornata, Rhizopsammia wellingtoni, Siderastrea glynni, Stylophora madagascarensis,* and *Tubastraea floreana.*

Section 4(b)(3)(A) of the ESA of 1973, as amended (U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish the finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When we find that substantial scientific or commercial information in a petition indicates that the petitioned action may be warranted (a ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned, which includes conducting a comprehensive review of the best available scientific and commercial information. Within 12 months of receiving the petition, we must conclude the review with a finding as to whether, in fact, the petitioned action is warranted. Because the finding at the 12-month stage is based on a significantly more thorough review of the available information, a ''may be warranted'' finding at the 90-day stage does not prejudge the outcome of the status review.

Under the ESA, a listing determination may address a ''species,'' which is defined to also include subspecies and, for any vertebrate species, any distinct population segment (DPS) that interbreeds when mature (16 U.S.C. 1532(16)). This finding only addresses invertebrate corals, so the DPS option cannot be considered. A species or subspecies is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively; 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, the determination of whether a species is threatened or endangered shall be based on any one or a combination of the following five ESA section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by NMFS and the U.S. Fish and Wildlife Service (50 CFR 424.14(b)) define ''substantial information'' in the context of reviewing a petition to list, delist, or reclassify a species as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. When evaluating whether substantial information is contained in a petition, we must consider whether the petition: (1) Clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (2) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

At the 90-day stage, we evaluate the petitioner's request based upon the information in the petition, including its references and the information readily available in our files. We do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioner's sources and characterizations of the information presented, if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the

90-day finding stage, so long as it is reliable and a reasonable person would conclude that it supports the petitioner's assertions. Conclusive information indicating that the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone negates a positive 90-day finding if a reasonable person would conclude that the unknown information itself suggests an extinction risk of concern for the species at issue.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating that the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species at issue faces extinction risk that is cause for concern; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species at issue (e.g., population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1).

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Many petitions identify risk classifications made by non-governmental organizations, such as the International Union for Conservation of Nature (IUCN), the American Fisheries Society, or NatureServe, as evidence of extinction risk for a species. Risk classifications by other organizations or made under other Federal or state statutes may be informative, but such classification alone may not provide the rationale for a positive 90-day finding under the ESA. For example, as explained by NatureServe, their assessments of a species' conservation status do ''not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act'' because NatureServe assessments ''have different criteria, evidence requirements, purposes and taxonomic coverage than government lists of endangered and threatened species, and therefore these two types of lists should not be expected to coincide'' (*http://www.natureserve.org/prodServices/statusAssessment.jsp*). Thus, when a petition cites such classifications, we will evaluate the source of information that the classification is based upon in light of the standards on extinction risk and impacts or threats discussed above.

In this petition the petitioner relies almost exclusively on the risk classifications of the IUCN as the source of information on the status of each petitioned species. All of the petitioned species are listed as ''endangered'' or ''critically endangered'' on the IUCN Redlist and the petitioner notes this as an explicit consideration in offering petitions on these species. Species classifications under the IUCN and the ESA are not equivalent, and data standards, criteria used to evaluate species, and treatment of uncertainty are also not necessarily the same. Thus, we instead consider the information on threats identified by the petitioners, as well as the data on which they are based, as they pertain to each petitioned species.

All of the species considered in this petition are listed in Appendix II of the Convention on International Trade in Endangered Species (CITES). According to Article II of CITES, species listed on Appendix II are those that are ''not necessarily now threatened with extinction but may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival.'' Based on the CITES definitions and standards for listing species on Appendix II, the species' actual listing on Appendix II is not itself an inherent indication that these species may now warrant threatened or endangered status under the ESA. Species classifications under CITES and the ESA are not equivalent, and criteria used to evaluate species are not the same. Thus, we instead consider the available information on the threat of international trade (see below).

Species Description

Most of the petitioned coral species are shallow water, reef-building anthozoan corals. The two *Millepora* species are hydrozoan corals and thus differ in biology more from the other species. All of the species occur in the Pacific and/or Indian oceans except *Millepora striata,* which occurs in the Caribbean, Gulf of Mexico and western Atlantic Ocean. Only *Porites eridani* is noted as occurring in the United States (the Commonwealth of the Northern Mariana Islands); all of the other corals have strictly foreign distributions.

The introductory part of the coral section of the petition provides general background information on corals, including anatomy, symbiosis with photosynthetic zooxanthellae, reef formation, physiological needs, and biodiversity. A general description of threats following the five ESA Section 4(a)(1) factors is provided in the introductory coral section of the petition and is meant to apply to all of the petitioned corals. This section discusses the following threats: Extraction, utilization, habitat destruction, sedimentation, disease, predation by crown-of-thorns starfish (*Acanthaster planci*), regulatory mechanisms, human population growth, climate change, and synergistic effects. The species-specific information section follows and provides information from the IUCN assessment for each species. This species-specific section includes less than one page of unique material per species, including the species' CITES status, range and habitat information (see specific discussion by species below in the ''Analysis of the Petition'' section). Entries for only a few species provide species-specific population status or trend information. Following the first page of information for each species there is a section of about three pages in length per species that considers the five ESA Section 4(a)(1) threat factors for each species. Most of this information is repeated verbatim for each species, and generally includes and repeats the same points that were made in the introductory part of the coral section of the petition. We consider the species-specific information provided separately in the ''Analysis of the Petition'' section below.

Information in our files included the materials cited in the status review

report, management report, and supplemental information report for our consideration of a separate petition to list 82 species of corals (Brainard *et al.,* 2011; PIRO, 2012; and NMFS, 2012, respectively). In addition we relied on a few citations from the status review report that dealt directly with the petitioned species or their close taxonomic relatives, including Forsman *et al.* (2005) and Richards (2009).

Analysis of the Petition

General Information

The petition clearly indicates the administrative measure recommended and gives the scientific and common names of the species involved. The petition also contains a narrative justification for the recommended measures and provides limited information on the species' geographic distribution, habitat use, and threats. Limited information is provided on past and present numbers, population status and trends for all but a couple of species. A synopsis of our analysis of the information provided in the petition and readily available in our files is provided below.

Based on the information presented in the petition, along with the information readily available in our files, we find that each of the 23 petitioned species constitutes a valid ''species'' eligible for listing under the ESA as each is a valid taxonomic species.

The introductory threats discussion is general and not tied to any of the specific petitioned species besides information later repeated in the species-specific section (discussed below). The petitioners cite the Brainard *et al.* (2011) status review report for many of the general threats to corals. Other recent citations in this section not available during our status review of the petition to list 82 corals include online news articles and the most recent ''Reefs at Risk'' (Burke *et al.,* 2012) review. Many other citations are undated, which inhibits assessment of the quality of the information presented. The general threats discussion is not clearly or causally linked to the petitioned species or their range or habitat (e.g., discussion of dead zone in the northern Gulf of Mexico is from an area outside the range of the petitioned species; a discussion suggesting that disease affects all Indo-Pacific corals only because some disease occurs generally in the region). The discussion of regulatory mechanisms argues that there are no adequate regulatory mechanisms because the species are listed as endangered or critically endangered by IUCN and asserts that all wild populations are declining based on overall trends in coral reef habitat, which is assumed to be a proxy for population trends despite evidence in the petition itself to the contrary (see below). However, generalized evidence of declining habitat or declining populations per se are neither evidence of declines large enough to infer extinction risk that may meet the definition of either threatened or endangered under the ESA, nor evidence of inadequate regulatory mechanisms, since sustainable management regimes can have periods of declining populations. The discussion of CITES incorrectly characterizes the applicability of CITES provisions when countries that are parties to CITES trade with non-party countries, and makes an unsubstantiated generalization that enforcement issues for some range countries for largetooth sawfish (*Pristis perotetti*) relate to most or all countries involved in coral trade. The two *Millepora* species are listed in the petition as being in Appendix I and II of CITES. This is incorrect; they are only in Appendix II. The petitioner's general discussion of climate change acknowledges that some corals are resistant to bleaching, but continues to attempt to generalize bleaching as an extinction threat to all corals or to corals within the same genus when there are better data on a congeneric species. Likewise they imply that ocean acidification is a threat to all the petitioned species. Data in our files as summarized by Brainard *et al.* (2011) show that adaptation and acclimatization to increased ocean temperatures are possible, that there is intra-genus variation in susceptibility to bleaching, ocean acidification, and sedimentation, that at least some species have already expanded their range in response to climate change, and that not all species are seriously affected by ocean acidification.

While the information in this introductory section is otherwise largely accurate and suggests concern for the status of corals generally, its broadness, generality, and speculative nature, and the failure of the petitioner to make reasonable connections between the threats discussed and the status of the individual petitioned species, means that we cannot find that this information reasonably suggests that one or more of these threat factors may be operative threats that act or have acted on any of the petitioned species to the point that it may warrant protection under the ESA. There is little information in this introductory section indicating that particular petitioned species may be responding in a negative fashion to any of the discussed threats. Therefore, we determine that the information in this section does not constitute substantial information that listing may be warranted for any of the petitioned species.

The next part of the petition consists of individual species accounts for each of the 23 petitioned corals. Accompanying the petition account for each species is a reference to the IUCN assessment from 2008, a list of references used in the IUCN assessment, and our status review report for a prior petition to list 82 species of corals (Brainard *et al.,* 2011). For each species the petitioner describes the species' range and preferred habitat type from the IUCN analysis. For most species the petitioner offers no species-specific life history, abundance, or threat information (see discussion of exceptions below). Many do have supposedly species-specific statements regarding vulnerability to bleaching, disease or other threats, but these statements do not provide citations to scientific literature establishing these vulnerabilities (including within the IUCN analyses) or the petitioner bases their vulnerability determination on inferences from research on the vulnerability of other related species (usually within the same genus) that may or may not be applicable to the petitioned species. Based on information in our files on the intra-genus variation in threat response in corals discussed above, we do not believe that these vulnerability determinations constitute substantial information that listing may be warranted.

The petitioners use 2004 ocean-basin wide estimates of reef habitat that has already been destroyed or is ''likely to be destroyed within 20 years'' (Wilkinson, 2004) as proxies for likely trends in population size for the petitioned species. We find this problematic for a number of reasons: The habitat loss data are broad geographic estimates that do not necessarily reflect the actual range of the petitioned species; it is unclear on what basis and using what data Wilkinson (2004) was able to estimate future habitat loss; not all species respond the same way to the threats underlying the assumed habitat loss (see above discussion); and in fact, the estimated trend in population status contradicts other information in the petitions and IUCN assessments for some species (e.g., *Ctenella chagius, Isopora togianensis, Porites desilveri,* and *Stylophora madagascarensis*) where the IUCN assessments notes that those

species are currently ''common''. Moreover, even if true, the estimated population declines based on these expected habitat losses do not exceed the levels of population loss in actively and sustainably managed fishery species. Therefore, we do not believe these population decline estimates constitute substantial information that listing may be warranted for the petitioned species.

Finally, within each species' petition the petitioner provides a discussion of the ESA section 4(a)(1) threats. Much of this discussion, especially for climate change effects, repeats almost verbatim discussion in the general introduction for all corals. Species-specific information in these petitions is discussed further below.

Overall, the petition provides no species-specific information for 15 of the petitioned species and solely relies on generalizations from related species and broad assumptions that potential threats are actually influencing the petitioned species. For each of these 15 species listed below, we also had no additional information in our files with which to assess status or potential extinction risk to the species. Therefore, based on our policies as described above for reviewing petitions at this stage, we find that for the 15 petitioned species where there is no species-specific trend, life-history or threat information, the information presented in the petition does not constitute substantial information that listing may be warranted. The 15 species to which this conclusion applies are: *Acropora roseni, Alveopora excelsa, Alveopora minuta, Ctenella chagius, Hydnophora bonsai, Isopora togianensis, Millepora striata, Montipora setosa, Parasimplastrea sheppardi, Pectinia maxima, Pocillopora fungiformis, Porites desilveri, Porites eridani, Porites ornata,* and *Stylophora madagascarensis.*

Species-Specific Information

For the following species, at least some species-specific information on population trends, life history, and/or threats was provided in the petition or available in our files in addition to the general information discussed above. Below we analyze this species-specific information in light of the standards of the ESA and our policies as described above.

The petition notes that *Acropora suharsonoi* is commercially traded and cites information that the total number of live and raw specimens exported for this species in 2005 was 175. The petitioner claims that any trade of species categorized by IUCN as endangered or critically endangered is a threat, despite their status on CITES Appendix II. The petitioner provides no justification for this claim, and it contradicts the policy and intent of CITES Appendix II listings, which establish procedures to ensure that trade in Appendix II listed species is sustainable and which the U.S. government fully supports as the first party to CITES. The petitioner does not explain how this level of trade, alone or in combination with other threats, is likely to imply that this species may be threatened or endangered under the ESA. Therefore, we find that for *A. suharsonoi,* the species-specific information presented in the petition does not constitute substantial information that listing may be warranted.

Cantharellus noumeae occurs only in a restricted area on reefs in water close to soft sediment habitats in sheltered bays in New Caledonia where it is exposed to mining activities and urbanization causing habitat degradation from the sedimentation and potential pollutants. We have no additional information on the mining activity, but the limited area of occupancy of the species of less than 225 km^2 is cause for concern that the urbanization, combined with even a single mining operation with poor sediment controls could threaten this species. Therefore, we conclude that the species-specific information presented in the petition constitutes substantial information that listing may be warranted for *C. noumeae.*

The petitioner cites the IUCN assessment that notes that *Lithophyllon ranjithi* is exposed to a threat of siltation from deforestation activity somewhere near or within its range. While this species is restricted to a relatively small area of about 250km^2 in northeast Borneo, the petitioner does not provide information on the location or extent of the deforestation activity nor the extent of the range of the species affected by deforestation. Therefore, we find that for *L. ranjithi,* the species-specific information presented in the petition does not constitute substantial information that listing may be warranted.

For *Lobophyllia serratus,* the petitioner and IUCN assessment note that the species is ''likely collected for the aquarium trade.'' No information on the extent of this trade or whether it exceeds sustainable levels, or occurs illegally outside the CITES Appendix II processes, is provided or implied. Therefore, we find that for *L. serratus,* the species-specific information presented in the petition does not constitute substantial information that listing may be warranted.

Species-specific population data are available for *Millepora boschmai.* According to the IUCN assessment, the species was the least abundant of the three *Millepora* species in its range but was still not uncommon. It was then almost eliminated by the 1982–83 El Niño Southern Oscillation (ENSO) event, but eight live colonies were found within its restricted range after the ENSO. However, after a second ENSO in 1997–98, all known colonies were found dead (Glynn *et al.,* 2001). Since that time ''no live colonies have been observed, despite targeted searches throughout the former distribution'' (Guzman and Edgar, 2008). Brainard *et al.* (2011) assessed the status of *M. boschmai* to provide an extreme case study to provide context for their analysis of the status of the 82 coral species petitioned under the ESA in 2009. They also concluded that the species was extinct. The purpose of the ESA is to conserve species that are in danger of or threatened with extinction. The definition of an endangered species is ''any species which *is* [emphasis added] in danger of extinction throughout all or a significant portion of its range'' (Section 3(6)). Species that are already extinct are not protected by the ESA. The best available scientific information suggests that *M. boschmai* is not known to be alive or exist in the wild and may already be extinct; therefore, we find that this species does not qualify for listing as endangered or threatened under the ESA.

Some species-specific abundance data exist for *Rhizopsammia wellingtoni,* which is endemic to the Galapagos Islands. Prior to the 1982–83 ENSO the species was extremely abundant at Tagus Cove on the island of Isabela (approximately 13 percent mean cover of the reef surface at 15 m depth). According to the IUCN assessment, all colonies known prior to the 1982–83 ENSO have disappeared. A few additional colonies were found at two sites in the Galapagos as late as 2000, but these are also now extirpated. The purpose of the ESA is to conserve species that are in danger of or threatened with extinction. The definition of an endangered species is ''any species which *is* [emphasis added] in danger of extinction throughout all or a significant portion of its range'' (Section 3(6)). Species that are already extinct are not protected by the ESA. The best available scientific information suggests that *R. wellingtoni* is not known to be alive or exist in the wild and may already be extinct; therefore, we find that this species does not

qualify for listing as endangered or threatened under the ESA.

Siderastrea glynni was first discovered in 1992 as an endemic species in Panama in a small area near the Pacific opening of the Panama Canal. Only five individual colonies have ever been discovered. Four currently survive. According to the IUCN assessment, during the 1997–98 El Niño the four *S. glynni* colonies started to deteriorate, displaying bleaching and tissue loss. Due to their unhealthy state, the four colonies were moved to Smithsonian Tropical Research Institute (STRI) aquaria in Panama where they remain to this day. Attempts made by STRI staff to propagate this coral in the STRI aquaria have produced 11 propagules, which also remain in captivity. Recent genetic work by Forsman *et al.* (2005) has shown that this species is genetically very similar to the Caribbean species *S. siderea.* Their study could not differentiate between the possibility that *S. siderea* and *S. glynni* are the same species and that *S. glynni* may have recently passed through or been carried across the Panama Canal to the Pacific Ocean side, or the alternate possibility that *S. glynni* evolved from *S. siderea* 2 to 2.3 million years ago during a period of high sea level that may have breached the Isthmus of Panama. However, because of the possibility that *S. glynni* is a unique species, we conclude that the species-specific information presented in the petition and our files constitutes substantial information that listing this species may be warranted.

Some species-specific abundance data exist for *Tubastraea floreana.* The species is also endemic to the Galapagos Islands. According to the IUCN assessment, prior to the 1982–83 ENSO the species was known from six sites on four islands. Since the 1982–83 ENSO specimens have only been observed at two sites. At one of these two sites the species has not been seen since 2001, leaving only a single confirmed site with living specimens. We have no additional information on this species in our files. Therefore, we conclude that the species-specific information presented in the petition constitutes substantial information that listing may be warranted for *T. floreana.*

Petition Finding

After reviewing the information contained in the petition, as well as information readily available in our files, including the sections of the petition applicable to all of the petitioned corals as well as the species-specific information, we conclude the petition in its entirety does not present substantial scientific or commercial information indicating the petitioned action may be warranted for 20 of the 23 species of corals. These 20 species are: *Acropora roseni, Acropora suharsoni, Alveopora excelsa, Alveopora minuta, Ctenella chagius, Hydnophora bonsai, Isopora togianensis, Lithophyllon ranjithi, Lobophyllia serratus, Millepora boschmai, Millepora striata, Montipora setosa, Parasimplastrea sheppardi, Pectinia maxima, Pocillopora fungiformis, Porites desilveri, Porites eridani, Porites ornata, Rhizopsammia wellingtoni,* and *Stylophora madagascarensis.* In contrast, as described above, we find that there is substantial scientific or commercial information indicating the petitioned action may be warranted for 3 of the 23 species of corals and we hereby announce the initiation of a status review for each of these three species to determine whether the petition action is warranted. These 3 species are: *Cantharellus noumeae, Siderastrea glynni,* and *Tubastraea floreana.*

Information Solicited

To ensure that the status review is based on the best available scientific and commercial data, we are soliciting information relevant to whether the three species we believe may be warranted for listing (*Cantharellus noumeae, Siderastrea glynni,* and *Tubastraea floreana)* are threatened or endangered. Specifically, we are soliciting information, including unpublished information, in the following areas: (1) Historical and current distribution and abundance of each species throughout its range; (2) historical and current population trends; (3) life history; (4) data on international trade; (5) any current or planned activities, including additional details on those threats discussed above, that may adversely impact the species; (6) current status and plans for husbandry or release of *Siderstrea glynni,* (7) ongoing or planned efforts to protect and restore the population and its habitat; and (8) management, regulatory, and enforcement information. We request that all information be accompanied by: (1) supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

References Cited

A complete list of references is available upon request to the Office of Protected Resources (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: October 18, 2013.

Alan D. Risenhoover,

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

[FR Doc. 2013–25095 Filed 10–24–13; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130802673–3673–01]

RIN 0648–BD49

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Revisions to Headboat Reporting Requirements for Species Managed by the Gulf of Mexico Fishery Management Council

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement management measures described in a framework action to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico (Gulf), as prepared by the Gulf of Mexico Fishery Management Council (Gulf Council); and Coastal Migratory Pelagic (CMP) Resources of the Gulf and South Atlantic Region, as prepared by the Gulf Council and the South Atlantic Fishery Management Council (South Atlantic Council) (Headboat Reporting Framework). If implemented, this rule would modify the recordkeeping and reporting requirements for headboat owners and operators who fish for species managed by the Gulf Council through the previously mentioned FMPs. These revisions would require fishing records to be submitted electronically (via computer or internet) on a weekly basis or at intervals shorter than a week if notified by the NMFS' Southeast Fisheries Science Center (SEFSC) Science and Research Director (SRD), and would prohibit headboats from continuing to fish if they are delinquent in submitting reports. The purpose of this rule is to obtain timelier fishing information from headboats to

better monitor recreational annual catch limits (ACLs), improve stock assessments, and improve compliance with reporting in Gulf fisheries.

DATES: Written comments must be received on or before November 25, 2013.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2013–0111'', by any of the following methods:

• *Electronic submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0111,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Rich Malinowski, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

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.

Electronic copies of the Headboat Reporting Framework, which includes an environmental assessment and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov.*

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

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, Southeast Regional Office, NMFS, telephone 727–824–5305; email: *Rich.Malinowski@noaa.gov.*

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

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the optimum yield from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act requires fishery managers to specify their strategy to rebuild overfished stocks to a sustainable level within a certain time frame, to minimize bycatch and bycatch mortality to the extent practicable, and to establish accountability measures (AMs) for stocks to ensure that ACLs are not exceeded.

One of the purposes of this proposed rule is to allow better monitoring of recreational ACLs to reduce the amount of recreational ACL overages. Currently, overages have the potential to result in significant disruption in fishing behavior the following fishing year and to reduce revenue and profit for fishermen. Overages also may decrease the ability of stocks to rebuild when overfished and may lead to overfishing conditions. The management measures contained in this proposed rule, including requiring headboats to report electronically and increasing the frequency of headboat reporting, would help improve monitoring of the recreational ACLs.

The other purposes of this proposed rule are to improve stock assessments and to improve data reporting compliance in Gulf fisheries. Headboat landings are an important component of stock assessments. The increased frequency of headboat data reporting and electronic reporting required by this rule would help to improve stock assessments because it would provide a more accurate picture of headboat landings. Headboat owners and operators who are delinquent on submitting reports would not be allowed to fish until all required reports have been submitted. This requirement should help to improve compliance with data reporting within the recreational sector.

In addition, the management measures contained in this proposed rule are compatible with the proposed revisions to headboat reporting requirements for fisheries managed by the South Atlantic Council.

Management Measures Contained in the Proposed Rule

This proposed rule would: require electronic reporting for headboat vessels in the Gulf reef fish and Gulf coastal migratory pelagic fisheries; increase the reporting frequency for headboat vessels in these fisheries; and prohibit headboats from continuing to fish if they are delinquent in submitting their reports.

Mandatory Electronic Reporting for Headboat Vessels

Currently, a headboat selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips, as specified by the SRD, and on forms provided by the SRD. Until January 1, 2013, the SRD provided federally permitted headboats with paper forms to submit their fishing data. However, as of January 1, 2013, the SRD requested that federally-permitted headboats report electronically. This proposed rule would revise the regulations to explicitly require that headboats submit their fishing information electronically (via computer or Internet). NMFS would require headboat owners and operators, who are selected by the SRD, to submit a detailed electronic fishing record of all fish caught through the ''Southeast Region Headboat Survey,'' an electronic reporting system developed by the SEFSC for trips completed, and to submit no fishing reports when no trips are taken.

Headboat owners and operators would be required to submit an electronic logbook (eLog) form instead of a paper form. This form is available through a password protected Web site that can be accessed by personal computer, computer tablet, or ''smart'' phone (an application can be downloaded on both Android phones and iPhones). The Web site can be accessed at *https://selogbook.com.* An access code is required to log in to the Web site. Bluefin Data also requires a current email address for each vessel owner to send access codes and other information regarding the Web site to vessel owners. Once Bluefin Data registers a vessel owner and provides the vessel owner with an access code via email, the vessel owner is able to log in to the Web site and create a password for his account. The vessel owner can register more than one vessel under his

password and more than one captain. The vessel owner determines who can access the Web site using his password.

The data elements for completed trips that are currently being collected by the SRD include date(s) and duration of fishing; vessel name and official number of the vessel; captain name; location of fishing in lat/long; number of anglers; minimum, maximum and primary depth fished; number of fish of each species kept; and number of fish of each species released.

During catastrophic conditions only, this rule would allow headboat owners and operators to use a paper-based system for submitting electronic fishing records. The Regional Administrator (RA) would determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants are affected. The RA would provide notice of a paper-based system via notification in the **Federal Register**, NOAA weather radio, fishery bulletins, and other appropriate means and would authorize the use of the paper-based system for the duration of the catastrophic conditions. The paper forms would be available from NMFS. During catastrophic conditions, the RA would have the authority to waive or modify reporting time requirements.

Increase Reporting Frequency for the Headboat Sector

Currently, headboat reporting forms are due on a monthly basis, and must either be made available to a fisheries statistics reporting agent or be postmarked no later than 7 days after the end of each month and sent to the SRD. This proposed rule would modify the frequency of reporting to be on a weekly basis (or intervals shorter than a week if notified by the SRD) and would be due by 11:59 p.m., local time, the Sunday following a reporting week. A reporting week is defined as beginning at 12:01 a.m., local time, on Sunday and ending at 11:59 p.m., local time, the following Saturday. If no fishing activity occurred during a reporting week, an electronic report so stating would be required to be submitted for that reporting week.

Non-compliance With Reporting Requirement

This rule would prohibit headboat owners and operators who are delinquent in submitting their fishing records from continuing to harvest and possess Gulf reef fish and Gulf coastal migratory pelagic fish until all required fishing records have been submitted. The owner and operator are liable for all prohibited harvest and possession onboard the vessel, including that by the crew and/or passengers. This provision would aid in enforcement efforts to ensure that electronic fishing records are submitted in a timely manner.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NOAA Assistant Administrator for Fisheries (AA) has determined that this proposed rule is consistent with the two affected FMPs, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows:

The purpose of this proposed rule is to change the current reporting requirements for federally permitted headboats that operate in the Gulf exclusive economic zone (EEZ) in order to improve data collection methods to help ensure that landings of managed fish stocks are recorded accurately and in a timely manner so that recreational ACLs are not exceeded. The Magnuson-Stevens Act provides the statutory basis for this proposed rule.

This proposed rule, if implemented, would be expected to directly affect an estimated 70 headboat for-hire fishing businesses that operate in the Gulf EEZ. The average headboat is estimated to receive approximately $247,000 (2012 dollars) in annual gross revenue. NMFS has not identified any other small entities that would be expected to be directly affected by this proposed rule.

The Small Business Administration (SBA) has established size criteria for all major industry sectors in the U.S. including seafood dealers and harvesters. A business involved in the for-hire fishing industry is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $7.0 million (NAICS code 487210, fishing boat charter operation). The SBA periodically reviews the size criteria and establishes new thresholds when appropriate. The most recent final rule establishing new size criteria was published June 20, 2013 (78 FR 37398). However, the receipts threshold for the for-hire industry was not changed as a result of the latest or other recent review and rulemaking by the SBA. Because the average annual revenue for the headboat businesses expected to be directly affected by this proposed rule is significantly less than the SBA revenue threshold, all these businesses are determined, for the purpose of this analysis, to be small business entities.

This proposed rule, if implemented, would require headboat fishing businesses selected by the SRD to submit weekly records, or at shorter intervals if notified by the SRD, of their fishing activity via computer or Internet (electronic reporting). This requirement would not be expected to require special professional skills. The use of computers, the Internet, or other forms of electronic connections and communication is commonplace in the business environment. As a result, all affected small entities would be expected to already have staff with the appropriate skills and training to meet this requirement.

This proposed rule, if implemented, would be expected to have little to no impact on the profits of any of the small entities expected to be directly affected. Although not currently explicitly required by regulation, the SRD has requested electronic reporting since January 1, 2013, for federally-permitted Gulf headboats. As a result, most, if not all, Gulf headboat businesses are expected to currently be submitting reports of their fishing activity electronically. For any headboat business that may not currently use the electronic reporting system, any increase in operating expenses should be minor. The use of computers and the Internet is commonplace and a vital tool in business management. The SBA estimated that in 2010 approximately 94 percent of businesses had a computer and 95 percent of these had Internet service. As a result, the majority of the affected entities would not be expected to need to incur new operational expenses to report electronically. For those few entities that might not already be reporting electronically, any new expenses that might need to be incurred would not be expected to constitute a significant increase in business expenses. Computers under $750 are readily available and Internet services under $100 per month would be expected to be available in most locations. The estimated average annual revenue for a Gulf headboat business is approximately $247,000 (2012 dollars). NMFS estimates that the requirement for Gulf headboat owners and operators to report electronically would result in a net zero effect on the reporting burden

of affected entities compared to paper reporting. The estimated reporting burden under either paper or electronic reporting is 10 minutes per report, or approximately 16.7 hours per entity per year based on an average of 100 reports per year. Assuming an hourly wage rate of $22.42 (2012 dollars, mean hourly wage rate, first-line supervisors of farming, fishing, and forestry workers), the estimated total annual cost to submit 100 reports would be approximately $374. As previously stated, this cost would not be expected to change as a result of the proposed requirement for electronic reporting. Therefore, the proposed requirement for electronic submission of headboat reports would be expected to result in minor to no direct economic effect on most, if not all, Gulf headboat businesses.

This proposed rule, if implemented, would also increase the frequency of reporting by Gulf headboat businesses selected by the SRD from the current requirement of monthly reports that must be submitted within 7 days of the end of each month to weekly reporting (7 days after the end of each week ending on Sunday) or at shorter intervals if notified by the SRD. Keeping accurate records is essential to successful business operation. As a result, recording trips as they are completed, or as soon as is practical, is expected to be the common business practice. Electronic recording and reporting would be expected to support additional labor and business management efficiencies because it would be expected to allow better data storage, retrieval, and production of annual performance summaries for use in business planning. Therefore, the proposed increase in the frequency of reporting would be expected to require little, if any, change in business practices or associated operational costs.

Additionally, this proposed rule would prohibit vessels from fishing if required fishing records have not been submitted within the required timeframe. Although a prohibition on fishing could have a significant adverse economic effect on the affected business, depending on the duration of prohibition and revenue from non-fishing activities, failure to submit the required electronic fishing records would not be an economically rational business practice in light of the minimal burden to submit fishing records and potential consequences of non-compliance. As a result, few if any headboat businesses would be expected to experience any reduction in profit as a result of this component of this proposed rule.

Based on the discussion above, NMFS determines that this proposed rule, if implemented, would not have a significant economic effect on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

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

This proposed rule contains collection-of-information requirements subject to the PRA. NMFS is revising the collection-of-information requirements under OMB control number 0648–0016. NMFS estimates the requirement for Gulf headboat owners and operators to report electronically would result in a net zero effect on the reporting burden under OMB control number 0648–0016, because headboat owners and operators would continue to report all species harvested, however, now it would be electronically instead of by paper. NMFS estimates the requirement for headboat owners and operators to report more frequently (weekly instead of monthly) would not create more burden on headboat owners and operators, because the headboat owners and operators would still be reporting the same amount of information, they would just be transmitting the data more frequently. These estimates of the public reporting burden include the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection-of-information.

These requirements have been submitted to OMB for approval. NMFS seeks public comment regarding: Whether this proposed collection-of-information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection-of-information, including through the use of automated collection techniques or other forms of information technology. Send comments regarding the burden estimate or any other aspect of the collection-of-information requirement, including suggestions for reducing the burden, to NMFS and to OMB (see **ADDRESSES**).

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Gulf, Headboat, Reporting and recordkeeping requirements.

Dated: October 21, 2013.

Alan D. Risenhoover,

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

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

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

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

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

■ 2. In § 622.26, paragraph (b) is revised to read as follows:

§ 622.26 Recordkeeping and reporting.

* * * * *

(b) *Charter vessel/headboat owners and operators*—(1) *General reporting requirement*—(i) *Charter vessels.* The owner or operator of a charter vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued, as required under § 622.20(b), or whose vessel fishes for or lands such reef fish in or from state waters adjoining the Gulf EEZ, who is selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD and must submit such record as specified in paragraph (b)(2) of this section.

(ii) *Headboats.* The owner or operator of a headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued, as required under § 622.20(b), or whose vessel fishes for or lands such reef fish in or from state waters adjoining the Gulf EEZ, who is selected to report by the SRD must submit an electronic fishing record for each trip of all fish harvested within the time period specified in paragraph (b)(2)(ii) of this section, via the Southeast Region Headboat Survey.

(2) *Reporting deadlines*—(i) *Charter vessels.* Completed fishing records required by paragraph (b)(1)(i) of this section for charter vessels must be submitted to the SRD weekly, postmarked no later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

(ii) *Headboats.* Electronic fishing records required by paragraph (b)(1)(ii)

of this section for headboats must be submitted at weekly intervals (or intervals shorter than a week if notified by the SRD) by 11:59 p.m., local time, the Sunday following a reporting week. If no fishing activity occurred during a reporting week, an electronic report so stating must be submitted for that reporting week by 11:59 p.m., local time, the Sunday following a reporting week.

(3) *Catastrophic conditions.* During catastrophic conditions only, NMFS provides for use of paper forms for basic required functions as a backup to the electronic reports required by paragraph (b)(1)(ii) of this section. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(4) *Compliance requirement.* Electronic reports required by paragraph (b)(1)(ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the time specified in paragraph (b)(2)(ii) is delinquent. A delinquent report automatically results in the owner and operator of a headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

* * * * *

■ 3. In § 622.374, paragraph (b) is revised, to read as follows:

§ 622.374 Recordkeeping and reporting.

* * * * *

(b) *Charter vessel/headboat owners and operators*—(1) *General reporting requirement*—(i) *Charter vessels.* The owner or operator of a charter vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or South Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), or whose vessel fishes for or lands Gulf or South Atlantic coastal migratory fish in or from state waters adjoining the Gulf or South Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD and must submit such record as specified in paragraph (b)(2)(i) of this section.

(ii) *Gulf headboats.* The owner or operator of a headboat for which a charter vessel/headboat permit for Gulf coastal migratory fish has been issued, as required under § 622.370(b)(1), or whose vessel fishes for or lands Gulf coastal migratory pelagic fish in or from state waters adjoining the Gulf EEZ, who is selected to report by the SRD must submit an electronic fishing record for each trip of all fish harvested within the time period specified in paragraph (b)(2)(ii) of this section, via the Southeast Region Headboat Survey.

(iii) *South Atlantic headboats.* The owner or operator of a headboat for which a charter vessel/headboat permit for South Atlantic migratory pelagic fish, as required under § 622.370(b)(1), or whose vessel fishes for or lands South Atlantic coastal migratory fish in or from state waters adjoining the South Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD and must submit such record as specified in paragraph (b)(2) of this section.

(2) *Reporting deadlines*—(i) *Charter vessels.* Completed fishing records required by paragraph (b)(1)(i) of this section for charter vessels must be submitted to the SRD weekly, postmarked no later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

(ii) *Gulf headboats.* Electronic fishing records required by paragraph (b)(1)(ii) of this section for Gulf headboats must be submitted at weekly intervals (or intervals shorter than a week if notified by the SRD) by 11:59 p.m., local time, the Sunday following a reporting week. If no fishing activity occurred during a reporting week, an electronic report so stating must be submitted for that reporting week by 11:59 p.m., local time, the Sunday following a reporting week.

(iii) *South Atlantic headboats.* Completed fishing records required by paragraph (b)(1)(iii) of this section for South Atlantic headboats must be submitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked no later than 7 days after the end of each month. Information to be reported is indicated on the form and its accompanying instructions.

(3) *Catastrophic conditions.* During catastrophic conditions only, NMFS provides for use of paper forms for basic required functions as a backup to the electronic reports required by paragraph (b)(1)(ii) of this section. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(4) *Compliance requirement.* Electronic reports required by paragraph (b)(1)(ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the time specified in paragraph (b)(2)(ii) is delinquent. A delinquent report automatically results in the owner and operator of a headboat for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

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[FR Doc. 2013–25263 Filed 10–24–13; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 121029593–3851–01]

RIN 0648–BC73

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; Amendment 99

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would implement Amendment 99 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP). If approved, Amendment 99 would enable the holders of license limitation program (LLP) licenses authorizing a designated vessel to catch and process Pacific cod in the BSAI hook-and-line fisheries to use newly built or existing vessels that are not eligible under current vessel length and capacity restrictions. This action is necessary to promote safety-at-sea by encouraging the replacement of older vessels with newer and more efficient vessels that are able to meet modern vessel safety standards. This action is intended to facilitate the increased retention and utilization of groundfish by allowing sector participants to use larger vessels with increased processing and hold capabilities. This action is intended to promote the goals and objectives of the BSAI FMP, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and other applicable laws.

DATES: Submit comments on or before November 25, 2013.

ADDRESSES: You may submit comments, identified by FDMS Docket Number NOAA–NMFS–2012–0220, by any of the following methods:

Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2012-0220,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments

Mail: Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Fax: Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Fax comments to 907–586–7557.

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.

Electronic copies of the Regulatory Impact Review (RIR) and the Categorical Exclusion prepared for this proposed action may be obtained from *http://www.regulations.gov* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to NMFS Alaska Region and by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Seanbob Kelly, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Regulatory Authority

NMFS proposes regulations to implement Amendment 99 to the BSAI FMP. NMFS manages the U.S. groundfish fisheries of the Exclusive Economic Zone (EEZ) off Alaska under the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) and the BSAI FMP. The North Pacific Fishery Management Council (Council) prepared the GOA FMP and BSAI FMP pursuant to the Magnuson-Stevens Act and other applicable laws. Regulations implementing the GOA FMP and BSAI FMP appear at 50 CFR part 679. General regulations that pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

Background

The proposed action would amend the BSAI FMP and revise Federal regulations to: (1) Increase the maximum length overall (MLOA) to 220 feet (67 m) on LLP licenses authorizing vessels to catch and process Pacific cod with hook-and-line gear in the BSAI; (2) allow holders of LLP licenses authorized to catch and process Pacific cod with both hook-and-line and pot gear in the BSAI to increase the MLOA on the LLP license to 220 feet (67 m) only if the pot gear endorsement is surrendered within a specific time frame; and (3) allow vessels that catch and process Pacific cod with hook-and-line in the BSAI to exceed length, tonnage, and power limits established under the American Fisheries Act (AFA). The following sections provide background on the need for, the objectives of, and the effects of the proposed action.

The LLP and BSAI Longline Catcher Processor Subsector

Under the LLP, which was implemented by NMFS on January 1, 2000 (63 FR 52642, October 1, 1998), an LLP license is required for all vessels directed fishing for groundfish in the BSAI and GOA, with limited exemptions for smaller vessels and vessels using a limited amount of jig gear. Directed fishing is defined in regulations at § 679.2. For a vessel designated on an LLP license, the LLP license authorizes the type of fishing gear that may be used by the vessel, the maximum size of the vessel, and whether the vessel may catch and process fish at sea or if it is limited to delivering catch without at-sea processing. LLP licenses that allow vessels to catch and process at-sea are assigned a catcher/processor (C/P) endorsement, and those that restrict vessels from at-sea processing are assigned a catcher vessel endorsement.

LLP licenses specify the MLOA of the vessel to which that LLP license may be assigned. Participants in LLP groundfish fisheries are prohibited from using a vessel to fish for LLP groundfish that has a length overall (LOA) that is greater than the MLOA specified on the LLP license (see § 679.7(i)(6)). Until 2003, an LLP license included gear and operational type (C/P or catcher vessel) endorsements, but did not include endorsements to directed fish for specific groundfish species. In 2003, NMFS modified the LLP to include a species endorsement for Pacific cod in the BSAI. In 2011, NMFS implemented modifications to the LLP to include a species endorsement for Pacific cod in

the GOA. A vessel can directed fish for Pacific cod in the BSAI or GOA only if the vessel is designated on an LLP license that has this specific endorsement, with limited exemptions for smaller vessels and vessels using a limited amount of jig gear as specified at § 679.4(k)(9)(iv) and § 679.4(k)(10)(iv). NMFS included Pacific cod endorsements on existing LLP licenses based on eligibility criteria, primarily whether the license or the vessel had been used to harvest Pacific cod. Additional detail on the development and rationale for the LLP and Pacific cod endorsements in the BSAI and GOA can be found in the final rule implementing these Pacific cod endorsement requirements and is not repeated here (see 67 FR 18129, April 15, 2002 for the BSAI; see 76 FR 15826, March 22, 2011, for the GOA).

The LLP Pacific cod endorsement requirement has, in effect, limited the number of vessels that are eligible to fish for Pacific cod in the BSAI and GOA. For example, under existing LLP regulations, the vessels currently used to directed fish for Pacific cod in the BSAI using hook-and-line gear and to process that catch at sea must be assigned an LLP license with a BSAI Pacific cod hook-and-line C/P endorsement. Public Law 108–447, 118 Stat. 2887, Dec. 8, 2004, at section 219(a)(6), defines the term ''longline catcher processor subsector'' as ''the holders of an LLP license that is noninterim and transferable, or that is interim and subsequently becomes noninterim and transferable, and that is endorsed for Bering Sea or Aleutian Islands catcher processor fishing activity, C/P, Pcod [Pacific cod], hook and line gear.'' There are 36 LLP licenses that meet the eligibility criteria for the BSAI longline C/P subsector as defined in section 219(a)(6).

Vessels Operating In the BSAI Longline C/P Subsector and the Pacific Cod Fishery

Most vessels currently operating in the BSAI longline C/P subsector were not designed as fishing vessels for the BSAI but were converted to longline C/Ps from some other use. The vessels in the BSAI longline C/P subsector range in length from 107 feet (32.6 m) to 180 feet (54.8 m) LOA. The average age of the vessels in this fleet is approximately 40 years, and 30 percent were built before 1946. In general, the newer vessels participating in this subsector have longer LOAs and were designed to specifically target groundfish with longline gear. Production capacity is directly related to vessel length and overall vessel design. For example, the larger vessels in the fleet can accommodate larger freezer holds that allow vessels to stay at sea for longer periods. Larger vessels can provide a larger processing platform that can be converted to accommodate more processing equipment, which can be optimally located in vessels specifically designed for fishing to increase overall daily throughput. Moreover, longer vessels are able to operate in most weather conditions, including conditions that may be considered adverse by longline C/Ps with relatively shorter length. Vessels participating in the BSAI longline C/P subsector are described in more detail in section 1.5 of the RIR for this action (See **ADDRESSES**).

Vessels used in the BSAI longline C/P subsector target groundfish with longline gear that consists of a stationary, buoyed, and anchored line with hooks attached for the taking of fish. Once landed, groundfish are sorted by size and weight, and then packed and frozen onboard. Vessels eligible to participate in the BSAI longline C/P subsector primarily target Pacific cod in the BSAI, but many also participate in Greenland turbot and sablefish fisheries in the BSAI, as well as Pacific cod fisheries in the GOA. In addition, vessels using longline gear retain incidentally caught species such as skates, rockfish, arrowtooth flounder, and pollock.

Recent participation information for vessels eligible to participate in the BSAI longline C/P sector indicates that the number of these vessels harvesting Pacific cod in the BSAI fishery has been relatively stable and the number of vessels harvesting Pacific cod in the GOA fishery has declined. From 2011 through 2013, approximately 33 vessels eligible to participate in the BSAI longline C/P sector harvested Pacific cod in the BSAI. Of the 36 LLP licenses in the BSAI longline C/P subsector, 27 LLP licenses are also endorsed to fish in the GOA Pacific cod fisheries. The number of vessels named on the 36 LLP licenses in the BSAI longline C/P subsector that harvested Pacific cod in the GOA declined from a peak of 18 vessels in 2007 to 14 vessels in 2011, and to 6 vessels in 2012. Three of the 36 LLP licenses that are eligible for the BSAI longline C/P subsector are also authorized to participate in the BSAI Pacific cod fisheries with a C/P using pot gear; of these three licenses, only one is also endorsed to authorize participation in the Western GOA Pacific cod fisheries with a C/P using pot gear. Vessels named on these three LLP licenses may elect to participate in either the longline or pot C/P sector in the BSAI Pacific cod fishery, or the vessel may participate in both sectors.

The Council and NMFS annually establish total allowable catch (TAC) limits for Pacific cod and other groundfish targeted by C/Ps using hook-and-line gear in the BSAI and the GOA. The TAC amounts are allocated among user groups as part of the annual harvest specifications process, as authorized at § 679.20. In the BSAI, Pacific cod is apportioned between the Western Alaska Community Development Quota (CDQ) Program and non-CDQ fishery participants. Allocations to the CDQ Program are assigned to CDQ groups as defined by section 305(i) of the Magnuson-Stevens Act. The CDQ groups harvest almost all their Pacific cod allocations with vessels that are members of the BSAI longline C/P subsector.

In 2007, NMFS modified the Pacific cod allocations to specific sectors in the BSAI under regulations implementing Amendment 85 to the BSAI FMP (72 FR 50788, September 4, 2007). Amendment 85 modified the allocations of the annual BSAI Pacific cod TAC among various harvest sectors as seasonal apportionments. Amendment 85 increased the percentage of the BSAI Pacific cod TAC apportioned to the CDQ Program from 7.5 percent to 10.7 percent. The remaining TAC, known as non-CDQ TAC, is further apportioned between seasons for jig, pot, hook-and-line, and trawl gear types and operating types. The BSAI longline C/P subsector receives 48.7 percent of the annual non-CDQ allocation of the Pacific cod TAC as two separate seasonal allowances. The regulations implementing Amendment 85 require a sector to stop conducting directed fishing for Pacific cod when its allocation is exhausted, even if TAC allocated to other sectors remains unharvested. This ensures that fishery participants in one sector do not compete for BSAI Pacific cod with participants in other sectors.

The BSAI longline C/P subsector is also allocated a limited amount of halibut to be used as prohibited species catch (PSC) in the Pacific cod fishery under regulations implementing Amendment 85 because halibut is incidentally caught by vessels using hook-and-line gear. The halibut PSC limit ensures that total incidental mortality of halibut does not exceed a specified limit while at the same time allowing participants to conduct their target fisheries. Once this halibut PSC limit is reached, then NMFS closes directed fishing for groundfish that results in the take of halibut. This halibut PSC limit constrains the BSAI longline C/P subsector in the Pacific cod

and other groundfish fisheries. Prior to the implementation of Amendment 85, halibut PSC was apportioned to the hook-and-line sector, but was not further apportioned between C/Ps and catcher vessels. Amendment 85 sub-apportioned the available hook-and-line halibut PSC between the catcher vessel and C/P sectors, which gave the BSAI longline C/P subsector a separate apportionment of halibut PSC. Regulations at § 679.21(e)(2) and (4) specify that a portion of total halibut mortality be made available to the BSAI longline C/P subsector. Typically, this halibut PSC is further allocated seasonally through the annual harvest specifications process.

NMFS has also established specific allocations of Pacific cod in the GOA similar to those in the BSAI. In December 2009, the Council recommended that NMFS implement Amendment 83 to the GOA FMP to supersede the inshore/offshore processing allocations of Pacific cod and establish sector allocations of the TACs. Upon implementation of Amendment 83 in 2012 (76 FR 74670, December 1, 2011), NMFS divided the GOA Pacific cod TACs and halibut PSC among gear and operation type, based primarily on historical dependency and catch history by each sector. The hook-and-line C/P sector is allocated 19.8 percent of the annual Western GOA TAC and 5.1 percent of the annual Central GOA TAC. Halibut PSC is also apportioned between the hook-and-line C/P and catcher vessel sectors proportional to the allocation of Pacific cod to those sectors. Consistent with halibut PSC management in the BSAI, this halibut PSC allocation ensures that total incidental mortality of halibut does not exceed a specified limit while at the same time allowing participants to conduct their target fisheries. Additional detail on Pacific cod and halibut PSC apportionment is provided in the final rule implementing Amendment 83 and is not repeated here (76 FR 74670, December 1, 2011).

Freezer Longline Conservation Cooperative

In addition to the constraints on Pacific cod allocations and halibut PSC limits implemented under regulations for Amendment 85 to the BSAI FMP and Amendment 83 to the GOA FMP, the BSAI longline C/P subsector has voluntarily developed private contractual arrangements to limit Pacific cod and halibut PSC use in the BSAI, effectively establishing a *de facto* limited access program. Congress' definition of the BSAI longline C/P subsector and the allocation of BSAI Pacific cod and halibut PSC specifically to the BSAI longline C/P subsector encouraged holders of eligible LLP licenses to form a voluntary cooperative and divide the Pacific cod and halibut PSC allocations among its members. Cooperatives allow multiple quota recipients to aggregate their annual quota amounts, coordinate their collective fishing operations, and benefit from the resulting efficiencies. Since the fishing season opened on June 20, 2010, all holders of eligible BSAI longline C/P subsector LLP licenses have joined a single cooperative, the Freezer Longline Conservation Cooperative (FLCC). Cooperative management enables the license holders to efficiently harvest sector allocations through the coordination of fishing effort among participants. Cooperation among vessel owners has resulted in improved bycatch avoidance and has increased the value and variety of seafood products in the subsector. In addition, the FLCC has established private contractual arrangements that divide the sector's Pacific cod and halibut PSC allocations among the member vessels; thus, participants are able to maximize the harvest and value of the Pacific cod allocation for a given halibut PSC limit.

In 2010, Congress passed the Longline Catcher Processor Subsector Single Fishery Cooperative Act (Pub. L. 111–335) to modify the process to form a cooperative in the subsector. Under this Act, NMFS must implement a single, mandatory cooperative with exclusive catch privileges for each BSAI longline C/P subsector LLP license holder if requested to do so by persons holding at least 80 percent of the LLP licenses eligible to participate in the BSAI longline C/P subsector (i.e., at least 29 of the 36 LLP licenses). To date, NMFS has not received any such request; however, the fact that such a mandatory cooperative is explicitly authorized by Congress helps to ensure that if the voluntary cooperative established by the FLCC is unable to continue, regulations to establish a mandatory cooperative with exclusive catch privileges could be implemented by NMFS upon request of a sufficient number of the members of the subsector.

Objectives of, and Rationale for, Amendment 99 and This Proposed Rule

Although participants in the BSAI longline C/P subsector are currently authorized to replace their vessels, the LLP limits the ability of vessels to exceed a specific length. In addition, provisions of the AFA limit a vessel owner's ability to receive a fishery endorsement for a replacement vessel that exceeds specified length, power, and displacement restrictions unless specifically recommended by the Council and approved by the Secretary of Commerce. These statutory vessel capacity restrictions are described in more detail in the ''American Fisheries Act and United States Maritime Administration'' section of this preamble.

The Council and NMFS recognize that these regulatory and statutory vessel capacity restrictions provide a disincentive for owners to rebuild or replace their vessels with larger, more efficient and safer vessels. In October 2012, the Council recommended Amendment 99, which would allow owners of vessels used in the BSAI longline C/P subsector to rebuild or replace their vessels with larger vessels. The principal objective of the proposed action is to promote the sustainable harvest of groundfish, especially Pacific cod in the BSAI and GOA, by removing disincentives for owners of vessels to rebuild or replace their vessels with larger vessels. To the extent that the vessel owners exercise the vessel replacement opportunity provided in this proposed action, it would promote efficient utilization of the Pacific cod resource in the BSAI and GOA. The proposed action would also promote safety-at-sea by allowing vessel owners to replace existing vessels with vessels that can accommodate improved safety features and minimize the risks faced by crew members.

The Council and NMFS recognize that raising the vessel length limits could provide vessel owners with the additional hold capacity necessary to increase the rate of processing throughput and storage capacity. As discussed in section 1.6.2 of the RIR prepared for this action, larger vessels can incorporate larger freezer holds that allow a vessel to stay at sea for longer periods, while smaller vessels generally require more trips to travel to and from fishing grounds to offload product. Fewer trips would increase vessel efficiency by reducing fuel consumption and minimizing transit time, which would allow vessel owners to minimize the time required to harvest their quota. The Council recognized the need to lengthen the vessel size restrictions to encourage vessel owners to accelerate the replacement of vessels in the BSAI longline C/P subsector fleet. The Council noted that in many cases the cost of a new vessel may not be affordable without the increased production efficiency that could result from constructing a larger, more efficient vessel that meets modern safety requirements.

Under Amendment 99, the MLOA specified on LLP licenses in the BSAI longline C/P subsector that are not also endorsed for pot gear would be increased to 200 feet (67 m). The Council determined that a 220-foot (67 m) MLOA for these eligible LLP licenses would encourage LLP license holders in the BSAI longline C/P subsector to replace aging vessels with newer, safer, and more efficient vessels. The Council considered several size limits, including no size limit, and other variable rate and fixed-length increases to vessel size prior to recommending Amendment 99. Prior to selecting a preferred alternative, the Council received public testimony that a 220-foot (67 m) MLOA would provide adequate incentives to meet the Council's objectives for this action and likely would allow vessel owners to replace vessels with new vessels that could accommodate improved efficiency and safety design. Specifically, vessel owners potentially affected by this proposed action stated that anticipated vessel designs likely would not result in vessels greater than 220 feet (67 m) due to the costs of construction and operation of these larger vessels relative to anticipated revenues. These assertions are supported by section 1.6.2.2 of the RIR prepared for this action, which describes that processing capacity constraints likely limit the size of vessels used in the BSAI longline C/P subsector to 220 feet (67 m) or less.

Currently, each of the 36 LLP licenses eligible for the BSAI longline C/P subsector have an MLOA equal to or less than 220 feet (67 m). The average MLOA specified on an LLP license currently eligible for the BSAI longline C/P subsector is 152.6 feet (46.5 m). Seventeen of the 36 eligible LLP licenses have an MLOA of less than 150 feet (45.7 m). Increasing the MLOA specified on the LLP licenses in the BSAI longline C/P subsector to 220 feet (67 m) would not constrain any existing LLP licenses in terms of vessel length. Additional detail on the LLP licenses currently eligible for the BSAI longline C/P subsector can be found in section 1.5.1 of the RIR for this action (see **ADDRESSES**).

The Council also recommended management measures designed to protect historical participants in the Pacific cod pot fisheries that could be adversely affected by the use of larger, more efficient vessels in the BSAI longline C/P subsector. As noted earlier in this preamble, the Council and NMFS recognized that three of the 36 LLP licenses endorsed for participation in the the BSAI longline C/P subsector also authorize the designated vessel to target Pacific cod with C/Ps using pot gear in the BSAI: Two of those LLP licenses authorize participation in the BSAI Pacific cod fisheries with C/Ps using pot gear; one of the LLP licenses authorizes participation in the BSAI and Western GOA Pacific cod fisheries with C/Ps using pot gear. The proposed regulations to implement Amendment 99 would allow a person holding a LLP license endorsed to catch and process Pacific cod with hook-and-line and pot gear in the BSAI to increase the MLOA on the LLP license to 220 feet (67 m) only if the LLP holder elects to surrender any Pacific cod pot gear endorsements within a specific time frame. The Council and the Secretary recognize the potentially adverse competitive effects of increased fishing capacity by the longline C/P subsector relative to the C/Ps using pot gear. Under this proposed rule, holders of the two BSAI longline C/P subsector LLP licenses with BSAI Pacific cod pot gear C/P endorsements could either surrender the BSAI Pacific cod pot gear C/P endorsements and receive an LLP license with a 220 feet (67 m) MLOA or retain their current MLOA and continue to participate in both fisheries. Similarly, the holder of the BSAI longline C/P subsector LLP license with BSAI and Western GOA Pacific cod pot gear C/P endorsements could either surrender the BSAI and GOA Pacific cod pot gear C/P endorsements and receive an LLP license with a 220 feet (67 m) MLOA or retain the BSAI Pacific cod pot gear C/P endorsements and the current LLP license MLOA would continue to apply.

The Council recognized that allowing holders of LLP licenses with Pacific cod pot gear C/P endorsements to name larger vessels on those LLP licenses could increase vessel capacity in the pot gear C/P fisheries and could disadvantage historical participants in the sector who would continue to be constrained by the MLOAs specified on their LLP licenses. As a result, the Council determined that allowing some participants in the pot gear C/P fisheries with hook-and-line endorsements to have longer MLOAs specified on their LLP licenses could allow these participants to harvest a greater proportion of the GOA Pacific cod sector allocation relative to their historical catch. This could negatively impact historical participants in the Pacific cod pot fisheries and would not promote a fair and equitable standard for all participants in the pot gear C/P fisheries. The Council recommended that NMFS promulgate regulations to ensure that holders of LLP licenses eligible for the BSAI longline C/P subsector that choose to retain Pacific cod pot gear C/P endorsements would continue to be restricted by the current MLOAs on the LLP licenses. The Council recommended, and NMFS proposes, a time limit on the one-time permanent election for these LLP license holders that would close 36 months from the date of implementation of this action, if it is approved. The deadline for making the one-time election is intended to promote the conservation and management of the BSAI and GOA Pacific cod fisheries by clearly identifying pot gear C/P sector participants within a reasonable time frame and by establishing an upper limit on vessel capacity in the BSAI longline C/P subsector.

To implement Amendment 99, NMFS would increase the MLOA on LLP licenses eligible to participate in the BSAI longline C/P subsector. Vessels are prohibited, at 679.7(h)(6), from fishing for LLP groundfish with a vessel that has a length overall that exceeds the MLOA specified on the license that authorizes fishing for the LLP groundfish. Therefore, under this action, the MLOA on an eligible LLP license would be increased. This proposed action would not prevent subsector participants from naming an existing vessel on their LLP license; however, the Council and NMFS anticipate that most replacement vessels would be newly constructed. As noted earlier in this preamble, newly constructed vessels would be better designed for fishing than are many of the existing vessels in the fleet. Most existing vessels lack the capacity to incorporate innovations and facilities that are available in newly constructed vessels. A vessel built to contemporary safety standards would likely incorporate advancements in marine design that improve efficiency.

As discussed in section 1.6.2 of the RIR, NMFS expects that this proposed action will not increase the fishing operations of C/Ps using hook-and-line gear in the BSAI or GOA. As described in this preamble, management constraints, such as Pacific cod species endorsements on LLP licenses, sector allocations for Pacific cod in the BSAI and GOA, and halibut PSC limits in the BSAI and GOA, limit the ability of vessels assigned these LLP licenses to expand their overall fishing operations in groundfish fisheries.

Specifically, these management measures in the BSAI and GOA provide an overall limit to the Pacific cod catch by vessels in this subsector, thereby limiting the potential for the C/P vessels endorsed for hook-and-line gear to

compete with other subsectors for Pacific cod TAC. While it is possible that larger BSAI longline C/P vessels entering the GOA Pacific cod fishery could increase competition in that fishery, the Council recognized that the harvest patterns of individual FLCC member vessels are unlikely to change under the proposed action. Since the formation of the cooperative, FLCC member vessels eligible to catch and process Pacific cod in the GOA have not increased effort in the GOA Pacific cod fisheries despite the efficiencies gained by cooperative management and their significantly longer length compared to the hook-and-line C/Ps active in the GOA that are not FLCC members. The Council noted that although the BSAI longline C/P fleet could increase effort under the status quo, they have not and so it is unlikely that the replacement of existing vessels with longer vessels would increase competition in the GOA.

As noted earlier in this preamble, NMFS anticipates that the BSAI longline C/P subsector will continue to operate in the FLCC to coordinate Pacific cod harvests. This continued coordination promotes consistent harvesting practices by member vessels, including the newer and more efficient vessels entering the fishery. Moreover, NMFS does not anticipate rapid changes in the composition, quantity of vessels, or capacity of the BSAI longline C/P fleet in response to this proposed action, due to the costs and time required for construction of new vessels. Collectively, these factors indicate that the proposed action would not result in a modification of fishing behavior among FLCC members as they target Pacific cod or other groundfish species. While it is possible that FLCC members could expand participation in the Pacific cod pot fishery, this expansion is constrained by the proposed limitations on LLP licenses with Pacific cod hook-and-line and pot C/P endorsements as described above.

Proposed Regulatory Amendments

To implement Amendment 99, NMFS proposes to list the groundfish LLP licenses that would be modified by this action at Table 9 to part 679. As proposed, Table 9 to part 679 would list in Column A the 36 LLP licenses endorsed to participate in the BSAI longline C/P subsector. Table 9 would also differentiate between the LLP licenses that qualify for an increase in MLOA length to 220 feet (67 m), as designated in Column B, and the LLP license holders eligible for a one-time election to permanently surrender and extinguish certain LLP license endorsements in exchange for an increase in the MLOA to 220 feet (67 m), as listed in Column C.

NMFS proposes to revise the regulatory definition of Maximum LOA (MLOA) at § 679.2 and to establish regulatory provisions at § 679.4(k)(3)(i)(D) for a new MLOA category. Under this proposed provision, NMFS would revise MLOAs on the LLP licenses designated in Column B of Table 9 to part 679. If Amendment 99 and its implementing regulations are approved, 30 days following the publication of the final rule, the NMFS Restricted Access Management Division would issue new LLP licenses with an MLOA of 220 feet (67 m) to the holders of the eligible licenses designated in Column B of Table 9 to part 679. NMFS would revise only the MLOA of the LLP licenses designated in Column B of Table 9 to part 679, and not the area, gear, and operational type endorsements. The new LLP licenses would be mailed to the address provided to NMFS by the holder of the qualifying LLP license. NMFS would establish this revised definition of ''Maximum LOA (MLOA)'' at § 679.2 to ensure that all LLP licenses designated in Column B of Table 9 to part 679 would be revised on the effective date of the final rule, if approved. NMFS would not need to modify the definition of ''Maximum LOA (MLOA)'' at § 679.2 to apply to LLP licenses listed in Column C of Table 9 to part 679 because the MLOAs of those LLP licenses would only be modified after the submission of a written request from the holders of LLP licenses specified in Column C of Table 9 to part 679 under specific provisions described in the following paragraphs of this preamble.

NMFS proposes regulations at § 679.4(k)(3)(i)(D)(*2*) to implement the Council's recommendation that the MLOA on an LLP license endorsed for participation in the BSAI longline C/P subsector would not be modified as long as the LLP license holder retains an endorsement to participate in Pacific cod pot fisheries in the BSAI or GOA. NMFS proposes to establish procedures for surrendering a Pacific cod pot gear endorsement on LLP licenses also endorsed to participate in the BSAI longline C/P subsector. NMFS would establish a process for eligible participants in the BSAI longline C/P subsector to surrender their Pacific cod pot gear endorsements for the BSAI and GOA in exchange for receiving an LLP with an MLOA of 220 feet (67 m) authorizing participation in the BSAI Pacific cod longline C/P fisheries. As proposed, NMFS would assign an MLOA of 220 feet (67 m) to any of the three LLP licenses listed in Column C of proposed Table 9 whose holders surrender the Pacific cod pot gear endorsements on their LLP license. This one-time election to surrender the Pacific cod pot gear endorsements on an LLP license would be permanent, and NMFS would extinguish the surrendered Pacific cod pot gear endorsements. Current LLP regulations at § 679.4(k)(7)(viii) specify that LLP endorsements are non-severable from the license, with one exception for an Aleutian Island area endorsement under the provisions of § 679.4(k)(4)(ix)(A). Specifying that LLP endorsements are non-severable from the license limits the ability of a person to assign an LLP license that was derived from the historical landing activity of a vessel in one area, using a specific fishing gear, or operational type to be used in other areas, with other gears, or for other operational types in a manner that could expand fishing capacity. The Council's recommendation to allow the holders of three LLP licenses to surrender Pacific cod pot gear endorsements associated with the license is consistent with this objective because the surrendered endorsements would be extinguished. NMFS would not transfer the endorsements to another person, and the endorsements could not be used in other areas, with other gears, or for other operational types.

NMFS proposes regulations at § 679.4(k)(6)(xi) to describe the requirements for holders of LLP licenses eligible to participate in the BSAI longline C/P subsector to surrender their Pacific cod pot gear C/P endorsements. If the Secretary approves Amendment 99 and its implementing regulations, NMFS would notify in writing the three LLP license holders listed in Column C of the proposed Table 9 to part 679 of their option to elect to surrender their Pacific cod pot gear C/P endorsements on their LLP license and receive a 220-foot (67 m) MLOA. Owners of eligible licenses, or their agents, would need to notify NMFS in writing at the address specified at § 679.4(k)(6)(xi) that they elect to surrender the endorsements. The request would need to include a signed statement notifying NMFS that the holder of the LLP license acknowledges that the election is permanent and irreversible and that all pot gear Pacific cod endorsements on that LLP would be extinguished. Each LLP license holder would have 36 months from the date of implementation of this proposed action to notify NMFS in writing of the one-time permanent election. If the written notification is received by NMFS within the 36 months

prior to the deadline, NMFS would issue a revised LLP license to the holder of that license. License holders who choose not to make the one-time election or who do not submit a written notification within the 36-month deadline would retain their current MLOA and continue to participate in both the Pacific cod pot fisheries and longline fisheries in the BSAI and GOA.

American Fisheries Act and United States Maritime Administration

In order for a vessel to participate in a U.S. fishery, a vessel must obtain a certificate of documentation with a fishery endorsement from either the U.S. Coast Guard or the Maritime Administration (MARAD), as set forth in regulations at 46 U.S.C. 12102(a) and 12151(b) The American Fisheries Act of 1998, as amended (AFA), Title II, Division C, Public Law 105–277, was enacted to increase U.S. citizen participation in U.S. fisheries. The AFA required the Maritime Administration to ensure compliance with the U.S. citizenship ownership and control requirements for U.S.-flag fishing industry vessels of 100 feet or greater in registered length. Therefore, a vessel 100 feet or greater in registered length must receive this documentation from MARAD.

The AFA and MARAD implementing regulations prohibit larger vessels from obtaining a fishery endorsement unless specific conditions are met. Unless an exemption applies, a vessel is not eligible for a fishery endorsement if it is greater than 165 feet in length, or more than 750 gross registered tons, or has engines capable of producing more than 3,000 shaft horsepower.

These regulations were intended to limit but not reduce fishing capacity in the BSAI; however, the regulations effectively limit the ability of vessel owners to replace vessels currently participating in the BSAI longline C/P subsector with newer vessels of an equivalent size. There are currently nine vessels named on LLP licenses eligible to participate within the BSAI longline C/P subsector that exceed at least one of the thresholds described at 46 CFR 356.47(a) and (c). These vessels are able to participate in the fishery because they received a fishery endorsement prior to September 25, 1997; however, the license holders could not replace vessels named on their LLP licenses with vessels of comparable or additional capacity and continue to participate in the BSAI longline C/P subsector because such vessels would not be eligible for a fishery endorsement.

An exemption from these regulations is possible if the owner of such a vessel demonstrates to MARAD that the regional fishery management council of jurisdiction, established under section 302(a)(1) of the Magnuson-Stevens Act, has recommended after October 21, 1998, and the Secretary has approved, conservation and management measures in accordance with regulations implementing the AFA at 46 CFR 356.47, to allow vessels that may exceed the length, horsepower, and tonnage requirements to be used in fisheries under such council's authority. NMFS and MARAD General Counsel consulted to determine what action on the part of the Council and NMFS would satisfy this exemption. NMFS and MARAD General Counsel determined, based on the regulatory requirments established at 46 CFR 356.47(c), that the Council would need to recommend, and the Secretary would need to approve, conservation and management measures that would allow such a vessel to be used in the BSAI longline C/P subsector fisheries. The statutory vessel capacity restrictions are described in more detail in section 1.2.2 of the RIR for this action (See **ADDRESSES**).

If the Secretary approves Amendment 99 and issues a final rule to implement Amendment 99, the Secretary will have approved conservation and management measures that would permit a vessel to exceed the limits specified at 46 U.S.C. 12113(d) in order to participate in the BSAI longline C/P subsector. Secretarial approval of Amendment 99 and the publication of implementing regulations are intended to provide MARAD with documentation that eligible vessels qualify to receive a fishery endorsement. If the Secretary approves Amendment 99 and issues a final rule to implement Amendment 99, NMFS will notify MARAD that any vessel named on an LLP license endorsed for participation in the BSAI longline C/P subsector, which is greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower, is authorized for use in the EEZ under the jurisdiction of the Council, and is eligible to receive a certificate of documentation consistent with 46 U.S.C. 12113(d) and MARAD regulations at 46 CFR 356.47.

Recordkeeping, Reporting, Monitoring and Enforcement

The proposed action would not change the monitoring and enforcement requirements for participants in the BSAI C/P longline subsector. As mentioned elsewhere in the this preamble, this proposed action would add a reporting requirement for the LLP licenses identified in the proposed Column C to Table 9 to part 679. The holders of these three LLP licenses would need to notify NMFS of their election to permanently surrender all pot Pacific cod endorsements in exchange for a 220-foot (67 m) MLOA.

Beginning in 2013, all vessels participating in the BSAI C/P longline subsector are required to follow a selected monitoring option, either carry two observers or carry one observer and use a NMFS-approved motion compensated flow scale, while directed fishing for Pacific cod is open in the BSAI or while CDQ groundfish fishing (77 FR 59053, September 26, 2012). A description of monitoring and enforcement regulations applicable to the BSAI C/P longline subsector is described in more detail in the preamble to the proposed rule for these requirements (77 FR 35925, June 15, 2012) and is not repeated here.

Classification

Pursuant to sections 304(b)(1)(A) and 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the BSAI and GOA FMPs, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. On June 20, 2013, SBA issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398). The rule increased the size standard for Finfish Fishing from $ 4.0 to 19.0 million, Shellfish Fishing from $ 4.0 to 5.0 million, and Other Marine Fishing from $4.0 to 7.0 million. Id. at 37400 (Table 1). Pursuant to the Regulatory Flexibility Act (RFA), codified at 5 U.S.C. 600–611, and prior to SBA's June 20 final rule, a certification was developed for this action using SBA's former size standards. NMFS has reviewed the analyses prepared for this action in light of the new size standards and has determined that the new size standards do not affect the analyses prepared for this action. NMFS solicits public comment on the analyses in light of the new size standards.

This rule would not have a significant economic impact on a substantial

number of small entities. NMFS has reviewed the 2012 gross fishing revenues from all sources for the vessels affiliated through this cooperative, and finds that they substantially exceed the $19 million threshold for determining whether a finfish fishing entity is large or small, for RFA purposes, that became effective on July 22, 2013 (78 FR 37898). Moreover, NMFS has concluded that the 36 LLP license holders impacted through this proposed action are all affiliated with each other through membership in the FLCC. Consequently, all impacted entities are considered ''large entities'' for the purpose of the RFA. This conclusion is consistent with previous actions impacting the same fleet, composed of the same operations, prosecuting the same resources (77 FR 59053, September 26, 2012; 77 FR 58775, September 24, 2012). In both cases, NMFS determined that the impacted entities are not considered small entities for the purpose of the RFA based upon their affiliations with larger fishing-entities or gross revenue. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

The economic analysis contained in the RIR for this action (see **ADDRESSES**) further describes the regulatory and operational characteristics and history of this fishery, including the origins and operation of the fishery cooperative, the history of this action, and the details of the alternatives considered for this action, including the preferred alternative.

Duplicate, Overlapping, or Conflicting Federal Rules

No duplication, overlap, or conflict between this proposed action and existing Federal rules has been identified.

Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities

Since there are no directly regulated small entities under this action within the definition of small entities used in the RFA, there are no economic impacts from this action on small entities.

Collection-of-Information Requirements

This proposed rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval under OMB Control No. 0648–0334. Public reporting burden per response is estimated to be 2 hours for One-time Election to Permanently Surrender Pacific Cod Pot Gear Endorsement for the BSAI and GOA in Exchange for Receiving an LLP with an MLOA of 220 feet Authorizing Participation in the BSAI Pacific cod Longline C/P fisheries.

Public reporting burden includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to (enter office name) at the **ADDRESSES** above, and email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7285.

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

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: October 21, 2013.

Alan D. Risenhoover,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 679 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447.

■ 2. In § 679.2, add paragraph (2)(v) to the definition of ''Maximum LOA (MLOA)'' to read as follows:

§ 679.2 Definitions.

* * * * *

Maximum LOA (MLOA) means:

(2) * * *

(v) The MLOA of a groundfish LLP license endorsed to catch and process Pacific cod with hook-and-line gear in the BS or AI, or both, and is designated in Column B of Table 9 to this part is 220 feet (67 m).

* * * * *

■ 3. In § 679.4, add paragraphs (k)(3)(i)(D) and (k)(6)(xi) to read as follows:

§ 679.4 Permits.

* * * * *

(k) * * *

(3) * * *

(i) * * *

(D) *Modification of the MLOA on a groundfish LLP license listed in column A of Table 9 to this part.* (*1*) Each groundfish LLP license endorsed to catch and process Pacific cod with hook-and-line gear in the BS or AI, or both, and designated in column B of Table 9 to this part will receive a 220-foot (67 m) MLOA following November 25, 2013.

(*2*) Each groundfish LLP license endorsed to catch and process Pacific cod with hook-and-line gear in the BS or AI, or both, and designated in column C of Table 9 to this part is eligible to be assigned a 220-foot (67 m) MLOA if the LLP holder submits a timely written request to remove all pot gear Pacific cod endorsements on that LLP following the process established under § 679.4(k)(6)(xi) of this part.

* * * * *

(6) * * *

(xi) *Surrender and extinguishment of a groundfish LLP endorsement.* Endorsements specified on a groundfish LLP license are not severable from a license and cannot be surrendered except that pot gear Pacific cod endorsements specified on groundfish LLP licenses listed in Column C of Table 9 to this part, can be permanently surrendered, removed and extinguished if:

(A) The holder of the groundfish LLP license listed in Column C of Table 9 to this part requests, in writing, that NMFS permanently remove and extinguish all pot gear Pacific cod endorsements specified on that LLP license and acknowledges in that written request that the surrender and removal are permanent and irreversible and that all pot gear Pacific cod endorsements on that LLP license are extinguished;

(B) The holder of the groundfish LLP license listed in Column C of Table 9 to this part requests, in writing, that NMFS assign a 220-foot (67 m) MLOA on that LLP license;

(C) The holder of the eligible LLP license, or the authorized agent, signs the request;

(D) NMFS receives the written request to permanently remove and extinguish all pot gear Pacific cod endorsements specified on the LLP groundfish license by [*DATE 36 MONTHS AFTER IMPLEMENTATION DATE*]; and

(E) The written request is submitted to NMFS using one of the following methods:

(*1*) Mail: Regional Administrator, c/o Restricted Access Management Program, NMFS, P.O. Box 21668, Juneau, AK 99802–1668;

(*2*) Fax: 907–586–7354; or

(*3*) Hand delivery or carrier: NMFS, Room 713, 709 West 9th Street, Juneau, AK 99801.

* * * * *

■ 4. Table 9 to part 679 is added to read as follows:

TABLE 9 TO PART 679—GROUNDFISH LLP LICENSES ELIGIBLE FOR USE IN THE BSAI LONGLINE CATCHER/PROCESSOR SUBSECTOR, COLUMN A

[X indicates whether Column B or Column C applies]

Column A	Column B	Column C
The Holder of Groundfish License Number . . .	Is eligible under 50 CFR 679.4(k)(3)(i)(D)(*1*) to be assigned a 220-foot (67 m) MLOA on that LLP license	Is eligible to request that NMFS permanently assign a 220-foot (67 m) MLOA on that LLP License under 50 CFR 679.4(k)(3)(i)(D)(*2*)
LLG 4508	X	
LLG 1785	X	
LLG 3681	X	
LLG 3676	X	
LLG 3609	X	
LLG 1400	X	
LLG 1401	X	
LLG 3617	X	
LLG 1916	X	
LLG 1917	X	
LLG 1989	X	
LLG 1127	X	
LLG 1128	X	
LLG 1125	X	
LLG 4823	X	
LLG 2783	X	
LLG 1988	X	
LLG 2238	X	
LLG 2958	X	
LLG 3973	X	
LLG 3637	X	
LLG 2421	X	
LLG 1713	X	
LLG 3616	X	
LLG 2892	X	
LLG 2112	X	
LLG 5222	X	
LLG 1578	X	
LLG 2026	X	
LLG 3847	X	
LLG 3602	X	
LLG 2081	X	
LLG 4008	X	
LLG 3090		X
LLG 1576		X
LLG 2959		X

[FR Doc. 2013–25271 Filed 10–24–13; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 78, No. 207

Friday, October 25, 2013

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

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to EPG Technologies, Inc. of Gainesville, Florida, an exclusive license to U.S. Patent No. 8,004,292, ''ELECTRICAL PENETRATION GRAPH SYSTEM,'' issued on August 23, 2011.

DATES: Comments must be received on or before November 25, 2013.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as EPG Technologies, Inc. of Gainesville, Florida has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Robert Griesbach,

Deputy Assistant Administrator.

[FR Doc. 2013–25169 Filed 10–24–13; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0044]

Environmental Impact Statement; Animal Carcass Management

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement and proposed scope of study.

SUMMARY: We are announcing to the public that the Animal and Plant Health Inspection Service intends to prepare an environmental impact statement (EIS) to examine the potential environmental effects of animal carcass management options used throughout the United States. This notice identifies potential alternatives and environmental effects that will be examined in the EIS and requests that the public comment on these proposed alternatives and environmental effects and identify other issues that could be examined in the EIS.

DATES: We will consider all comments that we receive on or before November 25, 2013.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0044-;0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0044, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0044* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For questions related to the carcass management program, contact Ms. Lori P. Miller, PE, Senior Staff Officer, National Center for Animal Health Emergency Management, VS, APHIS, 4700 River Road Unit 41, Riverdale, MD 20737; (301) 851–3512. For questions related to the EIS, contact Ms. Samantha Floyd, Environmental Protection Specialist, Environmental and Risk Analysis Services, PPD, APHIS, 4700 River Road Unit 149, Riverdale, MD 20737; (301) 851–3053.

SUPPLEMENTARY INFORMATION:

Background

The Animal Health Protection Act (7 U.S.C. 8301 *et seq.*) authorizes the Secretary of Agriculture to order the destruction or removal of animals to prevent the introduction and spread of livestock pests or diseases. Large numbers of animals and carcasses may need to be disposed of or otherwise managed during or after an animal health emergency. Examples of an animal health emergency include, but are not limited to, an outbreak of a foreign animal disease, a natural disaster, or the introduction of a chemical or radiological agent. As carcasses begin to degrade, bodily fluids, chemical and biological leachate components, and hazardous gases such as methane are released into the environment, potentially impacting the health and safety of surrounding humans, livestock, and wildlife. Therefore, the management of large numbers of carcasses during an animal health emergency must be timely, safe, biosecure, aesthetically acceptable, and environmentally responsible.

Current Animal and Plant Health Inspection Service (APHIS) regulations regarding carcass management, including those found in 9 CFR 53.4, are based on World Organization for Animal Health (OIE) recommendations and sound science. APHIS regulations specify that animals infected by or exposed to foot-and mouth disease, pleuropneumonia, rinderpest, and certain other communicable diseases of livestock or poultry are required to be disposed of by burial or burning, unless

otherwise specified by the APHIS Administrator. Traditionally, burial has involved placement of carcasses in unlined pits or trenches, and burning has involved open pyres (i.e., combustible heaps). APHIS may work in conjunction with States to manage animal carcasses during or after an animal health emergency. However, State regulations concerning carcass management vary, and Federal and State regulations are not always based on the most current scientific information with regard to impacts of such activities on the environment and public health.

Environmental Impact Statement

To examine the potential environmental effects of animal carcass management options used throughout the United States, APHIS is preparing an environmental impact statement (EIS). The EIS will analyze and compare all major and readily available mass carcass management options that may be utilized during an animal health emergency. APHIS is considering classifying mass carcass management as management of 50 tons or more of biomass per premises. In the EIS, we intend to compare unlined burial and open-air burning disposal methods with other available carcass management options. These may include composting (on- or off-site), rendering, landfills compliant with the Resource Conservation and Recovery Act (RCRA), and other fixed facility options, such as incinerators compliant with the Clean Air Act, that could accommodate a large volume of carcasses over a short period of time.

The findings of the EIS will be used for planning and decisionmaking and to inform the public about the potential environmental effects of currently available carcass management options. Additionally, when mass carcass management options are utilized, site-specific environmental documents may be required. If such documents are needed, APHIS may use information presented and analyzed in the EIS, which will help APHIS to promptly fulfill its environmental compliance obligations when an emergency situation arises requiring immediate action.

We are requesting public comment to help us identify or confirm potential alternatives and environmental effects, as well as any other issues, that could and should be examined in the EIS. The EIS will be prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Alternatives

We have identified the following alternatives for further examination in the EIS:

Take no action. Under the no action alternative, existing APHIS regulations that recommend unlined burial and open-air burning will be used as the baseline against which alternative carcass management methods may be compared. This action does not involve changes to the current situation.

Alternative action. Under the alternative action, APHIS is considering alternatives in addition to unlined burial and open-air burning as carcass management options. Alternative actions may include one or some combination of the following: Composting (on- or off-site), rendering, RCRA-compliant landfills, and other fixed facility options, such as incinerators compliant with the Clean Air Act.

Environmental Effects for Consideration

We have identified the following potential environmental effects for examination in the EIS. We are requesting that the public comment on them during the scoping period:

- Effects on soil, air, and water quality.
- Effects on humans:
- Health and safety.
- Agricultural lands.
- Industries and the economy.
- Public perception.
- Cultural and historic resources.
- Effects on wildlife populations, including effects on federally listed threatened and endangered species.
- Effects on plant populations, including effects on federally listed threatened and endangered species.

Comments that identify other issues or alternatives that could be considered for examination in the EIS would be especially helpful. All comments received during the scoping period will be carefully considered in developing the final scope of the EIS. Upon completion of the draft EIS, a notice announcing its availability and an opportunity to comment on it will be published in the **Federal Register**.

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 21st day of October 2013.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–25158 Filed 10–24–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Agricultural Surveys Program. Revision to burden hours will be needed due to changes in the size of the target population, sampling design, and/or questionnaire length.

DATES: Comments on this notice must be received by December 24, 2013 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0213, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *Fax:* (202) 720–6396.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Joseph T. Reilly, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS Clearance Officer, at (202) 690–2388.

SUPPLEMENTARY INFORMATION:

Title: Agricultural Surveys Program.

OMB Control Number: 0535–0213.

Expiration Date of Approval: March 31, 2014.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to collect, prepare and issue State and national estimates of crop and livestock production, prices and disposition as well as economic statistics, farm numbers, land values, on-farm pesticide usage, pest crop management practices, as well as the Census of Agriculture. The Agricultural Surveys Program contains a series of surveys that obtains basic agricultural data from farmers, ranchers, and feedlots throughout the Nation for preparing agricultural estimates and forecasts of crop acreage, yield, and production; stocks of grains and soybeans; hog and pig numbers; sheep inventory and lamb crop; cattle inventory; cattle on feed; grazing fees; and land values. Uses of the statistical information collected by these surveys are extensive and varied. Producers, farm organizations, agribusinesses, commodity exchanges, State and national farm policy makers, and government agencies are important users of these statistics. Agricultural statistics are used to plan and administer other related Federal and State programs in such areas as consumer protection, conservation, foreign trade, education, and recreation.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3501, et seq.) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this collection of information will range from 5 to 20 minutes per response.

Respondents: Farmers, Ranchers and Feed Lots.

Estimated Number of Respondents: 530,000.

Estimated Total Annual Burden on Respondents: 200,000 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will 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, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, September 26, 2013.

Joseph T. Reilly,

Associate Administrator.

[FR Doc. 2013–25189 Filed 10–24–13; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Aquaculture Surveys. Revision to burden hours will be needed due to changes in the size of the target population, sampling design, and/or questionnaire length.

DATES: Comments on this notice must be received by December 24, 2013 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0150, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *Fax:* (202) 720–6396.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Joseph T. Reilly, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS Clearance Officer, at (202) 690–2388.

SUPPLEMENTARY INFORMATION:

Title: Aquaculture Surveys.

OMB Control Number: 0535–0150.

Expiration Date: March 31, 2014.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production, prices, and disposition. The Aquaculture Surveys collect information on both trout and catfish. The trout surveys include: inventory counts, sales (dollars, pounds and quantity), percent of product sold by outlet at the point of first sale, number of fish raised for release into open waters, and losses. The catfish surveys include: inventory counts, water surface acreage used for production, sales (dollars, pounds, and quantity), number of catfish processed, and amount of catfish feed delivered to catfish producers. Survey results are used by government agencies in planning farm programs.

- Twenty-five States are in the Trout Production Survey. In January, data are collected in the selected states that produce and either sell or distribute trout. State, federal, tribal, and other facilities where trout are raised for conservation, restoration, or recreational purposes are included in the survey.
- Nine States are in the Catfish Production Survey. Data are collected from farmers in January for inventory, water surface acreage, and previous year sales. In addition, farmers in the three major catfish producing States are surveyed in July for mid-year inventory and water surface acreage.
- All catfish processing plants, with the capacity to process 2,000 pounds of live weight per 8 hour shift are in the Catfish Processing Survey. Plants are surveyed monthly for amount purchased, prices paid, amount sold,

prices received, and end-of-month inventories.

• Nine catfish millers are surveyed monthly for the amount of feed delivered for foodsize fish, fingerlings, and broodfish.

Authority: These data will be collected under authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, et seq.) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Individual questionnaire burden ranges from 10 minutes to 15 minutes per response. Public reporting burden for this collection of information is estimated to average less than 15 minutes per response with 1.5 responses per grower and 12 responses each for feed mills and processors. Pre-survey publicity or cover letters will also be included to encourage respondents to complete and return the surveys and to provide the respondents with information on how to complete the surveys using the internet.

Respondents: Farms, feed mills and processors.

Estimated Number of Respondents: Approximately 2,500 per year.

Estimated Total Annual Burden on Respondents: 650 hours.

Comments: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will 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, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, September 26, 2013.

Joseph T. Reilly,

Associate Administrator.

[FR Doc. 2013–25201 Filed 10–24–13; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Green Sturgeon ESA 4(d) Rule Take Exceptions and Exemptions.

OMB Control Number: 0648–0613.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 46.

Average Hours per Response: Scientific research, monitoring or habitat restoration exceptions, state and individual research plans/applications, 40 hours each; fishery management and evaluation plans and tribal plans, 160 hours each; reports, 5 or 20 hours, depending on the research or plan.

Burden Hours: 1,760.

Needs and Uses: This request is for an extension of a current information collection.

The Southern Distinct Population Segment of North American green sturgeon (*Acipenser medirostris;* hereafter, ''Southern DPS'') was listed as a threatened species in April 2006. Protective regulations under section 4(d) of the Endangered Species Act (ESA) were promulgated for the species on June 2, 2010 (75 FR 30714) (the final ESA 4(d) Rule). To comply with the ESA and the protective regulations, entities must obtain take authorization prior to engaging in activities involving take of Southern DPS fish unless the activity is covered by an exception or exemption. Certain activities described in the ''exceptions'' provision of 50 CFR 223.210(b) are not subject to the take prohibitions if they adhere to specific criteria and reporting requirements. Under the ''exemption'' provision of 50 CFR 223.210(c), the take prohibitions do not apply to scientific research, scientific monitoring, and fisheries activities conducted under an approved 4(d) program or plan; similarly, take prohibitions do not apply to tribal resource management activities conducted under a Tribal Plan for which the requisite determinations described in 50 CFR 223.102(c)(3) have been made. In order to ensure that activities qualify under exceptions to or exemptions from the take prohibitions, local, state, and federal agencies, non-governmental organizations, academic researchers, and private organizations are asked to voluntarily submit detailed information regarding their activity on a schedule to be determined by National Marine Fisheries Service (NMFS) staff. This information is used by NMFS to (1) Track the number of Southern DPS fish taken as a result of each action; (2) understand and evaluate the cumulative effects of each action on the Southern DPS; and (3) determine whether additional protections are needed for the species, or whether additional exceptions may be warranted.

Affected Public: State, local and tribal governments, not-for-profit institutions.

Frequency: Annually, biannually and on occasion.

Respondent's Obligation: Required to obtain or maintain benefits.

OMB Desk Officer: OIRA_Submission@omb.eop.gov.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: October 22, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–25177 Filed 10–24–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1919]

Approval of Subzone Status, Talbots Import, LLC, Lakeville, Massachusetts

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''. . . the establishment

. . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of subzones when existing zone facilities cannot serve the specific use involved;

Whereas, the City of New Bedford, grantee of FTZ 28, has made application to the Board for the establishment of a subzone at the facility of Talbots Import, LLC, located in Lakeville, Massachusetts (FTZ Docket B–61–2013, docketed 06–13–13);

Whereas, notice inviting public comment has been given in the **Federal Register** (78 FR 37203, June 20, 2013), and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves subzone status at the facility of Talbots Import, LLC, located in Lakeville, Massachusetts (Subzone 28G), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Signed at Washington, DC, this 30th day of September 2013.

Paul Piquado,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2013–25218 Filed 10–24–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–90–2013]

Foreign-Trade Zone 1 and 111—New York, New York; Application for Merger and Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the City of New York, grantee of FTZ 1 and 111, requesting authority to reorganize under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)) and merge FTZ 1 and FTZ 111 under FTZ 1. The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on October 21, 2013.

FTZ 1 was approved by the FTZ Board on January 30, 1936 (Board Order 2) and reorganized/expanded on February 23, 1942 (Board Order 7, 7 FR 2074, 3/14/1942), March 23, 1942 (Board Order 8, 7 FR 2883, 4/17/1942), June 23, 1943 (Board Order 9, 8 FR 8885, 6/29/1943), November 18, 1943 (Board Order 10, 9 FR 1917, 2/18/1944), December 12, 1945 (Board Order 11, 10 FR 15190, 12/19/1945), October 17, 1946 (Board Order 14, 11 FR 12588, 10/25/1947), August 25, 1950 (Board Order 23, 15 FR 5920, 8/31/1950), October 16, 1951 (Board Order 26, 16 FR 10829, 10/24/1951), May 19, 1967 (Board Order 73, 32 FR 7726, 5/26/1967), September 26, 1972 (Board Order 89, 37 FR 20893, 10/4/1972), June 27, 1974 (Board Order 99, 39 FR 24541, 7/3/1974), September 25, 1978 (Board Order 134, 43 FR 45424, 10/2/1978), and November 16, 1998 (Board Order 1010, 63 FR 65171, 11/25/1998).

FTZ 1 currently includes the following sites: *Site 1* (23 acres)—Building 77, Brooklyn Navy Yard, Brooklyn; *Site 2* (352 acres)—Howland Hook Marine Terminal Facility and Port Ivory Factory, North Washington/Western Avenues and Richmond Terrace/Western Avenue, Staten Island; *Site 3* (.55 acres)—International Gem Tower, 50 West 47th Street, New York; *Site 4* (.5 acres)—Malca Amit, 153–66 Rockaway Boulevard, Jamaica; and, *Site 5* (.57 acres)—World Diamond Tower, 580 5th Avenue, New York.

FTZ 111 was approved by the FTZ Board on November 30, 1984 (Board Order 280, 49 FR 48203, 12/11/1984). FTZ 111 currently consists of one site: *Site 1* (1,713 acres)—JFK International Airport—Cargo Center, Main Terminal Complex, Queens.

The grantee's proposed service area under the ASF would be New York, Bronx, Kings, Queens, and Richmond Counties, New York, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the New York/Newark and John F. Kennedy International Airport Customs and Border Protection ports of entry.

The applicant is requesting authority to reorganize the zones under the ASF, to merge FTZ 1 and FTZ 111, and to include Sites 1–3 and 5 of FTZ 1 and Site 1 of FTZ 111 as ''magnet'' sites. The applicant is also requesting that Site 4 of FTZ 1 be included as a ''usage-driven site'' and that Site 1 of FTZ 111 be renumbered as Site 6 of FTZ 1 in the merged zone. The ASF allows for the possible exemption of one magnet site from the ''sunset'' time limits that generally apply to sites under the ASF, and the applicant proposes that Site 1 of FTZ 1 be so exempted.

In accordance with the FTZ Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is December 24, 2013. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to January 8, 2014.

A copy of the application 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 FTZ 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: October 21, 2013.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2013–25211 Filed 10–24–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee Public Meeting

AGENCY: International Trade Administration, DOC.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a

meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The meeting is scheduled for Tuesday, November 19, 2013, at 9:00 a.m. Eastern Standard Time (EST).

ADDRESSES: The meeting will be held in Room 4830 at the U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Hinman, Office of Energy & Environmental Industries (OEEI), International Trade Administration, Room 4053, 1401 Constitution Avenue NW., Washington, DC 20230 (Phone: 202–482–0627; Fax: 202–482–5665; email: *maureen.hinman@trade.gov.*) This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEEI at (202) 482–5225 no less than one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The meeting will take place from 9:00 a.m. to 3:30 p.m. EST. The general meeting is open to the public and time will be permitted for public comment from 3:00–3:30 p.m. EST. Those interested in attending must provide notification by Tuesday, November 12, 2013 at 5:00 p.m. EST, via the contact information provided above. Written comments concerning ETTAC affairs are welcome any time before or after the meeting. Minutes will be available within 30 days of this meeting.

Topics to be considered: The agenda for this meeting will include discussions about proposed recommendations to the Secretary of Commerce. The status of the U.S. Environmental Export Initiative will also be discussed.

Background: The ETTAC is mandated by Public Law 103–392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. ETTAC operates as an advisory committee to the Secretary of Commerce and the Trade Promotion Coordinating Committee (TPCC). ETTAC was originally chartered in May of 1994. It was most recently re-chartered until September 2014.

Catherine Vial,

Acting Office Director, Office of Energy and Environmental Industries.

[FR Doc. 2013–25066 Filed 10–24–13; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the Manufacturing Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The Manufacturing Council will hold a meeting to discuss the work the Council will focus on for the remainder of its term. At the meeting, the Council will hear updates from its four subcommittees on workforce development and public perception of manufacturing; manufacturing energy policy; tax policy and export growth; and innovation, research and development. The Council will discuss current workforce development efforts by the federal government, the importance of alternative energy technologies for manufacturers, the effects of current tax policies on manufacturers, and the importance of continued research and development for the manufacturing industry. A final agenda will be available on the Council's Web site one week prior to the meeting. The Council was re-chartered on April 5, 2012, to advise the Secretary of Commerce on government programs and policies that affect U.S. manufacturing and provide a means of ensuring regular contact between the U.S. Government and the manufacturing sector.

DATES: November 13, 2013, 9 a.m.–12 p.m. Central Standard Time (CST).

ADDRESSES: The meeting will be held at the Hilton Americas—Houston, 1600 Lamar Street, Houston, TX 77010 in the Lanier Grand Ballroom. Due to building security, all attendees must pre-register. This meeting will be physically accessible to people with disabilities. Seating is limited and will be on a first come, first served basis. Requests for sign language interpretation, other auxiliary aids, or pre-registration, should be submitted no later than November 6, 2013, to Elizabeth Emanuel, the Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone 202–482–1369, *elizabeth.emanuel@trade.gov.* Last minute requests will be accepted, but may be impossible to fill.

FOR FURTHER INFORMATION CONTACT: Elizabeth Emanuel, the Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC, 20230, telephone: 202–482–1369, email: *elizabeth.emanuel@trade.gov.*

SUPPLEMENTARY INFORMATION: A limited amount of time, from 11:30–12, will be made available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to 5 minutes per person. Individuals wishing to reserve speaking time during the meeting must contact Ms. Emanuel and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed speaker, by 5 p.m. Eastern Standard Time (EST) on Thursday, November 7, 2013. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to bring at least 25 copies of their oral comments for distribution to the members of the Manufacturing Council and to the public at the meeting. Any member of the public may submit pertinent written comments concerning the Manufacturing Council's affairs at any time before or after the meeting. Comments may be submitted to Elizabeth Emanuel, the Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC, 20230, telephone: 202–482–1369, email: *elizabeth.emanuel@trade.gov.* To be considered during the meeting, written comments must be received by 5:00 p.m. EST on Thursday, November 7, 2013, to ensure transmission to the Manufacturing Council prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of Council meeting minutes will be available within 90 days of the meeting.

Dated: October 22, 2013.

Elizabeth Emanuel,

Executive Secretary, The Manufacturing Council.

[FR Doc. 2013–25202 Filed 10–22–13; 4:15 pm]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 130612544–3544–01]

Request for Comments on Draft NIST Interagency Report (NISTIR) 7628 Rev. 1, Guidelines for Smart Grid Cyber Security

AGENCY: National Institute of Standards and Technology (NIST), Department of Commerce.

ACTION: Notice; request for comments.

SUMMARY: The National Institute of Standards and Technology (NIST) seeks comments on draft NISTIR 7628 Rev. 1, *Guidelines for Smart Grid Cyber Security.* Draft NISTIR 7628 Rev. 1 was completed by the NIST-led Smart Grid Cybersecurity Committee (formerly the Cyber Security Working Group) of the Smart Grid Interoperability Panel. The document has been updated to address changes in technologies and implementations since the release of NISTIR 7628 in September 2010. In addition, the document development strategy, cryptography and key management, privacy, vulnerability classes, research and development topics, standards review, and key power system use cases have been updated and expanded to reflect changes in the Smart Grid environment since 2010. The final version is expected to be posted in the fall of 2013.

DATES: Comments must be received by December 24, 2013.

ADDRESSES: Please submit your comments, using the comment template forms available electronically from the NIST Web site at: *http://csrc.nist.gov/publications/PubsDrafts.html.* Written comments concerning the document may be sent to: Information Technology Laboratory, ATTN: Tanya Brewer, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930.

Electronic comments should be sent to: *NISTIR.7628.Rev1@nist.gov,* with the Subject line: Draft NISTIR 7628 Rev. 1 Comments.

Draft NISTIR 7628 Rev. 1, Guidelines for Smart Grid Cyber Security, is available electronically from the NIST Web site at: *http://csrc.nist.gov/publications/PubsDrafts.html.* The comment templates are available at the same address.

FOR FURTHER INFORMATION CONTACT: Tanya Brewer, telephone: 301–975–4534, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930 or via email: *tanya.brewer@nist.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 1305 of the Energy Independence and Security Act of 2007 (EISA) (Pub. L. 110–140) requires the Director of the National Institute of Standards and Technology (NIST) ''to coordinate the development of a framework that includes protocols and model standards for information management to achieve interoperability of smart grid devices and systems.'' EISA also specifies in Section 1301 that, ''It is the policy of the United States to support the modernization of the Nation's electricity transmission and distribution system to maintain a reliable and secure electricity infrastructure that can meet future demand growth and to achieve each of the following, which together characterize a Smart Grid:

(1) Increased use of digital information and controls technology to improve reliability, security, and efficiency of the electric grid.

(2) Dynamic optimization of grid operations and resources, with full cyber-security. . . .''

With the transition to the Smart Grid—the ongoing transformation of the nation's electric system to a two-way flow of electricity and information—the information technology (IT) and telecommunications infrastructures have become critical to the energy sector infrastructure.

NISTIR 7628 was first drafted in 2009 by NIST staff and industry technical experts. NIST published a Request for Comments in the **Federal Register** on October 9, 2009 (74 FR 52183) soliciting comments on the working draft. NIST issued a second Request for Comments on April 13, 2010 (75 FR 18819), which also included a summary disposition of comments received in response to the October 9, 2009 Request for Comments. Comments from both Requests for Comments informed the final version of NISTIR 7628, which was released on September 1, 2010, at *http://csrc.nist.gov/publications/PubsNISTIRs.html#NIST-IR-7628.*

NISTIR 7628 has been utilized by a variety of stakeholders including utilities, Smart Grid vendors and service providers, and regulatory organizations since its initial publication. Additionally, emerging Smart Grid technologies have matured since the initial publication and are being considered in this revision.

Draft NISTIR 7628 Rev. 1

Draft NISTIR 7628 Rev. 1 was completed by the NIST-led Smart Grid Cybersecurity Committee (formerly the Cyber Security Working Group) of the Smart Grid Interoperability Panel. This document incorporates updates to address changes in technologies and implementations since the release of NISTIR 7628 in September 2010. In addition, this document updates and expands the development strategy, cryptography and key management, privacy, vulnerability classes, research and development topics, standards review, and key power system use cases to reflect changes in the Smart Grid environment since 2010. The final version is expected to be posted in the fall of 2013.

Summary of Changes to Draft NISTIR 7628 Rev. 1

- Chapter 1, Document Development Strategy, was updated to reflect progress and completion of previously outstanding issues and remaining tasks, including a new section addressing cyber-physical attacks.
- Chapter 2, Logical Architecture and Interfaces of the Smart Grid, was updated to address feedback from the SGIP Smart Grid Architecture Committee and includes an expanded section on defense-in-depth security.
- Chapter 3, High-Level Security Requirements, was updated to include additional background information on selection of security requirements, and includes a revised Crosswalk of Cyber Security Documents.
- Chapter 4, Cryptography and Key Management, was updated to reflect the recommended transition lifetimes for cryptographic algorithms and key lengths in NIST Special Publication 800–131 A, *Transitions: Recommendation for Transitioning the Use of Cryptographic Algorithms and Key Lengths.*
- Chapter 5, Privacy and the Smart Grid, has been updated to reflect changes in the regulatory and legislative areas regarding Smart Grid. The update also addresses emerging Plug-In Electric Vehicle (PEV) technologies and associated privacy concerns, an expanded Appendix of privacy use cases, a new Appendix summarizing how two states (California and Colorado) arrived at their respective privacy-related regulations, and a new Appendix containing recommendations for how third parties should handle consumer energy usage data.
- Chapter 6, Vulnerability Classes, has been updated to incorporate changes in technologies since the original publication.
- Chapter 8, Research and Development Themes for Cyber Security in the Smart Grid, has been updated to incorporate changes in technologies since the original publication.
- Chapter 9, Overview of the Standards Review, has been updated to reflect the SGCC review and analysis methodology of Smart Grid standards against the high-level security requirements of NISTIR 7628.
- Chapter 10, Key Power System Use Cases for Security Requirements has been updated to include more granular use case scenarios in the area of the Advanced Metering Infrastructure.

• A number of editorial changes that do not have substantive impact on the document to improve readability, update references, and standardize writing style.

Request for Comments

NIST seeks public comments on draft NISTIR 7628, Rev. 1, Guidelines for Smart Grid Cyber Security; particularly on the changes made since the originally published version. The draft report is available electronically from the NIST Web site at: *http://csrc.nist.gov/publications/PubsDrafts.html.* The comment templates are available at the same address, and are required for both written and electronic comments.

Interested parties should submit comments in accordance with the **DATES** and **ADDRESSES** sections of this notice.

Dated: October 1, 2013.

Willie E. May,

Associate Director for Laboratory Programs.

[FR Doc. 2013–25168 Filed 10–24–13; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC930

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a meeting of the Socioeconomic Scientific and Statistical Committee (SSC).

DATES: The meeting will be held from 9 a.m. Until 5 p.m. on Friday, November 8, 2013.

ADDRESSES: The meeting will be held at the Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Assane Diagne, Economist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *Assane.Diagne@gulfcouncil.org.*

SUPPLEMENTARY INFORMATION: The items for discussion on the meeting agenda are as follows:

Socioeconomic SSC Agenda, Friday, November 8, 2013, 9 a.m. until 5 p.m.

1. Socio-economic evaluation of alternative red snapper allocations
2. Suggested Methods of Analysis
3. Recommendations to the Council
4. Other Business

For meeting materials, call (813) 348–1630.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committees will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 22, 2013.

Tracey L. Thompson,

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

[FR Doc. 2013–25159 Filed 10–24–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Change to the Nation's Tidal Datums With the Adoption of a Modified Procedure for Computation of Tidal Datums in Area of Anomalous Sea-Level Change

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice to advise the public of periodic updates to tidal datums due to the adoption of modified procedures for computation of accepted tidal datums in areas of anomalous relative sea-level trends using a 5 year time period for determination of tide level datums.

SUMMARY: NOAA has typically updated tidal datum elevations for the nation to new National Tidal Datum Epoch (NTDE) time periods every 20–25 years. Updates are necessary due to long-term sea level change. In 1998, NOS recognized the need for a modified procedure for determination of tidal datums for regions with anomalously high rates of relative sea level change. This modified procedure is necessary at selected stations to ensure that the tidal datums accurately represent the existing stand of sea level.

The procedure is limited only to those stations in areas with high rates of vertical land motion that have documented anomalous relative sea level trends exceeding 9.0 millimeters per year. Sea level analyses in these anomalous regions are conducted approximately every 5 years to determine if the mean sea level difference exceeds the established threshold tolerances in order to qualify for a special update. Anomalous relative sea level trends are seen along the western Gulf Coast, southeast Alaska, and southern Cook Inlet, AK. For example, the magnitude of the sea level trends in these areas is +9.24 millimeters per year in Grand Isle, LA; –12.92 millimeters per year in Juneau, AK; and –9.45 millimeters per year in Seldovia, AK.

This procedure is necessary to provide the most accurate information available for applications that are essential to supporting Federal, State and private sector coastal zone activities, including hydrographic surveys and coastal mapping, navigational safety, wetland restoration, marine boundary determinations, coastal engineering, storm warnings and hazard mitigation, emergency management, and hydrodynamic modeling.

While maintaining the 19 year NTDE computational period for tidal mean range and diurnal range, a shorter more recent 5 year computational period is used to compute the mean tide level datums to better reflect the current elevation of mean sea level relative to the land. Consequently, tidal datums at stations exhibiting anomalous trends are computed from mean sea level, diurnal tide level and mean tide level values for the most recent 5 year time period, and tidal ranges (GT and MN) based on the most recent full 19 year NTDE at stations.

The average absolute difference between 19 year NTDE time periods across the nation of 0.03 meters (0.10

foot) is generally used as the threshold difference to warrant consideration of a 19 year NTDE update, and a 20–25 year review cycle has been adequate to capture the changes of 0.03–0.04 meters for most locations. To meet this target at locations with anomalous rates of sea level change, tidal datum elevation updates must occur more frequently. In general, the vertical changes in datum elevations which result from these more frequent special tidal datum updates every 5 years are kept as close to the 0.03 meters (0.10 foot) to 0.05 meter target as possible. In comparison to the overall accuracy of hydrographic-cartographic processes and scale and resolution and accuracy of soundings on the NOAA nautical charts, these elevations changes will not necessitate a correction or update to the charts every time a datum update is issued. However, in regions that have experienced rapid land movement, the changes to actual soundings and shoreline depiction may need to be updated on the next regularly scheduled chart edition. Although depictions of the datum changes will not be evident on the largest scale NOAA nautical charts, the datum changes will be noticeable when establishing or re-occupying tide stations using accepted surveying techniques and updating elevations on tidal bench marks provided by NOAA. Appropriate outreach will be conducted per office guidelines prior to performing each update.

FOR FURTHER INFORMATION CONTACT: Visit the Web site (*http://www.tidesandcurrents.noaa.gov*) or contact the Center for Operational Oceanographic Products and Services (CO–OPS) at the following address: NOAA, National Ocean Service, CO–OPS, Oceanographic Division, 1305 East-West Highway, Silver Spring, MD 20910–32821, U.S.A., Telephone: 301–713–2890 x149, Fax: 301–713–4437, Email: *Tide.Predictions@noaa.gov.*

Dated: October 18, 2013.

Holly A. Bamford,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 2013–25139 Filed 10–24–13; 8:45 am]

BILLING CODE 3510–JE–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds services to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 11/25/2013.

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:

Additions

On 8/9/2013 (78 FR 48656–48657), 8/16/2013 (78 FR 50040), and 8/23/2013 (78 FR 52512–52513), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will provide the services to the Government.

2. The action will result in authorizing small entities to provide the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type/Location: Base Supply Center Service, Georgia National Guard, Clay National Guard Center, 1356 Atlanta Road SE, Marietta, GA

NPA: L.C. Industries for the Blind, Inc., Durham, NC

Contracting Activity: DEPT OF THE ARMY, W7M3 USPFO ACTIVITY GA ARNG, MARIETTA, GA

Service Type/Location: Hospital Housekeeping Service, Bayne-Jones Army Community Hospital and Multiple Medical Treatment Facilities, 1585 3rd Street, Fort Polk, LA

NPA: Enterprise Professional Services, Inc, Austin, TX

Contracting Activity: DEPT OF THE ARMY, W40M USA MEDCOM HCAA, FORT SAM HOUSTON, TX

Service Type/Location: Janitorial Service, U.S. Fish and Wildlife Service, Rocky Mountain Arsenal National Wildlife Refuge, 6550 Gateway Road, Commerce City, CO

NPA: North Metro Community Services for Developmentally Disabled, Westminster, CO

Contracting Activity: DEPT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE, CONTRACTING AND GENERAL SERVICES DIV, DENVER, CO

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–25163 Filed 10–24–13; 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 product to the Procurement List that will be furnished 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:* 11/25/2013.

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 procure the product listed below from the nonprofit agency employing persons who are blind or have other severe disabilities.

The following product is proposed for addition to the Procurement List for production by the nonprofit agency listed:

Product

NSN: 7520–00–NIB–2197—Stapler, Economy, Metal-bodied, Spring-powered, 20-Sheet Capacity
NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: GENERAL SERVICES ADMINISTRATION, NEW YORK, NY
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

Deletions

The following product and services are proposed for deletion from the Procurement List:

Product

Envelope Case, Map and Photograph

NSN: 8460–01–113–7576
NPA: UNKNOWN
Contracting Activity: DEFENSE LOGISTICS AGENCY TROOP SUPPORT, PHILADELPHIA, PA

Services

Service Type/Location: Food Service Attendant Service, Oregon Air National Guard: Camp Rilea National Guard Training Site, Building 7028, Warrenton, OR
NPA: Clatsop County Developmental Training Center Association, Warrenton, OR
Contracting Activity: DEPT OF THE AIR FORCE, FA7014 AFDW PK, ANDREWS AIR FORCE BASE, MD

Service Type/Location: Grounds Maintenance Service, U.S. Army Reserve Center: San Jose, San Jose, CA
NPA: Social Vocational Services, Inc.—Deleted, San Jose, CA
Contracting Activity: DEPT OF THE ARMY, W40M NATL REGION CONTRACT OFC, FORT BELVOIR, VA

Service Type/Location: Integrated Prime Vendor, Supply Chain Management Service (inventory control, obsolescence identification, engineering support and some material procurement services), U.S. Navy, Naval Surface Warfare Center, 300 Highway 361, Crane, IN
NPA: Knox County Association for Retarded Citizens, Inc., Vincennes, IN
Contracting Activity: DEPT OF THE NAVY, NSWC CRANE, CRANE, IN

Service Type/Location: Integrated Prime Vendor Supply Chain Management Service (to support production, assembly, receipt, storage, packaging, preservation, delivery and related products/services for Expeditionary Force Provider (EFP) Modules and Modification System Cold Weather), US Army, Product Manager Force Sustainment Systems, Natick, MA
NPA: ReadyOne Industries (ROI), Inc., El Paso, TX
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK, NATICK, MA

Barry S. Lineback,
Director, Business Operations.

[FR Doc. 2013–25162 Filed 10–24–13; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Notice of Sunshine Act Meetings

AGENCY: Commodity Futures Trading Commission.

TIME AND DATE: 10:00 a.m., Friday, November 22, 2013.

PLACE: 1155 21st St. NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, Enforcement Matters, and Examinations. In the event that the times, dates or locations of this or any future meetings change, an announcement of the change, along with the new time, date and location of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Melissa D. Jurgens, 202–418–5516.

Natise Stowe,
Executive Assistant.

[FR Doc. 2013–25270 Filed 10–23–13; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Notice of Sunshine Act Meetings

AGENCY: Commodity Futures Trading Commission.

TIME AND DATE: 10:00 a.m., Friday, November 1, 2013.

PLACE: 1155 21st St. NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, Enforcement Matters, and Examinations. In the event that the times, dates or locations of this or any future meetings change, an announcement of the change, along with the new time, and place of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Melissa D. Jurgens, 202–418–5516.

Natise Stowe,
Executive Assistant.

[FR Doc. 2013–25266 Filed 10–23–13; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Notice of Sunshine Act Meetings

AGENCY: Commodity Futures Trading Commission.

TIME AND DATE: 10:00 a.m., Friday, November 15, 2013.

PLACE: 1155 21st St. NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, Enforcement Matters, and Examinations. In the event that the times, dates or locations of this or any future meetings change, an announcement of the change, along with the new time, date and location of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Melissa D. Jurgens, 202–418–5516.

Natise Stowe,
Executive Assistant.

[FR Doc. 2013–25269 Filed 10–23–13; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Notice of Sunshine Act Meetings

AGENCY: Commodity Futures Trading Commission.

TIME AND DATE: 10:00 a.m., Friday, November 8, 2013.

PLACE: 1155 21st St. NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, Enforcement Matters, and Examinations. In the event that the times, dates or locations of this or any future meetings change, an announcement of the change, along with the new time, date and location of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Melissa D. Jurgens, 202–418–5516.

Natise Stowe,

Executive Assistant.

[FR Doc. 2013–25268 Filed 10–23–13; 11:15 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, October 30, 2013, 10 a.m.–12 p.m.

PLACE: Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Open to the Public.

Matters To Be Considered

Briefing: FY 2014 Operating Plan.

A live Web cast of the meeting can be viewed at *www.cpsc.gov/live*. For a recorded message containing the latest agenda information, call (301) 504–7948.

Contact Person For More Information: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: October 23, 2013.

Todd A. Stevenson,

Secretary.

[FR Doc. 2013–25387 Filed 10–23–13; 4:15 pm]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Health Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense (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 Defense Health Board will take place.

DATES:

Monday, November 18, 2013

8:00 a.m.–8:45 a.m. (Administrative Working Meeting)
9:00 a.m.–12:00 p.m. (Open Session)
12:00 p.m.–1:00 p.m. (Administrative Working Meeting)
1:00 p.m.–5:30 p.m. (Open Session)

Tuesday, November 19, 2013

7:15 a.m.–1:30 p.m. (Administrative Working Meeting)

ADDRESSES: Defense Health Headquarters (DHHQ), Pavilion Salons B–C, 7700 Arlington Blvd., Falls Church, Virginia 22042 (escort required; see guidance in **SUPPLEMENTARY INFORMATION**, ''Public's Accessibility to the Meeting.'')

FOR FURTHER INFORMATION CONTACT: The Director of the Defense Health Board is Ms. Christine Bader, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, (703) 681–6653, Fax: (703) 681–9539, *Christine.bader@dha.mil.* For meeting information, please contact Ms. Kendal Brown, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *Kendal.Brown.ctr@dha.mil,* (703) 681–6670, Fax: (703) 681–9539.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, and in accordance with section 10(a)(2) of Public Law. Additional information, including the agenda and electronic registration, is available at the DHB Web site, *http://www.health.mil/dhb/meeting-2013-11-1819.cfm.*

Purpose of the Meeting: The purpose of the meeting is to address and deliberate pending and new issues before the Board.

Agenda: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the DHB meeting is open to the public from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:30 p.m. on November 18, 2013. On November 18, 2013, the DHB will receive briefings from the Department to include concussive care in theater, DoD's suicide prevention efforts, DoD Pharmaceutical Operations, and the Millennium Cohort Study with an overview of its findings. The Board will vote on proposed recommendations regarding the trends in overweight and obesity in America for the DoD. Additionally, the Board will receive briefings on the progress being made by the subcommittees on dual loyalties of military medical providers, the sustainment and advancement of amputee care, deployment pulmonary health, theater trauma lessons learned and Continuing Health Education.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Ms. Kendal Brown at the number listed in the section **FOR FURTHER INFORMATION CONTACT** no later than noon on Friday, November 8 to register and make arrangements for a DHHQ escort, if necessary. Public attendees requiring escort should arrive at the DHHQ Visitor's Entrance with sufficient time to complete security screening no later than 8:30 a.m. on November 18. To complete security screening, please come prepared to present two forms of identification and one must be a picture identification card.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Kendal Brown at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements: Any member of the public wishing to provide comments to the DHB may do so in accordance with 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice.

Individuals desiring to provide comments to the DHB may do so by submitting a written statement to the DHB Designated Federal Officer (DFO) (see **FOR FURTHER INFORMATION CONTACT**). Written statements should address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included, as needed, to establish the appropriate historical context and to provide any necessary background information.

If the written statement is not received at least five (5) business days prior to the meeting, the DFO may choose to postpone consideration of the statement until the next open meeting.

The DFO will review all timely submissions with the DHB President and ensure they are provided to members of the DHB before the meeting that is subject to this notice. After reviewing the written comments, the President and the DFO may choose to invite the submitter to orally present their issue during an open portion of this meeting or at a future meeting. The DFO, in consultation with the DHB President, may allot time for members of the public to present their issues for review and discussion by the Defense Health Board.

Dated: October 22, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–25178 Filed 10–24–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2013–0035]

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Administrative Assistant to the Secretary 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 December 24, 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 US Army Public Health Command, 5158 Blackhawk Road, ATTN: Chris Weir, MCHB–CS–PMO, Building E1930, Aberdeen Proving Ground, MD 21020–5403, or call the Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Army Public Health Data Repository (APHDR), OMB Control Number 0702–TBD.

Needs and Uses: The Army Public Health Data Repository provides a system of records that will integrate medical information from non-related and dispersed databases into a comprehensive health surveillance database. It will support operational public health practices and maintain a record of work places, training, exposures (occupational and environmental), medical surveillance, ergonomic recommendations, corrections and any medical care provided for eligible individuals.

Affected Public: Federal Government.

Annual Burden Hours: 82.

Number of Respondents: 41.

Responses per Respondent: 12.

Average Burden per Response: 10 minutes.

Frequency: On occasion.

The Army Regulation 40–5, Preventive Medicine, designates the US Army Public Health Command (USAPHC) and the Army Institute of Public Health (AIPH) as the Army's public health authority. The data will only be available to those within the USAPHC and AIPH with a need to know. Those individuals will use the information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events, such as births or death, and the conduct of public health surveillance, public health investigations, and public health interventions. The information collection will be maintained electronically and solely within the local area network of the USAPHC and AIPH.

Dated: October 21, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–25026 Filed 10–24–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2013–0034]

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army (OAA–RPA), 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 December 24, 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 Military Surface Deployment and Distribution Command, 709 Ward Drive, Bldg. 1990,

Scott Air Force Base, IL 62225–1604, Attn: SDDC–IMP–T, Station 1E164–44 (Carlos Alvarado) or call Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Transportation Discrepancy Report; DD Form 361; OMB Control Number 0702–0124.

Needs and Uses: DD Form 361 is essential for documenting any loss, damage, or other discrepancy, which may result from the movement of Government freight by commercial transportation companies (carries). The form is ordinarily completed by the Federal agencies for which the transportation service is provided. However, in a small minority of cases (approximately 9%), contractor personnel acting for the government may be required to complete this form.

Affected Public: Business or other for-profit.

Annual Burden Hours: 1,434.

Number of Respondents: 1,434.

Responses per Respondent: 1.

Average Burden per Response: 1 hour.

Frequency: On occasion.

DD Form 361 is essential for documenting any loss, damage, or other discrepancy, which may result from the movement of Government freight by commercial transportation companies (carries). As insurers of goods transported under the bill of lading contract carriers are responsible to the extent provided by law, for the delivery of goods as tendered by or for the Government.

Dated: October 21, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–25092 Filed 10–24–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Draft Supplemental Environmental Impact Statement for the Introduction of the P–8A Multi-Mission Maritime Aircraft Into the U.S. Navy Fleet; Rescheduling of Public Meetings and Extension of Public Comment Period

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: On September 20, 2013, the Department of the Navy (DoN) published a notice in the **Federal Register** (78 FR 57845) announcing the scheduling of two public meetings on the Draft Supplemental Environmental Impact Statement (SEIS) for the Introduction of the P–8A Multi-Mission Maritime Aircraft into the U.S. Navy Fleet. As a result of the recent government shutdown and the uncertainty of the duration of the shutdown, both meetings were cancelled by the DoN. This notice announces the rescheduling of the two public meetings and extends the public comment period for the Draft SEIS from November 4, 2013 to December 2, 2013.

FOR FURTHER INFORMATION CONTACT: Naval Facilities Engineering Command Atlantic, Attn: Code EV21/CZ (P–8A SEIS Project Manager), 6506 Hampton Boulevard, Norfolk, Virginia 23508–1278.

Dates and Addresses: The rescheduled public meetings will be held between 5:00 p.m. and 8:00 p.m. on the following dates and at the following locations:

1. Thursday, November 7, 2013 at Holiday Inn Hotel & Suites, 620 Wells Road, Orange Park, Florida 32073.

2. Wednesday, November 13, 2013 at North Whidbey Middle School, 67 NE Izett Street, Oak Harbor, Washington 98277.

Federal, state, and local agencies and officials, and interested groups and individuals are encouraged to provide comments in person at the public meetings or in writing anytime during the public comment period. At the public meetings, attendees will be able to submit comments in writing or orally using a stenographer who will listen to and transcribe comments. Comments may also be submitted via the U.S. Postal Service to Naval Facilities Engineering Command Atlantic, Attn: Code EV21/CZ (P–8A SEIS Project Manager), 6506 Hampton Boulevard, Norfolk, Virginia 23508–1278 or electronically via the project Web site (*http://www.mmaseis.com*).

All statements submitted during the public review period will be given equal weight, whether they are received orally at the public meetings or submitted in writing at the public meetings, via the U.S. Postal Service, or electronically via the public Web site. All comments received will become part of the public record on the Draft SEIS and be responded to in the Final SEIS. All written comments must be postmarked or received online by December 2, 2013 to ensure they become part of the official record.

Copies of the Draft SEIS are available for public review at the following libraries:

1. Oak Harbor City Library, 1000 SE Regatta Drive, Oak Harbor, Washington 98277.

2. Anacortes Public Library, 1220 10th Street, Anacortes, Washington 98221.

3. La Conner Regional Library, 614 Morris Street, La Conner, Washington 98257.

4. Coupeville Library, 788 NW Alexander Street, Coupeville, Washington 98239.

5. Coronado Public Library, 640 Orange Avenue, Coronado, California 92118.

6. Webb-Wesconnett Regional Branch, Jacksonville Public Library, 6887 103rd Street, Jacksonville, Florida 32210.

7. Kaneohe Public Library, 45–829 Kamehameha Highway, Kaneohe, Hawaii 96744.

Copies of the Draft SEIS are also available for electronic viewing or download at *http://www.mmaseis.com.*

Dated: October 21, 2013.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2013–25133 Filed 10–24–13; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Record of Decision for Outdoor Research, Development, Test and Evaluation Activities at Naval Surface Warfare Center, Dahlgren Division, Dahlgren, VA

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (DoN), after carefully weighing the strategic operational and environmental consequences of the proposed action, announces its decision to expand the Naval Surface Warfare Center, Dahlgren Division's (NSWCDD) outdoor research, development, test and evaluation (RDT&E) activities within the Potomac River Test Range (PRTR) complex, the Explosives Experimental Area range complex, the Mission Area, and special-use airspace at Naval Support Facility Dahlgren. These activities include outdoor operations that require the use of ordnance (guns and explosives), electromagnetic energy, high energy lasers, chemical and biological simulants (non-toxic substances used to mimic dangerous agents), and PRTR use. The DoN has decided to implement the preferred alternative, Alternative 2, which will enable NSWCDD to meet current and future mission-related warfare and force-protection requirements by providing RDT&E of surface ship combat systems, ordnance, lasers and directed energy systems, force-level warfare, and homeland and force protection.

SUPPLEMENTARY INFORMATION: The complete text of the Record of Decision (ROD) is available on the project Web site at *http://www.navsea.navy.mil/nswc/dahlgren/EIS/index.aspx,* along with the Outdoor RDT&E Activities NSWCDD Final Environmental Impact Statement dated June 2013 and supporting documents. Single copies of the ROD are available upon request by contacting: Naval Surface Warfare Center, Dahlgren Division, Public Affairs Office, Attn: Stacia Courtney, Code C6, 6149 Welsh Road, Suite 203, Dahlgren, VA 22448–5130, telephone: 540–653–8154, email: *DLGR_NSWC_EIS@NAVY.MIL.*

Dated: October 18, 2013.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2013–25147 Filed 10–24–13; 8:45 am]

BILLING CODE 3810–FF–P

DELAWARE RIVER BASIN COMMISSION

Notice of Proposed Methodology for the 2014 Delaware River and Bay Water Quality Assessment Report

AGENCY: Delaware River Basin Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the methodology proposed to be used in the 2014 Delaware River and Bay Water Quality Assessment Report is available for review and comment.

DATES: Comments on the assessment methodology or recommendations for the consideration of data sets must be received in writing by 5:00 p.m. Eastern on December 31, 2013.

ADDRESSES: Comments will be accepted *via* email to *john.yagecic@drbc.state.nj.us,* with ''Water Quality Assessment 2014'' as the subject line; *via* fax to 609–883–9522; *via* U.S. Mail to DRBC, Attn: Water Quality Assessment 2014, P.O. Box 7360, West Trenton, NJ 08628–0360; *via* private carrier to DRBC, Attn: Water Quality Assessment 2014, 25 State Police Drive, West Trenton, NJ 08628–0360; or by hand to the latter address. All submissions should have the phrase ''Water Quality Assessment 2014'' in the subject line and should include the name, address (street address optional) and affiliation, if any, of the commenter.

FOR FURTHER INFORMATION CONTACT: Mr. John Yagecic, Supervisor, Standards and Assessment Section, DRBC Modeling, Monitoring and Assessment Branch, *john.yagecic@drbc.state.nj.us,* 609–883–9500, ext. 271.

SUPPLEMENTARY INFORMATION: The Delaware River Basin Commission (''DRBC'' or ''Commission'') is an interstate and federal compact agency that was created in 1961 by concurrent legislation of the States of Delaware, New Jersey, and New York, the Commonwealth of Pennsylvania and the United States Government for purpose of jointly managing the water resources of the Delaware River Basin.

DRBC currently is compiling data for the *2014 Delaware River and Bay Water Quality Assessment Report* (''2014 Assessment'') required by the federal Clean Water Act (''CWA''). The 2014 Assessment will present the extent to which waters of the Delaware River and Bay are attaining designated uses in accordance with Section 305(b) of the CWA and the Commission's Water Quality Regulations, 18 CFR Part 410, and will identify impaired waters, which consist of waters in which surface water quality standards are not being met.

The assessment methodology to be used in the 2014 Assessment is available for review at the following url: *http://www.nj.gov/drbc/library/documents/Methodology-WQAssess-draft_sept2013.pdf.*

Dated: October 21, 2013.

Pamela M. Bush,

Commission Secretary.

[FR Doc. 2013–25247 Filed 10–24–13; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0131]

Agency Information Collection Activities; Comment Request; Student Assistance General Provisions

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before December 24, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0131 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Acting Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Kate Mullan, 202–401–0563 or electronically mail *ICDocketMgr@ed.gov*. Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provisions.

OMB Control Number: 1845–0022.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or households, Private Sector, State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 1,321,918.

Total Estimated Number of Annual Burden Hours: 2,138,320.

Abstract: The Department of Education is requesting a revision of the

current burden hours in 1845–0022 which is expiring. Sections of the regulations in 34 CFR part 668 Student Assistance General Provisions establish the standards to participate in the student financial aid assistance programs authorized by Title IV of the Higher Education Act of 1965, as amended. Other sections of the regulations also establishes required information that must be provided to students, the financial responsibility requirements of the institution, and the cohort default rates that apply to institutions. These regulations help to assure the Secretary that the integrity of the programs is protected from fraud and misuse of program funds. ED is administratively transferring a small amount of burden from sections 34 CFR 668.23 and 668.24 that previously were included in OMB Collection Number 1845–0038 to correct an error that was made in the transfer of this information collection from the Office of Postsecondary Education (1840) to Federal Student Aid (1845). There have been no changes to the statutory or regulatory language since the prior information collection filing.

Dated: October 22, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–25123 Filed 10–24–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0103]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provisions—Subpart K—Cash Management

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before November 25, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0103 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E105,Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Kate Mullan, 202–401–0563 or electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provisions—Subpart K—Cash Management

OMB Control Number: 1845–0038

Type of Review: Revision of an existing collection of information.

Respondents/Affected Public: Individuals or households, Private Sector, State, Local, or Tribal Governments

Total Estimated Number of Annual Responses: 30,306,251

Total Estimated Number of Annual Burden Hours: 1,376,701

Abstract: This request is for a revision to the current information collection 1845–0038 that is expiring. This collection pertains to the recordkeeping requirements contained in the regulations related to the administration of 34 CFR part 668 Subpart K Cash Management of the Student Assistance General Provisions. The regulatory language has not changed. These program regulations are designed to provide benefits to Title IV, HEA applicants, and to protect the taxpayers interest. The information collection requirements in 34 CFR 668.163 and 668.165 are necessary to provide students with required information about their eligibility to receive funding under the federal student financial aid programs and to prevent fraud and abuse of program funds by allowing students to reduce or reject aid being offered as well as being made aware of when such funding can be expected to be available.

The Department is requesting that sections 34 CFR 668.23 and 668.24 which are currently in 1845–0038 be removed and the corresponding 1,260 hours be transferred to 1845–0022. These two sections are not included in Subpart K and are more appropriately a part of 1845–0022. We believe that during the transfer of the information collections from the Office of Postsecondary Education to Federal Student Aid that the regulatory sub sections were incorrectly included in this package.

Additionally, the Department is requesting the removal of the 1,750 burden hours currently attributed to 34 CFR 668.167 FFEL Program funds. This is due to the authority to make new Federal Family Education Loan (FFEL) program being terminated as of July 1, 2010 as a result of the Student Aid and Fiscal Responsibility Act (SAFRA) that was included in the Health Care and Reconciliation Act of 2010 (HCERA).

Dated: October 22, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–25208 Filed 10–24–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Foreign Schools Eligibility Criteria Apply To Participate in Title IV HEA Programs; Extension of Public Comment Period; Correction

AGENCY: Department of Education.

ACTION: Correction Notice.

SUMMARY: On October 3, 2013 the U.S. Department of Education published a 30-day comment period notice in the **Federal Register** (Page 61348, Column 1) seeking public comment for an information collection entitled, ''Foreign Schools Eligibility Criteria Apply To Participate in Title IV HEA Programs''. ED is extending the comment period to November 18, 2013 due to the public's inability to access the collection at the beginning of the comment period.

The Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: October 22, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–25153 Filed 10–24–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Student Assistance General Provisions—Subpart K—Cash Management; Extension of Public Comment Period; Correction

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On October 3, 2013 the U.S. Department of Education published a 30-day comment period notice in the **Federal Register** (Page 61346, Column 3 and Page 61347, Column 1 and 2) seeking public comment for an information collection entitled, ''Student Assistance General Provisions—Subpart K—Cash Management''. ED is extending the comment period to November 18, 2013 due to the public's inability to access the collection at the beginning of the comment period.

The Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: October 22, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–25154 Filed 10–24–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–7–000]

Enable Gas Transmission, LLC; Prior Notice of Activity Under Blanket Certificate

On October 11, 2013, Enable Gas Transmission, LLC (Enable) filed with the Federal Energy Regulatory Commission (Commission) an application under section 7 of the Natural Gas Act and Sections 157.205 and 157.208(f)(2) of the Commission's regulations and Enable's authorization in Docket Nos. CP82–384–000, 20 FERC ¶ 62,408 (1982) and CP82–384–001, 22 FERC 61,148 (1983), to decrease the maximum allowable operating pressure (MAOP) of an existing lateral located in Crittenden County, Arkansas. As explained in the application, Enable proposes to decrease the MAOP of Line JM–34 from 680 psig to 460 psig.

Questions regarding this application may be directed to B. Michelle Willis, Manager-Regulatory & Compliance, Enable Gas Transmission, LLC, P.O. Box 21734, Shreveport, Louisiana 71151 or by calling 318–429–3708.

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 (NSER). 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 NSER 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.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such motions or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant, on or before the comment date. It is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of 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 seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 18, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–25049 Filed 10–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC13–18–000]

Commission Information Collection Activities (FERC–547); Comment Request

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting the information collection FERC–547, Gas Pipeline Rates: Refund Report Requirements, to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission issued a Notice in the **Federal Register** (78 FR 43186, 7/19/2013) requesting public comments. FERC received no comments on the FERC–547 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by November 25, 2013.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0084, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission, identified by the Docket No. IC13–18–000, by either of the following methods:

- eFiling at Commission's Web site: *http://www.ferc.gov/docs-filing/efiling.asp.*
- Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–547, Gas Pipeline Rates: Refund Report Requirements.

OMB Control No.: 1902–0084.

Type of Request: Three-year extension of the FERC–547 information collection requirements with no changes to the reporting requirements.

Abstract: The Commission uses FERC–547 (Gas Pipeline Rates: Refund Report Requirements) to implement the statutory refund provisions governed by Sections 4, 5 and 16 of the Natural Gas Act (NGA).[1] Sections 4 and 5 authorize the Commission to order a refund (with interest) for any portion of a natural gas company's increased rate or charge found to be unjust or unreasonable. Refunds may also be instituted by a natural gas company as a stipulation to a Commission-approved settlement agreement or a provision under the company's tariff. Section 16 of the NGA authorizes the Commission to prescribe rules and regulations necessary to administer its refund mandates. The Commission's refund reporting requirements are located in 18 CFR 154.501 and 154.502.

The Commission uses the data to monitor refunds owed by natural gas companies to ensure that the flow-through of refunds owed by these companies are made as expeditiously as possible and to assure that refunds are made in compliance with the Commission's regulations.

Type of Respondents: Natural gas companies.

Estimate of Annual Burden:[2] The Commission reduces its estimate of the total Public Reporting Burden for this information collection from the estimate made three years ago based on the number of filings received over the previous three years (from an average of 30 respondents to an average of 11 respondents currently).

FERC–547: GAS PIPELINE RATES: REFUND REPORT REQUIREMENTS

	Number of respondents	Number of responses per respondent	Total number of responses	Average burden hours per response	Estimated total annual burden
	(A)	(B)	(A)x(B)=(C)	(D)	(C)×(D)
Natural gas companies	11	1	11	75	825

The total estimated annual cost burden to respondents is $57,750. [825 hours * $70/hour[3] = $57,750]. The estimated annual impact per respondent is $5,250 ($75 * $70/hour = $5,250).

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost 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 collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: October 18, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–25046 Filed 10–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator or Foreign Utility Company Status

[1] 15 U.S.C. 717–717w.

[2] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[3] FY2013 Estimated Average Hourly Cost per FTE, including salary + benefits.

Desert Sunlight 250, LLC	EG13–47–000
Desert Sunlight 300, LLC	EG13–48–000
Fortis BC Holdings Inc	FC13–10–000
FortisBC Energy Inc.	
FortisBC Energy (Vancouver Island) Inc.	
FortisBC Energy (Whistler) Inc.	
FortisBC Huntingdon Inc.	
FortisBC Alternative Energy Services Inc.	
Fortis Generation East Limited Partnership	FC13–11–000
Fortis TCI Limited	FC13–12–000
Turks and Caicos Utilities Limited.	

Take notice that during the month of September 2013, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Dated: October 18, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–25050 Filed 10–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–83–000]

Arlington Storage Company, LLC, LP; Notice of Reopening of Comment Period

On September 13, 2013, the Commission issued a notice setting October 15, 2013, as the date to file comments regarding the Gallery 2 Expansion Project Environmental Assessment. Because of the limited funding to federal programs and resources between October 1 and 16, 2013, the Commission is reopening the comment period to allow affected agencies and others the opportunity to comment. This reopened comment period now expires on November 1, 2013.

Dated: October 18, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–25047 Filed 10–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–5–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

Take notice that on October 11, 2013, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street, Williamsville, New York 14221, filed in Docket No. CP14–5–000 a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA). National Fuel seeks authorization to abandon an injection/withdrawal well in Boone Mountain Storage Field in Elk County, Pennsylvania and 25 feet of associated pipeline. National Fuel states that the abandonment is necessary due to the well's poor performance and excessive cost of rehabilitation, and that the abandonment will have no impact on its existing customers or its storage operations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to David W. Reitz, Deputy General Counsel for National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, New York 14221, or call (716) 857–7949.

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters 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 via the Internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Dated: October 18, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–25048 Filed 10–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR14–3–000]

Enable Bakken Crude Services, LLC; Notice of Request For Waiver

Take notice that on October 9, 2013, Enable Bakken Crude Services, LLC requested waiver of the verified statement requirements under 18 CFR 342.4(c) that would otherwise require a verified statement in support of initial committed rates, or subsequent contractual adjustments to those rates, filed pursuant to the declaratory order framework approved in Docket No. OR13–21.[1]

Any person desiring to intervene or to protest in this proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings 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.

Comment Date: 5:00 p.m. Eastern time on October 25, 2013.

Dated: October 17, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–25051 Filed 10–24–13; 8:45 am]

BILLING CODE 6717–01–P

[1] *CenterPoint Energy Bakken Crude Services, LLC,* 144 FERC ¶ 61,130 (2013).

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9011–6]

Environmental Impact 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 09/30/2013 Through 10/18/2013

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. 20130300, Revised Draft EIS, FWS, CA, South Farallon Islands Invasive House Mouse Eradication Project, Farallon National Wildlife Refuge, *Comment Period Ends:* 12/09/2013, *Contact:* Gerry McChesney 510–792–0222 ext. 222.

EIS No. 20130301, Draft EIS, USAF, OK, KC–46A Formal Training Unit (FTU) and First Main Operating Base (MOB 1) Beddown, *Comment Period Ends:* 12/09/2013, *Contact:* Jean Reynolds 210–572–9324.

EIS No. 20130302, Draft EIS, FERC, NY, Rocaway Delivery Lateral and Northeast Connector Projects, *Comment Period Ends:* 12/09/2013, *Contact:* Kara Harris 202–502–6296.

EIS No. 20130303, Final Supplement, FTA, HI, Honolulu Rail Transit Project, *Review Period Ends:* 11/25/2013, *Contact:* Ted Matley 415–744–3133.

EIS No. 20130304, Draft Supplement, BOEM, TX, Gulf of Mexico OCS Oil and Gas Lease Sales: 2014–2016 Western Planning Area Lease Sales 238, 246, and 248, *Comment Period Ends:* 12/09/2013, *Contact:* Gary Goeke 504–736–3233.

EIS No. 20130305, Final Supplement, USFS, CA, Tehachapi Renewable Transmission Project, *Review Period Ends:* 11/25/2013, *Contact:* Lorraine Gerchas 626–574–5281.

Amended Notices

EIS No. 20130249, Draft EIS, USACE, LA, West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction, *Comment Period Ends:* 10/25/2013, *Contact:* William Klein 504–862–2540. Revision to FR Notice Published 08/23/2013; Extended Comment Period from 10/07/2013 to 10/24/2013.

EIS No. 20130250, Draft EIS, USACE, FL, Central Everglades Planning Project, *Comment Period Ends:* 11/01/2013, *Contact:* Gretchen Ehlinger 904–232–1682. Revision to FR Notice Published 08/30/2013; Extending Comment Period from 10/15/2013 to 11/01/2013.

EIS No. 20130255, Draft EIS, NOAA, 00, Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP), *Comment Period Ends:* 12/10/2013, *Contact:* Thomas A. Warren 978–281–9260. Revision to FR Notice Published 08/30/2013; Extending Comment Period from 10/23/2013 to 12/10/2013.

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 08/30/2013; Extending Comment Period from 10/23/2013 to 12/10/2013.

EIS No. 20130264, Final EIS, FHWA, CO, Interstate 25 Improvements through Pueblo, *Review Period Ends:* 10/31/2013, *Contact:* Chris Horn 720–963–3017. Revision to FR Notice

Published 09/13/2013, Extending Review Period from 10/15/13 to 10/31/2013.

EIS No. 20130266, Draft EIS, USN, GU, The Mariana Islands Training and Testing, *Comment Period Ends:* 12/06/2013, *Contact:* John Van Name 808–471–1714. Revision to FR Notice Published 09/13/2013; Extending Comment Period from 11/12/2013 to 12/06/2013.

EIS No. 20130276, Draft Supplement, USN, WA, Introduction of the P–8A Multi-Mission Aircraft into the U.S. Navy Fleet, *Comment Period Ends:* 12/02/2013, *Contact:* Cory Zahm 757–322–4347. Revision to FR Notice Published 09/20/2013; Extending Comment Period from 11/04/2013 to 12/02/2013.

EIS No. 20130285, Final EIS, FHWA, FL, St. Johns River Crossing, *Review Period Ends:* 11/19/2013, *Contact:* Cathy Kendal 850–553–2225. Revision to FR Notice Published 09/27/2013; Extending Review Period from 10/28/2013 to 11/19/2013.

EIS No. 20130286, Final EIS, FHWA, FL, US 301 (SR 200) from CR 227 to CR 233, *Review Period Ends:* 11/19/2013, *Contact:* Joseph Sullivan 850–553–2248. Revision to FR Notice Published 09/27/2013; Extending Review Period from 10/29/2013 to 11/19/2013.

Dated: October 22, 2013.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013–25273 Filed 10–24–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL—9901–99–Region2]

Proposed CERCLA Settlements Relating to the Truckers Warehouse Site in Passaic, Passaic County, New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative settlements and opportunity for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), notice is hereby given by the U.S. Environmental Protection Agency (''EPA''), Region 2, of three proposed Administrative Settlement Agreements for Recovery of Past Response Costs (''Agreements'') pursuant to Section 122(h)(1) of CERCLA, with (1) RJS Corp.; (2) Your Factory Warehouse, Inc., Douglas Marino and Mark Marino; and (3) A&S Corporation and Marie Andre (''Settling Parties''). The Settling Parties are potentially responsible parties, pursuant to Section 107(a) of CERCLA, and thus are potentially liable for response costs incurred at or in connection with the Truckers Warehouse Site (''Site''), located in Passaic, Passaic County, New Jersey. Under the Agreements, the Settling Parties agree to pay a total of $108,748.20 to EPA for past response costs. EPA will consider all comments received and may modify or withdraw its consent to the Agreements if comments received disclose facts or considerations that indicate that the proposed Agreements are inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region 2 offices, 290 Broadway, New York, New York 10007–1866.

DATES: Comments must be provided by November 25, 2013.

ADDRESSES: The Agreements are available for public inspection at EPA Region 2 offices at 290 Broadway, New York, New York 10007–1866. Comments should reference the Truckers Warehouse Site, located in Passaic, Passaic County, New Jersey, Index Nos. CERCLA–02–2013–2019, 02–2013–2028 and 02–2013–2029. To request a copy of the Agreements, please contact the EPA employee identified below.

FOR FURTHER INFORMATION CONTACT: Gerard Burke, Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway—17th Floor, New York, New York 10007–1866. Telephone: 212–637–3120, email at *burke.gerard@epa.gov.*

Dated: September 24, 2013.

Walter E. Mugdan,

Director, Emergency and Remedial Response Division.

[FR Doc. 2013–25264 Filed 10–24–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Savings and Loan Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and the Board's Regulation LL (12 CFR part 238) to acquire shares of a savings and loan holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 12, 2013.

A. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *Robert T. Strong and Kathleen M. Strong, Southampton, Pennsylvania, Brad C. Strong, Cheltenham, Pennsylvania, Julie M. Strong, Richboro, Pennsylvania, Aimee K. Ott, Newtown, Pennsylvania, and Lawrence M. Ott,* Langhorne, Pennsylvania; to jointly retain voting shares of Quaint Oak Bancorp, Inc., and thereby indirectly retain voting shares of Quaint Oak Bank, both in Southampton, Pennsylvania.

2. *Amended and Restate Quaint Oak Bancorp, Inc. Employee Stock Ownership Plan, Southampton, Pennsylvania, John J. Augustine, individually and trustee, and Dolores T. Augustine, both of Lansdale, Pennsylvania, and Diane J. Colyer, individually and trustee, and Herbert C. Colyer, Jr.,* both of Feasterville, Pennsylvania; to retain and acquire additional voting shares of Quaint Oak Bancorp, Inc., and Quaint Oak Bank, both in Southampton, Pennsylvania.

Board of Governors of the Federal Reserve System, October 22, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–25173 Filed 10–24–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of September 17–18, 2013

In accordance with Section 271.25 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on September 17–18, 2013.[1]

[1] Copies of the Minutes of the Federal Open Market Committee at its meeting held on September 17–18, 2013, which includes the domestic policy directive issued at the meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, DC 20551. The

''Consistent with its statutory mandate, the Federal Open Market Committee seeks monetary and financial conditions that will foster maximum employment and price stability. In particular, the Committee seeks conditions in reserve markets consistent with federal funds trading in a range from 0 to ¼ percent. The Committee directs the Desk to undertake open market operations as necessary to maintain such conditions. The Desk is directed to continue purchasing longer-term Treasury securities at a pace of about $45 billion per month and to continue purchasing agency mortgage-backed securities at a pace of about $40 billion per month. The Committee also directs the Desk to engage in dollar roll and coupon swap transactions as necessary to facilitate settlement of the Federal Reserve's agency mortgage-backed securities transactions. The Committee directs the Desk to maintain its policy of rolling over maturing Treasury securities into new issues and its policy of reinvesting principal payments on all agency debt and agency mortgage-backed securities in agency mortgage-backed securities. The System Open Market Account Manager and the Secretary will keep the Committee informed of ongoing developments regarding the System's balance sheet that could affect the attainment over time of the Committee's objectives of maximum employment and price stability.''

By order of the Federal Open Market Committee, October 17, 2013.

William B. English,

Secretary, Federal Open Market Committee.

[FR Doc. 2013–25100 Filed 10–24–13; 8:45 am]

BILLING CODE 6210–01–P

minutes are published in the Federal Reserve Bulletin and in the Board's Annual Report.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–20215–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for reinstatement of a previously-approved information collection assigned OMB control number 0937–0191, which expired on May 31, 2011. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before November 25, 2013.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the OMB control number 0937–0191 and document identifier HHS–OS–20215–30D for reference.

Information Collection Title: Application packets for Real Property for Public Health Purposes.

OMB No.: 0937–0191.

Abstract: The Federal Property and Administrative Services Act of 1949 (P.L. 81–152), as amended, provides authority to the Secretary of Health and Human Services to convey or lease surplus real property to States and their political subdivisions and instrumentalities, to tax-supported institutions, and to nonprofit institutions which (except for institutions which lease property to assist the homeless) have been held exempt from taxation under Section 501(c)(3) of the 1954 Internal Revenue Code, and 501(c)(19) for veterans organizations. Transfers are made to transferees at little or no cost.

Need and Proposed Use of the Information: State and local governments and no-profit institutions use these applications to apply for excess/surplus, underutilized/unutilized and off-site government real property. These applications are used to determine if institutions/organizations are eligible to purchase, lease or use property under the provisions of the surplus real property program.

Likely Respondents: State, local, or tribal units of government or instrumentalities thereof; not-for-profit organizations.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Applications for surplus Federal real property	12	1	200	2,400
Total	12	1	200	2,400

Keith A. Tucker,

Information Collection Clearance Officer.

[FR Doc. 2013–25093 Filed 10–24–13; 8:45 am]

BILLING CODE 4151–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–20521–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for renewal of the approved information collection assigned OMB control number 0937–0025, scheduled to expire on October 31, 2013. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before November 25, 2013.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the OMB control number 0937–0025 and document identifier HHS–OS–20521–30D for reference.

Information Collection Request Title: Reference Request for Applicants to the U.S. Public Health Service Commissioned Corps.

OMB No.: 0937–0025.

Abstract: The information collected will include personal information such as name, social security number, and date of birth. Other information will be responses to various questions regarding applicants' qualifications to join the Commissioned Corps of the U.S. Public Health Service.

Need and Proposed Use of the Information: The Commissioned Corps of the U.S. Public Health Service has a need for the information in order to assess the qualifications of each applicant and make a determination whether the applicant meets the requirements to receive a commission. The information is used to make determinations on candidates/applicants seeking appointment to the Corps to assess their whether they are suitable for life in the uniformed services based upon a review of a variety of assessment factors including, but not limited to: personal adjustment, employment history, character, suitability investigation clearance, and a candidate's prior history of service in one of the uniformed services. Their potential for leadership as a commissioned officer and their ability to deal effectively with people is evaluated.

Likely Respondents: Respondents would be applicants/candidates for a commission in the Commissioned Corps of the United States Public Health Service.

Burden Statement: The time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Prequalification Review	8,000	1	15/60	2,000
PHS–50	1,000	1	1.0	1,000
PHS–1813	4,000	1	15/60	1,000
Addendum: Commissioned Corps Personal Statement	1,000	1	45/60	750
Total				4,750

Keith A. Tucker,

Information Collection Clearance Officer.

[FR Doc. 2013–25184 Filed 10–24–13; 8:45 am]

BILLING CODE 4150–49–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–20694–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is for extending the use of the approved information collection assigned OMB control number 0990–0162, which expires on January 31, 2014. Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before December 24, 2013.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–20694–60D for reference.

Information Collection Request Title: State Medicaid Fraud Control Units' Reports.

OMB No.: 0990–0162.

Abstract: Office of Inspector General (OIG) is requesting an extension by Office of Management and Budget (OMB) of approval for the collection of information to comply with the requirements in Title 19 of the Social Security Act at 1903(q), 42 CFR 1007.15, and 42 CFR 1007.17, in accordance with the Paperwork Reduction Act. The information collected consists of fifty separate annual reports and fifty separate application requests for certification/recertification of State Medicaid Fraud Control Units (MFCU). The collection is required by the statute and submitted yearly to OIG by the fifty MFCUs. OIG uses the information collected to determine the MFCUs' compliance with Federal requirements and eligibility for continued Federal financial participation (FFP) under the Federal MFCU grant program.

Need and Proposed Use of the Information: Public Law 95–142, the Medicare-Medicaid Anti-Fraud and Abuse Amendments, was enacted in 1977 to strengthen the capabilities of Federal and State governments to combat and eliminate fraud and abuse in Medicaid, through the establishment of the MFCUs. This law amended section 1903 of the Social Security Act to establish operating requirements for MFCUs and provide FFP to State governments for the cost of establishing MFCUs, training State personnel, and keeping the MFCUs operational.

Under section 1903(q)(7), each MFCU must annually submit to the Secretary of Health and Human Services (Secretary) an application and annual report containing information that the Secretary determines is necessary to certify the MFCU as meeting the requirements for FFP. FFP is available only for activities directly related to the investigation and prosecution of health care providers suspected of committing Medicaid fraud. The MFCUs also review complaints of alleged abuse or neglect of patients and the misuse of patients' personal funds in health care facilities. OIG reviews the information collected to ensure that Federal matching funds are expended by MFCUs only for allowable costs. In addition, OIG analyzes each MFCU's submission to determine whether there is a need for OIG technical assistance and to establish priorities for onsite reviews to further monitor program activities.

Likely Respondents: State Medicaid Fraud Control Units.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
MFCU	Annual Report	50	1	88	4,400
MFCU	Annual Report, data mining reporting only	13	1	1	13
MFCU	Recertification Application	50	1	5	250
Total		50	2	94	4,663

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Keith A. Tucker,

Information Collection Clearance Officer.

[FR Doc. 2013–25187 Filed 10–24–13; 8:45 am]

BILLING CODE 4151–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Docket ATSDR–2012–0002 ATSDR–274]

Availability of Interaction Profile for Chlorinated Dibenzo-p-Dioxins, Polybrominated Diphenol Ethers, and Phthalates

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (DHHS).

ACTION: Notice of availability for public comments.

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR) within the Department of Health and Human Services announces the availability of the interaction profile for Chlorinated Dibenzo-*p*-Dioxins, Polybrominated Diphenol Ethers, and Phthalates. This interaction profile evaluates a mixture of chemicals often found in human blood, adipose tissue, and breast milk. The purpose of this interaction profile is to investigate the possible joint actions of these chemicals on endocrine, developmental, and neurobehavioral endpoints in humans. This interaction profile has undergone external peer-review and review by ATSDR's Interagency Workgroup on Mixtures.

DATES: The interaction profile was made available to the public on September 2, 2013. The comment period will end on December 2, 2013.

ADDRESSES: You may submit comments, identified by Docket No. ATSDR–2012–0002, by any of the following methods:

• *Internet: Access the Federal eRulemaking portal at http://www.regulations.gov. Follow the instructions for submitting comments.*

• *Mail:* Division of Toxicology and Human Health Sciences, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop F–57, Atlanta, Georgia 30333.

Instructions: All submissions received must include the agency name and docket number for this notice. All relevant comments will be posted without change.

FOR FURTHER INFORMATION CONTACT: Dr. Hana Pohl, Division of Toxicology and Human Health Sciences, Agency for Toxic Substances and Disease Registry, Mailstop F–57, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone (888) 422–8737.

SUPPLEMENTARY INFORMATION: ATSDR develops interaction profiles for hazardous substances found at the National Priority List (NPL) sites under Section 104(i)(3) and (5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). This law requires that ATSDR assess whether or not adequate information on health effects is available for priority hazardous substances. Where such information is not available or under development, ATSDR shall, in cooperation with the National Toxicology Program, initiate a research program to determine these health effects. The Act further directs that, where feasible, ATSDR shall develop methods to determine the health effects of these priority hazardous substances in combination with other substances commonly found with them.

To carry out these legislative mandates, ATSDR has developed a chemical mixtures program and guidance manual that outlines the latest methods for mixtures health assessment. In addition, a series of documents called ''interaction profiles'' is developed for certain priority mixtures that are of special concern to ATSDR. To recommend approaches for the exposure-based assessment of the potential hazard to public health, an interaction profile evaluates data on the toxicology of the whole priority mixture, if available, and on the joint toxic action of the chemicals in the mixture.

The entire interaction profile development process is as follows:

• ATSDR selects substances/chemicals for development of interaction profiles through inter/intra agency communications collaboration and literature reviews.

• After the selection, a letter is sent to individuals and agencies on ATSDR's mailing list providing notice of ATSDR's intent to create an interaction profile.

• A notice is posted in the **Federal Register** to inform the public of ATSDR's intent to develop a particular interaction profile.

• The draft interaction profile undergoes both internal and external peer review.

• A **Federal Register** notice announces the release of the official draft for public comment.

• ATSDR posts a link to the draft interaction profile on its Web site, giving the public an opportunity to provide comments.

• ATSDR reviews all public comments and revises the draft, as appropriate, before issuing the final version.

Dated: October 18, 2013.

Sascha Chaney,

Acting Director, Office of Policy, Planning and Evaluation, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry.

[FR Doc. 2013–25145 Filed 10–24–13; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 78 FR 58309, dated September 23, 2013) is amended to reorganize the Office of Public Health Preparedness and Response.

Section C–B, Organization and Functions, is hereby amended as follows:

Revise the functional statement for the Office of the Director (CGC1), Division of State and Local Readiness (CGC), as follows:

Office of the Director (CGC1). (1) Provides national leadership and guidance that supports and advances the work of state, local, tribal and territorial public health emergency preparedness programs; (2) coordinates the development of scientific guidelines and standards for programmatic materials within the division to provide technical assistance and program planning at the state, local, tribal, and territorial level; (3) works with awardees to advance state and local preparedness efforts through placement of CDC field staff within state and local public health agencies; (4) represents the interests and needs of the state, local, tribal, and territorial interests on state and local preparedness; (5) develops and ensures effective partnerships with national stakeholders and preparedness partners; and (6) provides oversight and management of division contracts, technical assistance plan development, training needs, response activities, grantee awards and fiscal accountability, and research agenda development and compliance.

After the title and function statement for the Applied Science and Evaluation Branch (CGCC), Division of State and Local Readiness (CGC), insert the following:

Field Services Branch (CGCD). (1) Provides scientific participation in development and implementation of field-based science initiatives and strategies; (2) provides situational awareness to CDC leadership when activated for public health responses; (3) provides consultation and technical assistance to state, territorial, tribal and local health departments in developing, implementing and evaluating Public Health Preparedness and Response activities and performance in support of CDC recommendations and those of their host site; (4) provides support for public health preparedness and epidemiologic capacity at the state, territorial, tribal, and local levels; (5) contributes as leaders in preparedness and epidemiology for issues including clinical surge capacity, hospital preparedness, and influenza response planning; (6) participates in development of national preparedness and response policies and guidelines for public health emergencies and encourages and facilitates the transfer of guidelines into clinical and public health practice; (7) analyzes data to assess progress toward achieving program objectives and provides input for program management and evaluation reports for publications; (8) participates in the development of comprehensive evaluation methods for OPHPR programs; (9) serves as liaison or focal point to assist state, territorial, tribal and local partners in linking with

proper resources, contacts and obtaining technical assistance; (10) provides technical supervision and support for the CDC field staff and trainees as appropriate; (11) provides input into the development of branch and division policy, priorities, and operational procedures; (12) serves as an agent of information or technology transfer to ensure that effective methodology in one program is known and made available to other state and local programs; and (13) analyzes technical and epidemiologic information to present at national and international scientific meetings and publishes programmatic/surveillance/epidemiologic information in collaboration with host agencies.

Dated: September 27, 2013.

Sherri A. Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2013–24941 Filed 10–24–13; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10282, CMS–R–65, CMS–R–39, CMS–10491, and CMS–R–52]

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 November 25, 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 with change of a previously approved collection; *Title of Information Collection:* Conditions of Participation for Comprehensive Outpatient Rehabilitation Facilities (CORFs) and Supporting Regulations; *Use:* The Conditions of Participation (CoPs) and accompanying requirements specified in the regulations are used by our surveyors as a basis for determining whether a comprehensive outpatient rehabilitation facility (CORF) qualifies to be awarded a Medicare provider agreement. We believe the health care industry practice demonstrates that the patient clinical records and general content of records are necessary to ensure the well-being and safety of patients and that professional treatment and accountability are a normal part of industry practice. *Form Number:* CMS–10282 (OCN: 0938–1091); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 314; *Total Annual Responses:* 314; *Total Annual Hours:* 8,076. (For policy questions regarding this collection contact Jacqueline Leach at 410–786–4282.)

2. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Final Peer Review Organizations Sanction Regulations in 42 CFR Sections 1004.40, 1004.50, 1004.60, and 1004.70; *Use:* The Peer Review Improvement Act of 1982 amended Title XI of the Social Security Act (the Act), creating the Utilization and Quality Control Peer Review Organization Program. Section 1156 of the Act imposes obligations on health care practitioners and others who furnish or order services or items under Medicare. This section also provides for sanction actions, if the Secretary determines that the obligations as stated by this section are not met. Quality Improvement Organizations (QIOs) are responsible for identifying violations. The QIOs may allow practitioners or other entities, opportunities to submit relevant information before determining that a violation has occurred. The information collection requirements contained in this information collection request are used by the QIOs to collect the information necessary to make their decision. *Form Number:* CMS–R–65 (OCN: 0938–0444); *Frequency:* On occasion; *Affected Public:* Private sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 53; *Total Annual Responses:* 53; *Total Annual Hours:* 14,310. (For policy questions regarding this collection contact Coles Mercier at 410–786–2112.)

3. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Home Health

Conditions of Participation (CoP) and Supporting Regulations; *Use:* The information collection requirements contained in this request are part of the requirements classified as the conditions of participation (CoPs) which are based on criteria prescribed in law and are standards designed to ensure that each facility has properly trained staff to provide the appropriate safe physical environment for patients. These particular standards reflect comparable standards developed by industry organizations such as the Joint Commission on Accreditation of Healthcare Organizations, and the Community Health Accreditation Program. We will use this information along with state agency surveyors, the regional home health intermediaries and home health agencies (HHAs) for the purpose of ensuring compliance with Medicare CoPs as well as ensuring the quality of care provided by HHA patients. *Form Numbers:* CMS–R–39 (OCN: 0938–0365); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or for-profits and Not-for-profit institutions, and State, Local or Tribal governments; *Number of Respondents:* 13,577; *Total Annual Responses:* 20,202,576; *Total Annual Hours:* 6,422,694. (For policy questions regarding this collection contact Danielle Shearer at 410–786–6617.)

4. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Enrollment Assistance Program; *Use:* As required by the Affordable Care Act, we will implement a grant-based Navigator Program to provide support to targeted communities. However, there will also be a need for broader based enrollment assistance in population centers we identified in states with Federally-facilitated Marketplaces (FFMs) to provide Health Insurance Marketplace enrollment assistance to populations not covered or targeted by the Navigator Program. The target populations are individual consumers and families eligible to enroll in Qualified Health Plans (QHPs) in population centers we identified. Without such access to in-person enrollment assistance, millions of individuals who will be eligible for health insurance coverage in the Marketplaces might not have access to the direct assistance required to make educated choices on available healthcare options and may therefore be unable to successfully enroll in the Marketplaces. To monitor program effectiveness, the Enrollment Assistance Program will provide weekly, monthly, quarterly and annual reports. The 60-day **Federal Register** notice was published on July 29, 2013 (78 FR 45205). No comments were received. *Form Number:* CMS–10491 (OCN: 0938–NEW); *Frequency:* Weekly, Monthly, Quarterly, Yearly; *Affected Public:* Private Sector; *Number of Respondents:* 11; *Number of Responses:* 84; *Total Annual Hours:* 554. (For policy questions regarding this collection contact Jabaar Gray at 301–492–4255.)

5. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Conditions for Coverage of Suppliers of End Stage Renal Disease (ESRD) Services and Supporting Regulations; *Use:* The information collection requirements described herein are part of the Medicare and Medicaid Programs; Conditions for Coverage for End-Stage Renal Disease Facilities. The requirements fall into two categories: Recordkeeping requirements and reporting requirements. With regard to the recordkeeping requirements, we use these conditions for coverage to certify health care facilities that want to participate in the Medicare or Medicaid programs. For the reporting requirements, the information is needed to assess and ensure proper distribution and effective utilization of ESRD treatment resources while maintaining or improving quality of care. The recordkeeping requirements imposed by this collection are no different than other conditions for coverage in that they reflect comparable standards developed by industry organizations such as the Renal Physicians Association, American Society of Transplant Surgeons, National Kidney Foundation, and the National Association of Patients on Hemodialysis and Transplantation. *Form Number:* CMS–R–52 (OCN: 0938–0386); *Frequency:* Annually; *Affected Public:* Private sector—Business or other for-profit; *Number of Respondents:* 6,464; *Total Annual Responses:* 139,110; *Total Annual Hours:* 523,454. (For policy questions regarding this collection contact Lauren Oviatt at 410–786–4683.)

Dated: October 22, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–25171 Filed 10–24–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3286–PN]

Medicare and Medicaid Programs: Application From the Joint Commission for Continued Approval of Its Home Health Agency (HHA) Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Proposed notice.

SUMMARY: This proposed notice acknowledges the receipt of an application from the Joint Commission for continued recognition as a national accrediting organization for Home Health Agencies (HHAs) that wish to participate in the Medicare or Medicaid programs. Section 1865(b)(3)(A) of the Social Security Act (the Act) requires that within 60 days of receipt of an organization's complete application, CMS publish a notice that identifies the national accrediting body making the request, describes the nature of the request, and provides at least 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 November 24, 2013.

ADDRESSES: In commenting, please refer to file code CMS–3286–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways:

1. *Electronically.* You may submit electronic comments on specific issues in this *regulation to http://www.regulations.gov.* Follow the ''submit a comment'' instructions.

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3286–PN, P.O. Box 8016, 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–3286–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments to 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.)

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

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, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Lillian Williams, (410) 786–8636, Patricia Chmielewski, (410) 786–6899, or Monda Shaver, (410) 786–3410.

SUPPLEMENTARY INFORMATION:

Submitting Comments: We welcome comments from the public on all issues set forth in this proposed notice to assist us in fully considering issues and developing policies. Referencing the file code CMS–3286–PN and the specific ''issue identifier'' that precedes the section on which you choose to comment will assist us in fully considering issues and developing policies.

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

Under the Medicare program, eligible beneficiaries may receive covered services from an HHA provided certain requirements are met. Sections 1861(o) and 1891 of the Social Security Act (the Act), establish distinct criteria for facilities seeking designation as an HHA. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 484 specify the minimum conditions that an HHA must meet to participate in the Medicare program.

Generally, to enter into an agreement, an HHA must first be certified by a state survey agency as complying with the conditions or requirements set forth in part 484 of our regulations. Thereafter, the HHA is subject to regular surveys by a state survey agency to determine whether it continues to meet these requirements. There is an alternative, however, to surveys by state agencies.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national accrediting organization applying for approval of its accreditation program under part 488, subpart A, must provide us with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require accrediting organizations to reapply for continued approval of its accreditation program every 6 years or sooner as determined by us.

The Joint Commission's current term of approval for their HHA accreditation program expires March 31, 2014.

II. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.8(a) require that our findings concerning review and approval of a national accrediting organization's requirements consider, among other factors, the applying accrediting organization's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of the Joint Commission's request for continued approval of its HHA accreditation program. This notice also solicits public comment on whether the Joint Commission's requirements meet or exceed the Medicare conditions of participation (CoPs) for HHAs.

III. Evaluation of Deeming Authority Request

The Joint Commission submitted all the necessary materials to enable us to make a determination concerning its request for continued approval of its HHA accreditation program. This application was determined to be complete on August 30, 2013. Under section 1865(a)(2) of the Act and our regulations at § 488.8 (Federal review of accrediting organizations), our review and evaluation of the Joint Commission will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of the Joint Commission's standards for HHA's as compared with CMS' HHA CoPs.
- The Joint Commission's survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

++ The comparability of the Joint Commission's processes to those of state agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ The Joint Commission's processes and procedures for monitoring an HHA found out of compliance with the Joint Commission's program requirements. These monitoring procedures are used only when the Joint Commission identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the state survey agency monitors corrections as specified at § 488.7(d).

++ The Joint Commission's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

++ The Joint Commission's capacity to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ The adequacy of the Joint Commission's staff and other resources, and its financial viability.

++ The Joint Commission's capacity to adequately fund required surveys.

++ The Joint Commission's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

++ The Joint Commission's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as CMS may require (including corrective action plans).

IV. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

V. Response to Public 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, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Upon completion of our evaluation, 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 evaluation.

Authority: (Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 27, 2013.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2013–25010 Filed 10–24–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3289–N]

Medicare Program; Request for Nominations for Members for the Medicare Evidence Development & Coverage Advisory Committee

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: This notice announces the request for nominations for membership on the Medicare Evidence Development & Coverage Advisory Committee (MEDCAC). Among other duties, the MEDCAC provides advice and guidance to the Secretary of the Department of Health and Human Services (the Secretary) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) concerning the adequacy of scientific evidence available to CMS for ''reasonable and necessary'' determinations under Medicare.

We are requesting nominations for both voting and nonvoting members to serve on the MEDCAC. Nominees are selected based upon their individual qualifications and not as representatives of professional associations or societies. We wish to ensure adequate representation of the interests of both women and men, members of all ethnic groups and physically challenged individuals. Therefore, we encourage nominations of qualified candidates who can represent these interests.

The MEDCAC reviews and evaluates medical literature, technology assessments, and hears public testimony on the evidence available to address the impact of medical items and services on health outcomes of Medicare beneficiaries.

DATES: Nominations must be received by Monday, December 9, 2013.

ADDRESSES: You may mail nominations for membership to the following address: Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Attention: Maria Ellis, 7500 Security Boulevard, Mail Stop: S3–02–01, Baltimore, MD 21244.

FOR FURTHER INFORMATION CONTACT: Maria Ellis, Executive Secretary for the MEDCAC, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Coverage and Analysis Group, S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244 or contact Ms. Ellis by phone (410–786–0309) or via email at *Maria.Ellis@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary signed the initial charter for the Medicare Coverage Advisory Committee (MCAC) on November 24, 1998. A notice in the **Federal Register** (63 FR 68780) announcing establishment of the MCAC was published on December 14, 1998. The MCAC name was updated to more accurately reflect the purpose of the committee and on January 26, 2007, the Secretary published a notice in the **Federal Register** (72 FR 3853), announcing that the Committee's name changed to the Medicare Evidence Development & Coverage Advisory Committee (MEDCAC). The charter for the committee was renewed by the Secretary on November 24, 2012. The current charter is effective for 2 years.

The MEDCAC is governed by provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2), which sets forth standards for the formulation and use of advisory committees, and is authorized by section 222 of the Public Health Service Act as amended (42 U.S.C. 217A).

The MEDCAC consists of a pool of 100 appointed members including: 94 voting members of whom 6 are designated patient advocates, and 6 nonvoting representatives of industry interests. Members generally are recognized authorities in clinical medicine including subspecialties, administrative medicine, public health, biological and physical sciences, epidemiology and biostatistics, clinical trial design, health care data management and analysis, patient advocacy, health care economics,

medical ethics or other relevant professions.

The MEDCAC works from an agenda provided by the Designated Federal Official. The MEDCAC reviews and evaluates medical literature, technology assessments, and hears public testimony on the evidence available to address the impact of medical items and services on health outcomes of Medicare beneficiaries. The MEDCAC may also advise Centers for Medicare and Medicaid Services (CMS) as part of Medicare's ''coverage with evidence development'' initiative.

II. Provisions of the Notice

As of June 2014, there will be 30 membership terms expiring. Of the 30 memberships expiring, 1 is nonvoting industry representative, 3 are voting patient advocates and the remaining 26 membership openings are for the general MEDCAC voting membership.

Accordingly, we are requesting nominations for both voting and nonvoting members to serve on the MEDCAC. Nominees are selected based upon their individual qualifications and not as representatives of professional associations or societies. We wish to ensure adequate representation of the interests of both women and men, members of all ethnic groups and physically challenged individuals. Therefore, we encourage nominations of qualified candidates from these groups.

All nominations must be accompanied by curricula vitae. Nomination packages must be sent to Maria Ellis at the address listed in the **ADDRESSES** section of this notice. Nominees for voting membership must also have expertise and experience in one or more of the following fields:

- Clinical medicine including subspecialties
- Administrative medicine
- Public health
- Biological and physical sciences
- Epidemiology and biostatistics
- Clinical trial design
- Health care data management and analysis
- Patient advocacy
- Health care economics
- Medical ethics
- Other relevant professions

We are looking particularly for experts in a number of fields. These include cancer screening, genetic testing, clinical epidemiology; psychopharmacology; screening and diagnostic testing analysis; and vascular surgery. We also need experts in biostatistics in clinical settings, dementia treatment, minority health, observational research design, stroke epidemiology, and women's health.

The nomination letter must include a statement that the nominee is willing to serve as a member of the MEDCAC and appears to have no conflict of interest that would preclude membership. We are requesting that all curricula vitae include the following:

- Date of birth
- Place of birth
- Social security number
- Title and current position
- Professional affiliation
- Home and business address
- Telephone and fax numbers
- Email address
- List of areas of expertise

In the nomination letter, we are requesting that the nominee specify whether they are applying for a voting patient advocate position, for another voting position or a nonvoting industry representative. Potential candidates will be asked to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of conflict of interest.

Members are invited to serve for overlapping 2-year terms. A member may serve after the expiration of the member's term until a successor is named. Any interested person may nominate one or more qualified persons. Self-nominations are also accepted. The current Secretary's Charter for the MEDCAC is available on the CMS Web site at: *http://www.cms.hhs.gov/FACA/Downloads/medcaccharter.pdf,* or you may obtain a copy of the charter by submitting a request to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Authority: 5 U.S.C. App. 2, section 10(a)(1) and (a)(2).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program.)

Dated: October 18, 2013.

Patrick Conway,

CMS Chief Medical Officer and Director, Center for Clinical Standards and Quality, Centers for Medicare & Medicaid Services.

[FR Doc. 2013–25008 Filed 10–24–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Parents and Children Together (PACT) Evaluation.

OMB No.: 0970–0403.

Description: The Office of Planning, Research and Evaluation (OPRE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing data collection activity as part of the Parents and Children Together (PACT) Evaluation. The objective of the PACT evaluation is to document and provide initial assessment of selected Responsible Fatherhood and Healthy Marriage grant programs that were authorized under the 2010 Claims Resolution Act. This information will be critical to informing decisions related to future investments in programming as well as the design and operation of such services.

PACT is utilizing three major, interrelated evaluation strategies: Impact evaluation; implementation evaluation; and qualitative evaluation. To collect data for these strategies, eighteen instruments have been approved to-date. This 30-Day **Federal Register** Notice covers two new instruments:

(19) Follow-up Survey (for Responsible Fatherhood study participants)

(20) Follow-up Survey (for Healthy Marriage study participants)

A more thorough description of the study and instruments was provided in a 60 Day **Federal Register** Notice posted in Vol. 78, No. 102, p. 31942 on May 28, 2013.

Respondents: Program applicants, program participants, program staff, and staff at referral agencies.

Annual Burden Estimates

This current 30-Day **Federal Register** Notice covers two new instruments:

ANNUAL BURDEN: CURRENT REQUEST

Activity/respondent	Annual number of respondents	Number of responses per respondent	Average burden per response (hours)	Total annual burden hours
Responsible Fatherhood Grantee Impact Evaluation				
(19) RF Follow-up survey Study participants	1,600	1	0.75	1,200
Healthy Marriage Grantee Impact Evaluation				
(20) HM Follow-up survey Study participants	3,200	1	0.75	2,400
Total				3,600

Estimated Total Annual Burden Hours (for instruments previously approved and currently in use, and those associated with this 30-Day Notice): 16,716.

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: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@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, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Steven M. Hanmer,

OPRE Reports Clearance Officer.

[FR Doc. 2013–25128 Filed 10–24–13; 8:45 am]

BILLING CODE 4184–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1214]

Clinical Investigator Training Course

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

The Food and Drug Administration's (FDA's) Center for Drug Evaluation and Research/Office of Medical Policy and the Duke University Office of Continuing Medical Education are cosponsoring a 3-day training course for clinical investigators on scientific, ethical, and regulatory aspects of clinical trials. This training course is intended to provide clinical investigators with expertise in the design, conduct, and analysis of clinical trials; improve the quality of clinical trials; and enhance the safety of trial participants. Senior FDA staff will communicate directly with clinical investigators on issues of greatest importance for successful clinical research.

Date and Time: The training course will be held on November 12 and 13, 2013, from 8 a.m. to 5 p.m., and on November 14, 2013, from 8 a.m. to 4 p.m.

Location: The course will be held at the Holiday Inn College Park, 10000 Baltimore Ave., College Park, MD 20740.

Contact Person: Connie Wisner, Office of Medical Policy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6360, Silver Spring, MD 20993, 301–796–8509.

Registration: Register by November 1, 2013. The registration fee is $400 per person. The fee includes course materials and onsite lunch. Early registration is recommended because seating is limited. There will be no onsite registration.

Register online for the training course at the registration Web site: *http://continuingeducation.dcri.duke.edu/fda-clinical-investigators-training-course-registration* or download a full-size copy of the registration form from the registration site and mail a check and completed form to: Duke University Conference and Event Services, FDA Investigator Course, Box 90841, 101 Bryan Center, Durham, NC 27708. You will receive an email that confirms your registration. (FDA has verified the Web site address, but FDA is not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register**.)

Attendees are responsible for their own accommodations. A block of rooms has been reserved under ''FDA Clinical Investigator Course'' at the Holiday Inn College Park at a reduced conference rate. Reservations for these accommodations can be made online using the course registration Web site mentioned previously. Click on ''registration form.'' You will see a direct link to the hotel.

Registration materials, payment procedures, accommodation information, and a detailed description of the course can be found at the registration/information Web site mentioned previously.

If you need special accommodations due to a disability, please contact Connie Wisner (see *Contact Person*) at least 7 days in advance. Persons attending the course are advised that FDA is not responsible for providing access to electrical outlets.

SUPPLEMENTARY INFORMATION:

I. Background

Clinical trial investigators play a critical role in the development of medical products. They bear the responsibility for ensuring the safe and ethical treatment of study subjects and for acquiring adequate and reliable data to support regulatory decisions. This course is intended to assist clinical investigators in understanding what preclinical and clinical information is needed to support the investigational use of medical products, as well as the scientific, regulatory, and ethical considerations involved in the conduct

of clinical trials. The course will cover a wide variety of key topics, including material on novel safety concerns, adverse event monitoring, compliance with the legal and ethical obligations of clinical research, and acceptable scientific and analytic standards in the design and conduct of clinical studies. The faculty will include a diverse representation of senior FDA staff, enabling FDA to communicate directly with clinical investigators on issues of greatest importance for successful clinical research.

II. Description of the Training Course

A. Purpose

The training course is designed to provide clinical investigators with an overview of the following information:

- The essential toxicological, pharmacological, and manufacturing data to support investigational use in humans;
- Fundamental issues in the design and conduct of clinical trials;
- Statistical and analytic considerations in the interpretation of trial data;
- Appropriate safety evaluation during studies; and
- The ethical considerations and regulatory requirements for clinical trials.

In addition, the course should accomplish the following:

- Foster a cadre of clinical investigators with knowledge, experience, and commitment to investigational medicine;
- Promote communication between clinical investigators and FDA;
- Enhance investigators' understanding of FDA's role in experimental medicine; and
- Improve the quality of data while enhancing subject protection in the performance of clinical trials.

B. Proposed Agenda

The course will be conducted over 3 days and comprised of approximately 26 lectures, each lasting between 30 and 45 minutes. The course will be presented mainly by senior FDA staff, with guest lecturers presenting selected topics.

The course will address FDA's role in clinical studies, regulatory considerations for clinical trials, and review of the material generally appearing in an ''investigator's brochure,'' i.e., the preclinical information (toxicology, animal studies, and chemistry/manufacturing information) that supports initial clinical trials in humans. Presenters will discuss the role of clinical pharmacology in early clinical studies and how this information is used in the design of subsequent studies. The course will also include discussions of scientific, statistical, ethical, and regulatory aspects of clinical studies. On November 14, 2013, participants will choose among three breakout sessions that will explain how to put together an application to FDA for drugs, biologics, or devices.

C. Target Audience

The course is targeted toward health care professionals responsible for, or involved in, the conduct and/or design of clinical trials.

Dated: October 21, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–25127 Filed 10–24–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Request for Notification From Industry Organizations Interested in Participating in the Selection Process for Nonvoting Industry Representatives and Request for Nominations for Nonvoting Industry Representatives on the Tobacco Products Scientific Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting that industry organizations interested in participating in the selection of a nonvoting industry representative to represent the interests of the tobacco manufacturing industry on the Tobacco Products Scientific Advisory Committee for the Center for Tobacco Products, notify FDA in writing. A nominee may either be self-nominated or nominated by an organization to serve as a nonvoting industry representative. Nominations will be accepted for upcoming vacancy effective with this notice. Elsewhere in this issue of the **Federal Register**, FDA is publishing a separate document announcing the Request for Notification for Voting Members on the Tobacco Products Scientific Advisory Committee.

DATES: Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent the interests of the tobacco manufacturing industry must send a letter stating the interest to FDA by November 25, 2013, for the vacancy listed in this notice. Concurrently, nomination materials for prospective candidates should be sent to FDA by November 25, 2013.

ADDRESSES: All letters of interest and nominations should be submitted in writing to *TPSAC@fda.hhs.gov,* or by mail to Caryn Cohen, Office of Science, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850.

FOR FURTHER INFORMATION CONTACT: Caryn Cohen, Office of Science, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850,1–877–287–1373 (choose Option 5), FAX: 240–276–3655, email: *TPSAC@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Agency requests nominations for a nonvoting industry representative on the Tobacco Products Scientific Advisory Committee to represent the interests of the tobacco manufacturing industry.

I. Tobacco Products Scientific Advisory Committee

The Tobacco Products Scientific Advisory Committee (the Committee) advises the Commissioner or designee in discharging responsibilities as they relate to the regulation of tobacco products. The Committee reviews and evaluates safety, dependence, and health issues relating to tobacco products and provides appropriate advice, information and recommendations to the Commissioner of Food and Drugs.

The Committee includes three nonvoting members who represent industry interests. These members include one representative of the tobacco manufacturing industry, one representative of the interests of tobacco growers, and one representative of the interests of the small business tobacco manufacturing industry. The representative of the interests of the small business tobacco manufacturing industry may be filled on a rotating basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Committee.

With this notice, nominations are sought for one representative of the interests of the tobacco manufacturing industry, and an alternate to this representative.

II. Selection Procedure

Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests should send a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). Within the subsequent 30 days, FDA will send a letter to each organization that has expressed an interest, attaching a complete list of all such organizations; and a list of all nominees along with their current resumes. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate, within 60 days of the receipt of the FDA letter, to serve as the nonvoting member to represent the tobacco manufacturing industry for the committee. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no individual is selected within 60 days, the Commissioner of Food and Drugs will select the nonvoting member to represent industry interests.

III. Application Procedure

Individuals may self-nominate and/or an organization may nominate one or more individuals to serve as a nonvoting industry representative. Contact information, a current curriculum vitae, and the name of the committee of interest should be sent to the FDA contact person (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the committee. (Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process).

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and therefore, encourages nominations of appropriately qualified candidates from these groups. Specifically, in this document, nominations for nonvoting representatives of industry interests are encouraged from the tobacco manufacturing industry.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: October 21, 2013.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2013–25188 Filed 10–24–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HIV/AIDS Bureau; Ryan White HIV/AIDS Program Core Medical Services Waiver; Application Requirements

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final notice.

SUMMARY: Title XXVI of the Public Health Service Act, as amended by the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Ryan White Program or RWHAP), requires that grantees expend 75 percent of Parts A, B, and C funds on core medical services, including antiretroviral drugs, for individuals with HIV/AIDS identified and eligible under the statute. The statute also grants the Secretary authority to waive this requirement if there are no waiting lists for the AIDS Drug Assistance Program (ADAP) and core medical services are available to all individuals identified and eligible under Title XXVI in an applicant's state, jurisdiction, or service area, as applicable.

The requirements for submitting an application to waive the statutory requirement that a grantee spend at least 75 percent of its funds on core medical were previously outlined in HIV/AIDS Bureau (HAB) Policy Notice 08–02. On May 24, 2013, the Health Resources and Services Administration (HRSA) published a Final Notice with Opportunity to Comment in the **Federal Register**, revising HAB Policy Notice 08–02, and requesting public comment on this revised policy. This **Federal Register** notice seeks to address comments made by the public and to implement this policy as originally written.

DATES: The policy will become effective on September 23, 2013.

SUPPLEMENTARY INFORMATION: HRSA received several comments on the waiver application process published in the **Federal Register**. Overall, the comments were supportive of the revised requirements. Commenters indicated that the revised application process will provide grantees with the flexibility to adjust resource allocation based on the current situation in their local environment.

Several commenters suggested that the application process and the documentation required to apply for a waiver was burdensome, especially for grantees with limited administrative staff to respond to the waiver requirements. HRSA believes that the application process and the documentation required are necessary for the agency to understand the availability of core medical services in the applicant's state, jurisdiction, or service area, as applicable. This required documentation is intended to provide HRSA with sufficient information to make an informed decision on each waiver request and to understand the availability of core medical services in a grantee's state, jurisdiction, or service area, as applicable. Further, the requirements are similar to those under the previous policy. Waiver applicants under the previous policy were expected to provide adequate documentation, which may have included additional data, supporting letters, and other information that justified the need for the waiver. As such, HRSA is only clarifying what documentation is necessary to meet each requirement in the application. This will ensure that the applicant provides adequate documentation to demonstrate the need for a waiver of the core medical services requirement

Under the previous policy, letters from Medicaid directors and other State and local HIV/AIDS entitlement and benefits programs, which may include private insurers, were optional. Under this revision, item #2(c) of the policy now requires the submission of documentation regarding the availability of relevant services, and lists examples of the types of programs that may provide documentation, including private insurers. Specific to this requirement, several commenters suggested that letters from private insurers would be burdensome to provide. HRSA wishes to clarify that letters from private insurers are not required; these entities are only listed to provide an example of a type of entitlement and benefit provider. Other types of entitlement and benefit providers might include local foundations that provide funding for medical care to low-income HIV patients or a county or state sponsored drug-assistance program. As part of their application, grantees must provide letters from the state Medicaid Director and relevant HIV/AIDS entitlement and benefits programs available in their state, jurisdiction, or service area, as

applicable, to document the availability and accessibility of core medical services.

Several commenters pointed out that it would be burdensome for grantees to conduct a separate public process around the annual waiver application. HRSA wishes to clarify that while a grantee may conduct a separate public process around the waiver application, they are not required to do so. Grantees must seek feedback on their waiver application from the public, but may do so through any public process that the grantee already uses, including those that are used to obtain input on community needs as part of the annual priority setting and resource allocation, comprehensive planning, Statewide Coordinated Statement of Need, public planning, and/or needs assessment process. This requirement has not changed from the previous policy.

Another commenter requested that HRSA not include the waiver attachments and documentation requirements as part of the application's 10-page limit listed in requirement #4. HRSA wishes to clarify that the page limit only applies to the narrative section described in requirement #4. The documentation required by the other sections does not count towards the page limit outlined in the policy.

Another commenter mentioned concern regarding ''outreach and linkage of HIV-positive individuals not currently in care'' being considered a non-core service in the requirement #4(c) of the policy. The commenter indicated that outreach and linkage to care fell under early intervention services, and as such should not be considered a non-core service. HRSA wishes to clarify that section #4(c) of the policy is specifically referring to outreach and linkage to care as a support service, not early intervention services, which, as the commenter mentioned, are core medical services. In 42 U.S.C. 300ff–14(d)(1), 300ff–22(c)(1), 300ff–51(d)(1), outreach services are identified as support services. In addition, HAB policy 12–01 identifies outreach services as a service ''which has as their principal purpose targeting activities, under specific needs assessment-based service categories that can identify individuals with HIV disease. This includes those who know their HIV status and are not in care as well as those individuals who are unaware of their HIV status, so that they become aware of the availability of HIV-related services and enroll in primary care, AIDS Drug Assistance Programs, and support services that enable them to remain in care.''

Another commenter suggested that the requirement that all core services be available within 30 days is not reasonable. Access to routine medical and preventive care services within 30 days has been cited as an example of a reasonable availability standard for Medicare Coordinated Care Plans by the Department of Health and Human Services/Centers for Medicare and Medicaid Services (See Medicare Managed Care Manual, Chapter 4 Benefits and Beneficiary Protections, section 110.1 Access and Availability Rules for Coordinated Care Plans at *http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/mc86c04.pdf.*). In addition, the RWHAP legislation specifies that core medical services must be ''available.'' This requirement has not changed from previous versions of this policy. Therefore, HRSA will maintain the requirement that all core medical services are available to individuals identified in the service area within 30 days, as this requirement serves as a benchmark for the availability of core medical services.

Other commenters suggested that the application acceptance timeframe be changed to a rolling basis, rather than requiring that waiver applications be submitted before, during, or after application deadlines, or that waiver applications be preapproved, with complete documentation submitted only when the grantee invokes the waiver. While HRSA agrees that these methods may be more straightforward, the current process and timelines used to manage and monitor grant applications makes either of these processes not feasible for HRSA.

This Final Notice reaffirms HRSA's position that these revisions to HAB Policy Notice 08–02 are intended to clarify the waiver process and respond to the changing needs of the grantee community, while at the same time ensuring that the waiver process is fair and sufficiently robust so that HRSA is able to undertake appropriate review. The policy will remain in effect, as originally published, and will be identified as HAB Policy Notice 13–07.

Policy

Uniform Standard for Waiver of Core Medical Services Requirement for Grantees Under Parts, A, B, and C

POLICY NUMBER 13–07 (Replaces Policy Notice 08–02).

Scope of Policy

Ryan White Parts A, B, C.

Summary and Purpose of Policy

The purpose of this policy is to outline the Health Resources and Services Administration (HRSA) HIV/AIDS Bureau (HAB) requirements for applying for a waiver of the requirement that 75 percent of Ryan White HIV/AIDS program funds be spent on core medical services.

Background

Title XXVI of the Public Health Service Act, Part A section 2604(c), Part B section 2612(b), and Part C section 2651(c) requires that grantees expend not less than 75 percent of their grant funds on core medical services. These sections also grant the Secretary authority to waive this requirement if there are no waiting lists for the AIDS Drug Assistance Program (ADAP) and core medical services are available to all individuals identified and eligible under Title XXVI in an applicant's service area.

Policy

Grantees may submit a waiver request at any time prior to submission of the annual grant application, along with the annual grant application, or up to 4 months after the start of the grant year for which a waiver is being requested. Applications submitted before or after an annual grant application have different requirements than those submitted with an annual grant application. Applicants should choose the method that best meets their needs. The requirements for each process are outlined below.

Requirements To Apply for a Waiver Before or After an Annual Grant Application

This section outlines the requirements to submit a waiver application: (1) In advance of a grantee's annual grant application or (2) after the grant application has been submitted up to 4 months into the grant year for which a waiver is being requested. Waiver requests must be submitted through the EHB *Prior Approval* portal and must identify the grant year for which the waiver is being requested. The waiver request must be signed by the chief elected official or the Project Director, and include the following documentation that will be utilized by HRSA in determining whether to grant the waiver:

1. Letter signed by the Director of the Part B State/Territory Grantee indicating that there is no current or anticipated ADAP services waiting list in the State/Territory.

2. Evidence that all core medical services listed in the statute (Part A

section 2604(c)(3), Part B section 2612(b)(3), and Part C section 2651(c)(3)), regardless of whether such services are funded by the Ryan White HIV/AIDS Program, are available and accessible within 30 days for all identified and eligible individuals with HIV/AIDS in the service area, without need to expend at least 75 percent of Ryan White funds on these services. Acceptable evidence must include all of the following:

a. HIV/AIDS care and treatment services inventories, including identification of the specific core medical services available, from whom, and through what funding source;

b. HIV/AIDS client/patient service utilization data in addition to what has previously been submitted via the Ryan White Services Report (RSR); and

c. Letters from Medicaid and other State and local HIV/AIDS entitlement and benefits programs, which may include private insurers.

3. Evidence of a public process, which documents that the applicant has sought input from affected communities; including consumers and the Ryan White HIV/AIDS Program-funded core medical services providers, related to the availability of core medical services and the decision to request a waiver. This public process may be the same one that is utilized for obtaining input on community needs as part of the annual priority setting and resource allocation, comprehensive planning, Statewide Coordinated Statement of Need (SCSN), public planning, and/or needs assessment process. Acceptable evidence must, at a minimum, include:

a. Letters from both the Planning Council Chair in the Metropolitan area (if grantee serves such area) and the State HIV/AIDS Director describing the public process that occurred in each jurisdiction.

4. A narrative of up to, but no more than, 10 pages that explains each item in a. through d. below:

a. Any underlying State or local issues that influenced the grantee's decision to request a waiver.

b. How the documentation submitted under item two supports the assertion that such core services are available and accessible to all individuals with HIV/AIDS, identified and eligible under Title XXVI in the service area.

c. How the approval of a waiver will positively contribute to the grantee's ability to address service needs for HIV/AIDS non-core services. Specifically address the grantee's ability to perform outreach and linkage of HIV-positive individuals not currently in care.

d. How the receipt of the core medical services waiver will allow for implementation consistent with the applicant's proposed percentage allocation of resources, comprehensive plan, and SCSN. Applicants must also document consistency by providing a proposed allocation table.

Waiver Review and Notification Process

HRSA/HAB will review the request and notify grantees of waiver approval or denial within eight weeks of receipt of the request. Core medical services waivers will be effective for the grant award period for which it is approved. Subsequent grant periods will require a new waiver request. Grantees that are approved for a core medical services waiver in advance of their annual grant application are not compelled to utilize the waiver should circumstances change.

Requirements To Apply for a Waiver With the Annual Grant Application

This section provides guidance for grantees who wish to submit a waiver request with their annual grant application. Waiver requests must be submitted as an attachment to the grantee's annual grant application and should *not* be submitted through the EHB *Prior Approval* portal. The waiver request must be signed by the chief elected official or the Project Director, and include the following documentation that will be utilized by HRSA in determining whether to grant the waiver:

1. Letter signed by the Director of the Part B State/Territory Grantee indicating that there is no current or anticipated ADAP services waiting list in the State/Territory.

2. Evidence that all core medical services listed in the statute (Part A section 2604(c)(3), Part B section 2612(b)(3), and Part C section 2651(c)(3)), regardless of whether such services are funded by the Ryan White HIV/AIDS Program, are available and accessible within 30 days for all identified and eligible individuals with HIV/AIDS in the service area, without need to expend at least 75 percent of Ryan White funds on these services. Acceptable evidence must include all of the following:

a. HIV/AIDS care and treatment services inventories, including identification of the specific core medical services available, from whom, and through what funding source;

b. HIV/AIDS client/patient service utilization data in addition to what has previously been submitted via the Ryan White Services Report (RSR); and

c. Letters from Medicaid and other State and local HIV/AIDS entitlement and benefits programs, which may include private insurers.

3. Evidence of a public process, which documents that the applicant has sought input from affected communities; including consumers and the Ryan White HIV/AIDS Program-funded core medical services providers, related to the availability of core medical services and the decision to request a waiver. This public process may be the same one that is utilized for obtaining input on community needs as part of the annual priority setting and resource allocation, comprehensive planning, Statewide Coordinated Statement of Need (SCSN), public planning, and/or needs assessment process. Acceptable evidence must, at a minimum, include:

a. Letters from both the Planning Council Chair in the Metropolitan area (if grantee serves such area) and the State HIV/AIDS Director describing the public process that occurred in each jurisdiction.

4. A narrative of up to, but no more than, 10 pages that explains each item in a. through d. below:

a. Any underlying State or local issues that influenced the grantee's decision to request a waiver.

b. How the documentation submitted under item two supports the assertion that such core services are available and accessible to all individuals with HIV/AIDS, identified and eligible under Title XXVI in the service area.

c. How the approval of a waiver will positively contribute to the grantee's ability to address service needs for HIV/AIDS non-core services. Specifically address the grantee's ability to perform outreach and linkage of HIV-positive individuals not currently in care.

d. How the receipt of the core medical services waiver is consistent with the applicant's grant application, comprehensive plan, and SCSN. Applicants must also document consistency by providing the following:

i. Proposed allocation table, if not included as part of the grant application;

AND

ii. (PART A) ''Description of Priority Setting and Resource Allocation Processes'' and ''Unmet Need Estimate and Assessment'' sections of the current grant application;

OR

iii. (PART B) ''Needs Assessment and Unmet Need'' section of the current grant application;

OR

iv. (PART C) ''Description of the Local HIV Service Delivery System'' and ''Current and Projected Sources of Funding'' sections of the current grant application.

Waiver Review and Notification Process

HRSA/HAB will review the request and notify grantees of waiver approval or denial no later than the date of issuance of the Notice of Award (NoA). Core medical services waivers will be effective for the grant award period for which it is approved. Subsequent grant periods will require a new waiver request. Grantees that are approved for a core medical services waiver in their annual grant application are not compelled to utilize the waiver should circumstances change.

The Paperwork Reduction Act of 1995

This activity has been reviewed and approved by the Office of Management and Budget, under the Paperwork Reduction Act of 1995 (Control number 0915–0307).

Dated: October 18, 2013.

Mary K. Wakefield,

Administrator.

[FR Doc. 2013–25276 Filed 10–24–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

''Low-Income Levels'' Used for Various Health Professions and Nursing Programs

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is updating income levels used to identify a ''low-income family'' for the purpose of determining eligibility for programs that provide health professions and nursing training for individuals from disadvantaged backgrounds. These various programs are included in Titles III, VII, and VIII of the Public Health Service Act.

The Department periodically publishes in the **Federal Register** low-income levels used to determine eligibility for grants and cooperative agreements to institutions providing training for (1) disadvantaged individuals, (2) individuals from disadvantaged backgrounds, or (3) individuals from low-income families.

SUPPLEMENTARY INFORMATION: The various health professions and nursing grant and cooperative agreement programs that use the low-income levels to determine whether an individual is from an economically disadvantaged background in making eligibility and funding determinations generally make awards to: Accredited schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, podiatric medicine, nursing, chiropractic, public or private nonprofit schools which offer graduate programs in behavioral health and mental health practice, and other public or private nonprofit health or education entities to assist the disadvantaged to enter and graduate from health professions and nursing schools. Some programs provide for the repayment of health professions or nursing education loans for disadvantaged students.

The Secretary defines a ''low-income family/household'' for programs included in Titles III, VII, and VIII of the Public Health Service Act as having an annual income that does not exceed 200 percent of the Department's poverty guidelines. A family is a group of two or more individuals related by birth, marriage, or adoption who live together. On June 26, 2013, in U.S. v. Windsor, the Supreme Court held that section 3 of the Defense of Marriage Act, which prohibited federal recognition of same-sex spouses and same-sex marriages, was unconstitutional. In light of this decision, please note that same-sex marriages and same-sex spouses will be recognized on equal terms with opposite-sex spouses and opposite-sex marriages, regardless of where the couple resides. A ''household'' may be only one person. Most HRSA programs use the income of the student's parents to compute low-income status. Other programs, depending upon the legislative intent of the program, the programmatic purpose related to income level, as well as the age and circumstances of the participant, will apply these low income standards to the individual student to determine eligibility, as long as he or she is not listed as a dependent on his or her parents' tax form. Each program will announce the rationale and choice of methodology for determining low-income levels in their program guidance. The Department's poverty guidelines are based on poverty thresholds published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index.

The Secretary annually adjusts the low-income levels based on the Department's poverty guidelines and makes them available to persons responsible for administering the applicable programs. The income figures below have been updated to reflect increases in the Consumer Price Index through December 31, 2012.

2013 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

Size of parents' family *	Income level **
1	$22,980
2	31,020
3	39,060
4	47,100
5	55,140
6	63,180
7	71,220
8	79,260

For families with more than 8 persons, add $8,040 for each additional person.

2013 POVERTY GUIDELINES FOR ALASKA

Size of parents' family*	Income level**
1	$28,700
2	38,760
3	48,820
4	58,880
5	68,940
6	79,000
7	89,060
8	99,120

For families with more than 8 persons, add $10,060 for each additional person.

2013 POVERTY GUIDELINES FOR HAWAII

Size of parents' family *	Income level **
1	$26,460
2	35,700
3	44,940
4	54,180
5	63,420
6	72,660
7	81,900
8	91,140

For families with more than 8 persons, add $9,240 for each additional person.

* Includes only dependents listed on federal income tax forms. Some programs will use the student's family rather than his or her parents' family.

** Adjusted gross income for calendar year 2012.

Separate poverty guidelines figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966–1970 period. (Note that the Census Bureau poverty thresholds—the version of the poverty measure used for statistical purposes—have never had separate figures for Alaska and Hawaii). The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. Puerto Rico or other outlying jurisdictions shall use income guidelines for the 48 contiguous states and the District of Columbia.

Dated: October 18, 2013.

Mary K. Wakefield,

Administrator.

[FR Doc. 2013–25275 Filed 10–24–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Nutrition and Metabolism-Related Ancillary Studies.

Date: November 11, 2013.

Time: 9:30 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: October 21, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25033 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders, Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, October 18, 2013, 2:00 p.m. to October 18, 2013, 3:30 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on September 17, 2013, 78 FR 57167–57168.

The meeting will be held on October 23, 2013. The location and time remain the same. The meeting is closed to the public.

Dated: October 21, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25038 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Substance Use Disorders and Molecular Regulation of Brain Energy Utilization (R01) (R21).

Date: November 19, 2013.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–402–6626, *gm145a@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: October 21, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25057 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, October 01, 2013, 02:00 p.m. to October 01, 2013, 04:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on September 16, 2013, 78 FR 56902.

This meeting will be held on October 31, 2013. The location and time remain the same. The meeting is closed to the public.

Dated: October 21, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25039 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Genetic Basis of Monogenic Blood Disorder.
Date: November 13, 2013.
Time: 1:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Room 7200, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Michael P. Reilly, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7200, Bethesda, MD 20892, 301–496–9659, *reillymp@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 21, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25054 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel R13 Conference Grant Review (PA12–212).
Date: November 12, 2013.
Time: 2:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Virtual Meeting).
Contact Person: Minna Liang, Ph.D., Scientific Review Officer, Grants Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4226, MSC 9550, Bethesda, MD 20892–9550, 301–435–1432, *liangm@nida.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: October 21, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25058 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Intermittent Hypoxia Review.
Date: November 5, 2013.
Time: 12:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202.
Contact Person: William J Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892, 301–435–0725, *johnsonwj@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 21, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25053 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the International and Cooperative Projects—1 Study Section, October 01, 2013, 10:00 a.m. to October 01, 2013, 06:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on September 03, 2013, 78 FR 54260.

The meeting will start on November 5, 2013 at 08:00 a.m. and end November 8, 2013 at 06:00 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: October 21, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25034 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NICHD.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NICHD.
Date: December 6, 2013.
Closed: 8:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 31, Room 2A48, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Constantine A. Stratakis, MD, D(med)Sci, Scientific Director, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, Building 31, Room 2A46, 31 Center Drive, Bethesda, MD 20892, 301–594–5984, *stratakc@mail.nih.gov*.

Information is also available on the Institute's/Center's home page: *http://www.nichd.nih.gov/about/meetings/2013/Pages/120613.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 21, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25055 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Preclinical Development Services for AIDS Therapeutics.

Date: October 30, 2013.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Uday K. Shankar, Ph.D., MSC, Scientific Review Officer, Scientific Review Program, DEAS/NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–594–3193, *uday.shankar@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Preclinical Innovation Program.

Date: October 31–November 1, 2013.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Jane K. Battles, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Room 3128, Bethesda, MD 20892–7616, 301–451–2744, *battlesja@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 21, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25028 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Initial Review Group.

Date: November 4–5, 2013.

Time: 8:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Weiqun Li, MD, Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd., Suite 703H, Bethesda, MD 20892, (301) 594–5966, *wli@mail.nih.gov*.

This meeting notice is being published less than 15 days in advance of the meeting due to the Government shutdown of October 2013.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: October 21, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25052 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Quantification of Drugs of Abuse and Related Substances in Biological Specimens (7788).

Date: November 7, 2013.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Lyle Furr, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 435–1439, *lf33c.nih.gov*.

This meeting notice is being published less than 15 days in advance of the meeting due to the Government shutdown of October 2013.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and

Addiction Research Programs, National Institutes of Health, HHS)

Dated: October 21, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25056 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Kidney, Urologic, and Hematologic Diseases Interagency Coordinating Committee; Urology Subcommittee Workshop

SUMMARY: The Urology Subcommittee of the Kidney, Urologic, and Hematologic Diseases Interagency Coordinating Committee (KUHICC) will hold a 1-day workshop on November 4, 2013. The workshop will be open to the public, with attendance limited to space available.

DATES: The workshop will be held on November 4, 2013, from 8:00 a.m. to 3:30 p.m. Requests for registration must occur 7 days prior to the workshop.

ADDRESSES: The workshop will be at the National Institutes of Health, Office of Research on Women's Health, Room 401, 6707 Democracy Boulevard, Rockville, MD 20817.

FOR FURTHER INFORMATION CONTACT: For further information concerning this workshop, contact Dr. Tamara Bavendam, Co-Chair, Kidney, Urologic, and Hematologic Diseases Interagency Coordinating Committee—Urology Subcommittee, National Institute of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Bethesda, Room 615, MSC 5458, Bethesda, MD 20892–5458, telephone: 301–594–4733; email: *tamara.bavendam@nih.gov*.

SUPPLEMENTARY INFORMATION: The KUHICC facilitates cooperation, communication, and collaboration on kidney, urologic, and hematologic diseases among government entities. The November 4, 2013, workshop held by the KUHICC Urology Subcommittee, also called the ''Urology Interagency Coordinating Committee (UICC), will discuss research needs and new directions in women's urologic health that can assist the NIDDK in development of a new Women's Urologic Health Research Program. An agenda for this workshop is available by contacting Dr. Tamara Bavendam, email: *tamara.bavendam@nih.gov*.

Any interested person may file written comments with the Committee by forwarding their statement to the contact person listed on this notice. The statement should include the name, address, telephone number and, when applicable, the business or professional affiliation of the interested person. Because of time constraints for the workshop, there will not be time on the agenda for oral comments from members of the public.

Please note that seating is limited and attendance will be first-come, first-served. Non-federal individuals planning to attend the workshop should register by email to Dr. Tamara Bavendam, email: *tamara.bavendam@nih.gov* and John Hare, The Scientific Consulting Group, Inc. (*jhare@scgcorp.com*) after October 15, 2013.

Please put ''Registration UICC Nov 4 Meeting'' in the subject line. Request for registration should occur at least 7 days prior to the workshop. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below at least 10 days in advance of the workshop.

Dated: September 30, 2013.

Griffin P. Rodgers,

Director, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health.

[FR Doc. 2013–25278 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Autoimmunity Centers of Excellence, Basic and Clinical Components.

Date: November 18–19, 2013.

Time: November 18, 2013, 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Time: November 19, 2013, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Paul A. Amstad, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–402–7098, *pamstad@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 21, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25029 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Training and Career Development.

Date: November 7, 2013.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, Suite 703K, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Yujing Liu, Ph.D., MD, Chief, Office of Review, Division of

Extramural Activities, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd., Suite 703K, Bethesda, MD 20892, (301) 451–5152, *yujing_liu@nih.gov*.

This meeting notice is being published less than 15 days in advance of the meeting due to the Government shutdown of October 2013.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: October 21, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25059 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: November 6, 2013.

Time: 11:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Jay R Radke, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, Room 2217, 6700B Rockledge Drive MDS–7616, Bethesda, MD 20892–7616, 301–496–2550, *jay.radke@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 21, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25030 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; NIBIB P30 Review 2014/05.

Date: January 28, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ruixia Zhou, Ph.D., Scientific Review Officer, 6707 Democracy Boulevard, Suite 957, Bethesda, MD 20892, 301–496–4773, *zhour@mail.nih.gov.*

Dated: October 21, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25032 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Office of AIDS Research Advisory Council.

Date: November 14, 2013.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: The theme of the Office of AIDS Research Advisory Council (OARAC) meeting will be NIH AIDS Priority-Setting in an Era of Budget Constraint. The OARAC will devote the full one-day meeting to reviewing key areas of the portfolio with presentations and discussions led by leaders in each scientific area including AIDS vaccines, microbicides, therapeutics research, behavioral research, disease progression/comorbidities, and research toward a cure. An update will be provided on the latest changes made to the federal treatment and prevention guidelines by the OARAC Working Groups responsible for the guidelines.

Place: National Institutes of Health, 5635 Fishers Lane Conference Center, Terrace Level, Suite T–500, Rockville, MD 20852.

Contact Person: Robert Eisinger, Ph.D., Executive Secretary, Director of Scientific And Program Operations, Office of Aids Research, Office of The DirectoR, NIH, 5635 Fishers Lane, MSC 9310, Suite 400, Rockville, MD 20852, (301) 496–0357; *be4y@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.oar.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: October 21, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25027 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Alzheimer's Disease Sequencing Project.

Date: October 29, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree by Hilton Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Elaine Lewis, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2C212, MSC–9205, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7707, *elainelewis@nia.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 21, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25035 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIH Support for Conferences and Scientific Meetings (R13).

Date: November 18–22, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Virtual Meeting).

Contact Person: Kelly Y. Poe, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 6700–B Rockledge Drive, MDS–7616, Bethesda, MD 20892–7616, 301–451–2639, *poeky@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Mechanisms of Cellular Immunity in the Female Reproductive Tract.

Date: November 20, 2013.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Lakshmi Ramachandra, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 6700–B Rockledge Drive, MSC–7616, Bethesda, MD 20892–7616, 301–496–2550, *Ramachandral@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 21, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–25031 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Vitamin D Standardization Program (VDSP) Symposium: Tools To Improve Laboratory Measurement

SUMMARY: The National Institutes of Health, Office of Dietary Supplements (ODS), and the National Institute of Standards and Technology (NIST), are sponsoring a one-day symposium on November 14, 2013, to present information about the Vitamin D Standardization Program (VDSP) to those with an interest in the effort to standardize vitamin D measurement. These groups include commercial assay manufacturers; commercial, clinical, and research laboratory personnel; vitamin D researchers; and members of professional societies with clinical and public health interest in vitamin D.

DATES: November 14, 2013, 8:30 a.m. to 5:30 p.m. (Eastern Time).

ADDRESSES: NIST, 100 Bureau Drive, Green Auditorium, Gaithersburg, MD 20899–1070. The NIST campus is a highly secured area. Because of this, you are required to register in advance and must present a current government-issued identification card with photo when entering the facility. The Web address for registration is *https://events-support.com/events/VDSP_Symposium_2013.*

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Rooney, ODS, National Institutes of Health, 6100 Executive Boulevard, Room 3B01, Bethesda, MD 20892–7523; email: *rooneyc@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The ODS established the VDSP in November 2010 in an effort to standardize the laboratory measurement of vitamin D status worldwide. Standardization is essential to improve the detection, evaluation, and treatment of vitamin D deficiency and insufficiency by making measurements of serum total 25-hydroxyvitamin D [25(OH)D] accurate and comparable over time, location, and laboratory procedure.

The symposium on November 14 will (1) Describe the VDSP; (2) present data from the VDSP inter-laboratory comparison and commutability studies demonstrating its effectiveness; (3) demonstrate how tools developed through the VDSP can be used to improve the standardization of vitamin D measurement in the United States and around the world; and (4) solicit feedback from symposium participants on how the VDSP can be improved to meet the needs of participants. All participants must register at *https://events-support.com/events/VDSP_Symposium_2013.*

Dated: October 21, 2013.

Lawrence A. Tabak,

Deputy Director, NIH.

[FR Doc. 2013–25277 Filed 10–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5690–N–11]

60-Day Notice of Proposed Information Collection: Father's Day

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* December 24, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–5564 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Father's Day.

OMB Approval Number: Pending OMB Approval.

Type of Request: New Collection.

Form Number: Pending Form Number Assignment.

Description of the need for the information and proposed use: Collection of information is necessary in order to determine how successful PHAs' events are. This information will be included in the Executive Summary.

Respondents (i.e. affected public): State, Local & Tribal Governments.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Total	400	1	400	1	400	$20	$8,000

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 18, 2013.

Merrie Nichols-Dixon,

Deputy Director for Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2013–25181 Filed 10–24–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5681–N–41]

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 possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, 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 the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: October 17, 2013.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. 2013–24883 Filed 10–24–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R2–ES–2013–0061]; [FXES11120200000F2–145–FF02ENEH00]

Finding of No Significant Impact for the Renewal and Amendment to the Barton Springs Pool Habitat Conservation Plan, City of Austin, Travis County, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and final decision.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), make available the final Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and the final amendment to the Barton Springs Pool Habitat Conservation Plan (BSP HCP) under the National Environmental Policy Act of 1969. The City of Austin (applicant) applied for a renewal of their existing Endangered Species Act incidental take permit, with a major amendment to add the Austin blind salamander as an additional covered species; to increase the amount of take for Barton Springs salamander; and to extend the permit term for an additional 20 years.

DATES: We are issuing the Finding of No Significant Impact with this notice.

ADDRESSES: *Reviewing Documents:*

You may obtain copies of the FONSI, final EA, and final BSP HCP at the Federal eRulemaking Portal at http://www.regulations.gov (search for Docket No. FWS–R2–ES–2013–0061), as well as on the Service's Web site at *http://www.fws.gov/southwest/es/AustinTexas*. The BSP HCP is also available on the City of Austin's ftp site at ftp://ftp.ci.austin.tx.us/wre/BSHCP.

Alternatively, you may obtain a CD–ROM with electronic copies of the FONSI, final EA, and final BSP HCP by writing to Mr. Adam Zerrenner, Field Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758; calling 512–490–0057; or faxing 512–490–0974. A limited number of printed copies of the final documents are also available, by request, from Mr. Zerrenner. Copies of the FONSI, final EA, and final BSP HCP are also available for public inspection and review at the following locations, by appointment and written request only, 8 a.m. to 4:30 p.m.:

- Department of the Interior, Natural Resources Library, 1849 C. St. NW., Washington, DC 20240.
- U.S. Fish and Wildlife Service, 500 Gold Avenue SW., Room 6034, Albuquerque, NM 87102.
- U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758.

FOR FURTHER INFORMATION CONTACT: Mr. Adam Zerrenner, Field Supervisor, by U.S. mail at U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758–4460; or by telephone at 512–490–0057.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), we advise the public that:

1. We gathered the information necessary to determine impacts and formulate alternatives for the EA related to potential issuance of a renewed incidental take permit (ITP) with a major amendment to the applicant;
2. The applicant developed an amended habitat conservation plan (BSP HCP) as part of the application for an ITP, which describes the measures the applicant has agreed to take to minimize and mitigate the effects of incidental take of covered species to the maximum extent practicable pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.); and,
3. We have a finding of no significant impact; therefore,
4. We issued the ITP to the applicant on September 12, 2013.

The applicant applied for a renewed ITP (TE–839031), with a major amendment that will be in effect for an additional 20 years, and authorizes incidental take of two animal species (covered species), the endangered Barton Springs salamander (*Eurycea sosorum*) and the Austin Blind salamander (*Eurycea waterlooensis*). As described in the BSP HCP, the anticipated incidental take will occur in four spring sites within Zilker Park, Travis County, Texas (permit area), and will result from activities associated with otherwise lawful activities, including the operations and maintenance of Barton Springs Pool (covered activities). The final EA considers the direct, indirect, and cumulative effects of implementation of the HCP, including the measures that will be implemented to minimize and mitigate such impacts to the maximum extent practicable.

Background

The applicant originally held an ITP (TE–839031) for the Barton Springs salamander that would have expired on October 2, 2013. Opportunity for public review of the original permit application, the environmental assessment, and the habitat conservation plan was provided in the **Federal Register** on March 16, 1998 (63 FR 12817), and July 15, 1998 (63 FR 38191). Activities included in the existing and 2013 BSP HCP include, but are not limited to, recreation, operations, maintenance, and restoration at Barton Springs Pool, Old Mill Spring, Eliza Spring, and Upper Barton Spring.

The application for amendment to the ITP included adding Austin Blind salamander as a covered species, increasing the amount of take authorized for Barton Springs salamander, and an extension of the permit term for an additional 20 years to 2033.

Other Alternatives Considered

We considered one alternative to the proposed action.

1. No Action—No renewal of the ITP with a major amendment would be issued. Under this alternative, maintenance of the Barton Springs Pool would continue only until the current permit expires. When the current permit expires, the applicant would halt all maintenance activities that may cause take of listed species. As routine and post-flood cleaning is critical to maintaining Barton Springs Pool for recreational activities, use of the Pool would likely be restricted until a new incidental take permit could be issued. The applicant would continue to be subject to the take prohibitions of the Act. Where potential impacts could not be avoided, and where a Federal nexus exists, measures designed to minimize and mitigate for the impacts would be addressed through individual formal or informal consultation with the Service.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of

organizations or businesses, will be made available for public disclosure in their entirety.

Decision

We issued an ITP to the City of Austin for implementation of the preferred alternative as it is described in the BSP HCP. Our decision is based on a thorough review of the alternatives and their environmental consequences. Implementation of this decision entails issuance of the ITP by the Service and full implementation of the BSP HCP by the City of Austin, including minimization and mitigation measures, monitoring and adaptive management, and complying with all terms and conditions in the ITP.

Authority

We provide this notice under section 10(c) of the Act and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA and its implementing regulations (40 CFR 1506.6).

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 2013–25167 Filed 10–24–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–NWRS–2013–0036; FXRS12610800000–134–FF08RSFC00]

South Farallon Islands Invasive House Mouse Eradication Project; Farallon National Wildlife Refuge, California; Revised Draft Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), advise the public that we are issuing a revised Draft Environmental Impact Statement (revised DEIS) for the South Farallon Islands Invasive House Mouse Eradication Project on the Farallon National Wildlife Refuge, CA. If you have previously submitted comments, please do not resubmit them, because we have already incorporated them in the public record and will fully consider them in our final EIS.

DATES: To ensure consideration, please send your written comments on or before December 9, 2013. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: *Document Availability:* You may obtain copies of the documents in the following places:

• *Internet: http://www.regulations.gov* (Docket Number FWS–R8–NWRS–2013–0036).

• *In-Person:*

▪ San Francisco Bay National Wildlife Refuge Complex Headquarters, 1 Marshlands Road, Fremont, CA 94555.

▪ San Francisco Public Library, 100 Larkin Street, San Francisco, CA 94102.

Submitting Comments: You may submit written comments by one of the following methods:

• *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov*. In the Search box, enter FWS–R8–NWRS–2013–0036, which is the docket number for this notice. Then, click on the project link to access documents and submit a comment. To access the revised DEIS, click on Open Docket Folder.

• *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R8–NWRS–2013–0036; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all information received on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Gerry McChesney, Refuge Manager, 510–792–0222, ext. 222 (phone).

SUPPLEMENTARY INFORMATION: On August 16, 2013, we published a **Federal Register** notice (78 FR 50082) announcing the availability of the DEIS for a proposed project to eradicate non-native invasive house mice from the South Farallon Islands, part of the Farallon National Wildlife Refuge off the coast of California. We are now issuing a revised DEIS, to clarify language on the population status of the ashy storm-petrel (*Oceanodroma homochroa*) and revise the assessment of impacts to the ashy storm-petrel under the no action alternative.

For more information on the proposed eradication of invasive house mice from the South Farallon Islands, see our August 16, 2013, notice (78 FR 50082).

Public Comments

We request that you send comments only by one of the methods described in **ADDRESSES**. If you submit a comment via *http://www.regulations.gov,* your entire comment—including your personal identifying information—will be posted on the Web site. We will post all hardcopy comments on *http://www.regulations.gov* as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Comments and materials we receive, as well as documents associated with the notice, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R8–NWRS–2013–0036.

Authority

We provide this notice under the National Environmental Policy Act (NEPA) (42 U.S.C. 4371 *et seq.*) and its' implementing regulations (40 CFR 1506.6).

Alexandra Pitts,

Acting Regional Director, Pacific Southwest Region.

[FR Doc. 2013–24954 Filed 10–24–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14860–A; LLAK940000–L14100000–HY0000–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision will be issued by the Bureau of Land Management (BLM) to The Kuskokwim Corporation. The decision approves the surface estate in the lands described below for conveyance pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*). The subsurface estate in these lands will be conveyed to Calista Corporation when the surface estate is conveyed to The Kuskokwim Corporation. The lands are in the vicinity of Georgetown, Alaska, and are located in:

Seward Meridian, Alaska

T. 22 N., R. 45 W.,
Secs. 29 and 32.
Containing 1,280 acres.

Notice of the decision will also be published once a week for four

consecutive weeks in the *Delta Discovery.*

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until November 25, 2013 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: The BLM by phone at 907–271–5960 or by email at *blm_ak_akso_public_room@blm.gov.* Persons who use a Telecommunications Device for the Deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

Ralph L. Eluska, Sr.,

Land Transfer Resolution Specialist, Division Lands and Cadastral.

[FR Doc. 2013–25151 Filed 10–24–13; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLID9310000.L10200000.EE0000. LXSSD0010000]

Notice of Availability of the Final Environmental Impact Statement for the Jump Creek, Succor Creek, and Cow Creek Watersheds Grazing Permit Renewal, Owyhee County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the Owyhee Field Office Jump Creek, Succor Creek and Cow Creek Watersheds grazing permit renewal, and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency publishes this notice in the **Federal Register**.

ADDRESSES: Copies of the Jump Creek, Succor Creek and Cow Creek Watersheds Grazing Permit Renewal Final EIS are available for public inspection at Owyhee Field Office, 20 First Avenue West, Marsing, ID 83639; the BLM Boise District Office, 3948 Development Ave., Boise ID 83705; the BLM Idaho State Office, 1387 S. Vinnell Way, Boise ID 83709. Interested persons may also review the Final EIS online at *http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal0.html.*

FOR FURTHER INFORMATION CONTACT: Jake Vialpando, Project Manager; telephone 208–373–3814; address 1387 S. Vinnell Way, Boise ID 83709; email *jvialpando@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The area covered by the permit renewal requests is located in Owyhee County, Idaho, and encompasses approximately 120,000 acres of public land. In addition to livestock grazing, a variety of other multiple uses exist within this area, including year-long recreation activities, particularly hiking, boating, fishing, hunting, and off-road vehicle use; wild horse management; potential wind energy development and electrical transmission line development. The Owyhee Field Office will continue to consult with the Shoshone-Paiute Tribes and other parties, as applicable, on this action during regular consultation proceedings and briefings. Federal, State, and local agencies, along with other stakeholders who may be interested or affected by the BLM's decision on this project were invited to comment as well.

The purpose of the action in the Final EIS is to provide for livestock grazing opportunities on public lands using existing infrastructure where such grazing is consistent with meeting management objectives, including the 1997 Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs).

The need is established by the Taylor Grazing Act (TGA), FLPMA, and the 1999 Owyhee Resource Management Plan (ORMP), which require the BLM to respond to new applications or renewals for permits to graze livestock on public land. A detailed analysis of actions and alternative actions identified in the applications for grazing permit renewals is needed because:

- The BLM-Idaho adopted the Idaho S&Gs in 1997. Rangelands should be meeting or making significant progress toward meeting the standards and must provide for proper nutrient cycling, hydrologic cycling, and energy flow. Guidelines direct the selection of grazing management practices and, where appropriate, livestock facilities to promote significant progress toward, or the attainment and maintenance of, the standards.
- The ORMP identifies resource management objectives and management actions that guide the management of a broad spectrum of land uses and allocations for public lands in the Owyhee Field Office. The ORMP allocated public lands within the 25 allotments available for domestic livestock grazing. Where consistent with the goals and objectives of the ORMP and Idaho S&Gs, allocation of forage for livestock use and the issuance of grazing permits to qualified applicants are provided for by the TGA and FLPMA.

Issues were identified by BLM personnel, Federal, State, and local agencies, and other stakeholders during scoping. Some of these key issues include the effects of livestock grazing on rangelands, wild horse herd management areas, wildlife habitats (including Greater Sage-Grouse (GRSG) habitats), as well as the potential for disease transmission between domestic and bighorn sheep. Livestock management modifications are required where current livestock grazing management is determined by the authorized officer to be a significant causal factor for not meeting or not making significant progress toward meeting the Idaho Standards for Rangeland Health, and not achieving ORMP objectives. Evidence suggests that contact between bighorn sheep and

domestic sheep can result in the transmittal of the disease, cause mortality to individual bighorn sheep, and affect herd health.

Other key issues identified and analyzed in the Final EIS involve the impact of livestock grazing on riparian area conditions and aquatic habitat causing the alteration of the health and composition of riparian vegetation communities, especially fish and amphibian habitat conditions; GRSG habitat conditions and the maintenance and enhancement of GRSG populations in accordance with BLM policy. Additionally, livestock grazing that may result in the reduction or removal of native vegetation communities that protect watershed soil and hydrologic function are analyzed in the Final EIS. Also included is an analysis of the potential effects of livestock grazing and trailing on special status plant species and their sustainability, as well as on the spread of noxious and invasive weeds. The BLM analyzed the potential effects of six alternative grazing systems. Alternative 1 is the No Action alternative, which analyzes the consequences of allowing current grazing management actions to continue. Alternative 2 reflects the applications proposed by the permittees currently authorized to graze in these allotments. This alternative is described as the Proposed Action and is, in this case, one that was developed by non-BLM parties. Alternative 3 analyzes the incorporation of a deferred grazing schedule where postponement or delay of grazing is used to achieve management objectives. Alternative 4 incorporates a grazing schedule that prescribes seasons-of-use changes including rest and deferment to protect and enhance high-value resources during certain times of the year. Both alternatives 3 and 4 may include animal unit month (AUM) reductions at varying levels. Alternative 5 addresses the effects specific to a change in livestock classification from sheep to cattle on a single allotment. Alternative 6 analyzes the effects of authorizing no grazing in the allotments for a period of 10 years. The Council on Environmental Quality (CEQ) directs the BLM to ''identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference (40 CFR 1502.14 (e)).'' The BLM did not identify a preferred alternative during the Draft EIS public comment period but has identified a preferred alternative in the Final EIS, as required in the CEQ regulations and in BLM policy. The preferred alternative is an allotment-specific composite of the different action alternatives, the effects of which are analyzed in the Final EIS. The preferred alternative includes a reconfiguration of two allotments into one, as requested by the permittees. Alternative 2 is identified for 6 of the allotments, Alternative 4 for 7 allotments, and Alternative 3 for the remaining 11 allotments in the group, including for the newly combined Wild Rat allotment.

Comments on the Draft EIS received from the public and internal BLM review were considered and incorporated, as appropriate, into the Final EIS. Public comments resulted in the addition of clarifying text but did not significantly change proposed decisions.

Authority: 40 CFR 1506.6, 40 CFR 1506.10.

Loretta V. Chandler,

BLM Owyhee Field Manager.

[FR Doc. 2013–25351 Filed 10–24–13; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLUTCO3100.L17110000.EB000]

Notice of Intent To Collect Fees on Public Lands in the Red Cliffs National Conservation Area, Washington County, UT; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: The Bureau of Land Management (BLM) published a notice in the September 5, 2013, **Federal Register**, (78 FR 54676), Notice of Intent to Collect Fees on Public Lands in the Red Cliffs National Conservation Area, Washington County, UT, which contained erroneous information regarding the use of the America the Beautiful passes at White Reef Park for day-use of park amenities.

FOR FURTHER INFORMATION CONTACT: Kyle Voyles, National Conservation Area (NCA) Outdoor Recreation Planner, Bureau of Land Management, St. George Field Office, 345 E. Riverside Drive, St. George, Utah 84790; email *kvoyles@blm.gov;* or telephone (435) 688–3274. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or question for the above individual. The FIRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

SUPPLEMENTARY INFORMATION: This action corrects the first column, second paragraph on page 54676 to read, ''Pursuant to 43 CFR Part 2930, standard amenity fees will be collected through the issuance of a BLM Recreation Use Permit for the day-use of the White Reef Park amenities. Fees will be collected through a self-service pay station located at White Reef Park. Holders of the America the Beautiful—the National Parks and Federal Recreational Lands Pass do not have to pay the standard amenity fee.''

Jenna Whitlock,

Associate State Director.

[FR Doc. 2013–25149 Filed 10–24–13; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMP0000 L13110000.XH0000]

Notice of Public Meeting, Pecos District Resource Advisory Council Meeting, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM), Pecos District Resource Advisory Council (RAC), will meet as indicated below.

DATES: The meeting is on November 19, 2013, from 9 a.m.–4 p.m.

ADDRESSES: The meeting will be at the Bureau of Land Management Carlsbad Field Office, 620 East Greene Street, Carlsbad, NM, on November 19. The public may send written comments to the RAC, 2909 W. 2nd Street, Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: Howard Parman, Pecos District, Bureau of Land Management, 2909 W. 2nd Street, Roswell, NM 88201, 575–627–0212. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8229 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 10-member RAC advises the Secretary of

Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in New Mexico. Planned agenda items include electing a committee chair, an update on the Carlsbad Resource Management Plan revision, regional ecological assessments, water use issues as related to mineral development, and new potash mine development.

All RAC meetings are open to the public. There will be a public comment period at 3:00 p.m. for any interested members of the public who wish to address the Council on BLM programs and business. Depending on the number of persons wishing to speak and time available, the time for individual comments may be limited. You may also submit written comments during the meeting for the RAC's consideration.

Jim Stovall,

District Manager.

[FR Doc. 2013–25148 Filed 10–24–13; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMF00000 L13110000.XH0000]

Notice of Public Meeting, Farmington District Resource Advisory Council Meeting, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, the Bureau of Land Management's (BLM) Farmington District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The RAC will meet on November 13 and 14, 2013, at the Farmington District Office, 6251 College Blvd., Suite A, Farmington, NM 87401, from 9 a.m.–4 p.m. The public may send written comments to the RAC at the BLM Farmington District Office, 6251 College Blvd., Suite A, Farmington, NM 87401.

FOR FURTHER INFORMATION CONTACT: Christine Horton, BLM Farmington District Office, 6251 College Blvd., Suite A, Farmington, NM 87401, 505–564–7633. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8229 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 10-member Farmington District RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the BLM's Farmington District. Planned agenda items include: Opening remarks from the BLM Farmington District Manager; updates on ongoing planning efforts; Chaco Canyon leasing; the Mancos/Gallup Shale Resource Management Plan Amendment; the Visual Resource Management Plan Amendment for the Glade Run Recreation Area; wild horse gathers for the Farmington District; the Tri-State Transmission Valley Corridor Proposal; the Cebolla Oil and Gas Lease Environmental Assessment; and Taos Field Office planning updates (including Río Grande del Norte National Monument, the El Palacio/Sombrillo Travel Management Plan, and the Sabinoso Wilderness).

On Thursday, November 14, 2013, at 3 p.m., members of the public will have the opportunity to make comments to the RAC, during a half-hour public comment period. All RAC meetings are open to the public. Persons wishing to make comments during the public comment period should register in person with the BLM by 2 p.m. on November 14, 2013, at the meeting location. Depending on the number of commenters, the length of comments may be limited; this time may vary. The BLM appreciates any and all comments.

Michael H. Tupper,

Deputy State Director, Lands and Resources.

[FR Doc. 2013–25150 Filed 10–24–13; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVC02000.L14300000.E0000; NVN082004; 13–08807; MO#4500054972]

Notice of Realty Action: Classification and Segregation for Conveyance for Recreation and Public Purposes for a Sewage Treatment Facility; Partial Termination of Recreation and Public Purposes Classification of Public Lands in Storey County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM), Carson City District, Nevada, has examined and found suitable for classification for conveyance approximately 12.38 acres of public land in Storey County, Nevada, under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended (NVN 082004). Storey County proposes to use the land for a sewage treatment facility to serve Virginia City, Nevada. This notice terminates the previous classification of a portion of land for conveyance under NVN 046965.

DATES: Interested parties may submit written comments regarding the proposed classification or conveyance on or before December 9, 2013.

ADDRESSES: Send written comments to Leon Thomas, Field Manager, BLM Sierra Front Field Office, 5665 Morgan Mill Rd., Carson City, NV 89701.

FOR FURTHER INFORMATION CONTACT: Erik Pignata, Realty Specialist, at the address in the **ADDRESSES** section or by telephone at 775–885–6110 or email at *epignata@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Storey County filed an R&PP application to use public land to authorize and expand an existing sewage treatment facility in order to facilitate increased growth in the area and allow proposed system upgrades. The parcel of land is legally described as:

Mount Diablo Meridian, Nevada

T. 17 N., R. 21 E.

Sec. 28, Lots 38, 39, 43, 45.

The area described contains 12.38 acres more or less in Storey County.

A portion of the land was previously classified under NVN 046965 on behalf of an R&PP application submitted by the Storey County School District for authorization of the Virginia City High School. This notice terminates that classification NVN 046965 so far as it affects lands identified as Section 28, T. 17 N., R. 21 E., and classifies all the lands described above as suitable for the proposed use and conveyance for a sewage treatment facility.

The land is not required for any Federal purpose. The proposed conveyance is consistent with the BLM Carson City Field Office Consolidated Resource Management Plan dated May 2001, and would be in the public interest.

The conveyance, if issued, would be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, including, but not limited to, 43 CFR Part 2743, and would be subject to the following terms, conditions, and reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945);

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe;

3. A right-of-way for a power line granted to Sierra Pacific Power Company, its successors or assigns, by right-of-way NVN 077704 pursuant to the Act of October 21, 1976 (31 Stat. 0790, 43 U.S.C. 959); and

4. Valid existing rights.

An indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or operations on the land has been executed by Storey County and will be included in the patent when issued.

A limited reversionary provision states that the title shall revert to the United States upon a finding, after notice and opportunity for a hearing, that the patentee has not substantially developed the land in accordance with the approved plan of development 5 years after the date of conveyance. No portion of the land shall under any circumstances revert to the United States if any such portion has been used for waste disposal or for any other purpose which may result in the disposal, placement, or release of any hazardous substance.

Upon publication of this notice in the **Federal Register**, the parcel will be segregated from all other forms of appropriation under the public land laws, including the United States general mining laws, except for conveyance under the R&PP Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

Interested persons may submit comments involving the suitability of the land for development for a sewage treatment facility. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or whether the use is consistent with State and Federal programs.

Interested persons may submit comments, including notification of any encumbrances or other claims relating to the parcel, regarding the specific use proposed in the application and plan of development, whether the BLM followed appropriate administrative procedures in reaching a decision to convey under the R&PP Act, or any other factors not directly related to the suitability of the land for sewage treatment facility purposes.

Documents related to this action are on file at the BLM Sierra Front Field Office at the address in the **ADDRESSES** section and may be reviewed by the public upon request.

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. Only written comments submitted by postal service or overnight mail to the Field Manager, BLM Sierra Front Field Office, will be considered properly filed.

Any adverse comments will be reviewed by the BLM Nevada State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become effective December 24, 2013. The land would not be offered for conveyance until after the classification becomes effective.

Authority: 43 CFR 2741.

Leon Thomas,

Field Manager, Sierra Front Field Office.

[FR Doc. 2013–25152 Filed 10–24–13; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–13947; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Thomas Burke Memorial Washington State Museum, University of Washington (Burke Museum), has completed an inventory of human remains, 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 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 should submit a written request to the Burke Museum. If no additional requestors come forward, transfer of control of the human remains 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 should submit a written request with information in support of the request to the Burke Museum at the address in this notice by November 25, 2013.

ADDRESSES: Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849, email *plape@uw.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 under the control of the Burke Museum. The human remains were removed from Island County, WA.

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. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Burke Museum professional staff in consultation with representatives of the Lummi Tribe of the Lummi Reservation, Washington; Samish Indian Tribe, Washington; Sauk-Suiattle Indian Tribe; Stillaguamish Tribe of Indians of Washington (previously listed as Stillaguamish Tribe of Washington); Swinomish Indians of the Swinomish Reservation of Washington; Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington); and the Upper Skagit Indian Tribe (all of the

above hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

In 1963, human remains representing, at minimum, one individual were removed from Useless Bay in Island County, WA. The remains were removed by Bob Atwell and Emil Gabeline and subsequently donated to the Burke Museum (Burke Accn. #1963–50). During initial consultations, the remains were believed to have been removed from Careless Bay in Island County, WA. The remains were included in a Notice of Inventory Completion published in the **Federal Register** (78 FR 45958–45959, July 30, 2013). After further research it has been determined that the remains were collected from Useless Bay on southern Whidbey Island. A Correction Notice of Inventory Completion will be forthcoming and will remove the relevant paragraph. No known individuals were identified. No funerary objects are present.

Native American speakers of the Northern dialect of the Lushootseed language claim cultural heritage to southern Whidbey Island. Historical and anthropological sources (Mooney 1896, Ruby and Brown 1986, Spier 1936, and Swanton 1952) indicate that the Snohomish occupied southern Whidbey Island. The Sdugwadskabsh band of Snohomish people lived at Newell at Useless Bay (Swanton 1952). The Indian Claims Commission determined that Useless Bay was within the aboriginal territory of the Snohomish people. Holmes Harbor was one of the areas the Stillaguamish and other tribes were told to move to after being forced to leave their villages on the mainland (Deur 2009, Grady 2012). Holmes Harbor is in close proximity to Useless Bay. Today, descendants of Snohomish are represented by the Tulalip Tribes of Washington.

Determinations Made by the Burke Museum

Officials of the Burke Museum have determined that:

- Based on archaeological evidence, the human remains have been determined to be Native American.
- 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(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Stillaguamish Tribe of Indians of Washington (previously listed as Stillaguamish Tribe of Washington) and the Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington).

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 should submit a written request with information in support of the request to Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849, email *plape@uw.edu,* by November 25, 2013. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Stillaguamish Tribe of Indians of Washington (previously listed as Stillaguamish Tribe of Washington) and the Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington) may proceed.

The Burke Museum is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: August 28, 2013.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2013–25106 Filed 10–24–13; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–13875; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Denver Department of Anthropology and Museum of Anthropology, Denver, CO; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The University of Denver Museum of Anthropology has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on October 21, 2008. This notice corrects the control of the human remains and associated funerary objects from site 5CN26, Conejos County, CO.

ADDRESSES: Anne Amati, University of Denver Museum of Anthropology, 2000 E Asbury Avenue, Denver, CO 80210, telephone (303) 871–2687, email *anne.amati@du.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 correction of an inventory of human remains and associated funerary objects under the control of the University of Denver Museum of Anthropology.

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.

This notice corrects the control of the human remains and associated funerary objects from site 5CN26, Conejos County, CO, published in a Notice of Inventory Completion in the **Federal Register** (73 FR 62533–62535, October 21, 2008). The human remains and associated funerary objects in this paragraph are not under the control of the University of Denver Museum of Anthropology. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (73 FR 62533–62535, October 21, 2008), paragraph 4, sentences one and two are corrected by substituting the following sentences:

> This notice corrects a Notice of Inventory Completion published in the **Federal Register** (66 FR 51472–51474, October 9, 2001) by deleting paragraphs 4–8 and 11–12, and substituting paragraphs 9–10 and 13–15. The original notice is corrected because after further consideration of museum records, consultation with tribal representatives and Federal agency officials, the controller for the minimum of three individuals of the original nine individuals described in the notice was misattributed and the cultural affiliation for the remaining six individuals was incorrect.

In the **Federal Register** (73 FR 62533–62535, October 21, 2008), paragraph 5, sentence three is corrected by substituting the following sentences:

> The museum has also determined that control of the human remains and associated funerary objects in paragraphs 7–8 is misattributed for DU CO X:16:12 per 43 CFR 10.2(a)(3)(ii). A separate notice will be published by the Bureau of Land Management with that determination. Based on this information, paragraphs 7–8 and 11–12 are deleted from the original notice (66 FR 51472–51474, October 9, 2001).

In the **Federal Register** (73 FR 62533–62535, October 21, 2008), paragraph 6, sentence two is corrected by replacing the number seven with the number six.

In the **Federal Register** (73 FR 62533–62535, October 21, 2008), paragraph 8,

sentences one and two are corrected by substituting the following sentences:

Museum officials have determined that the human remains in paragraphs 9–10 (DU CO V:9:GEA) have a cultural affiliation that can be narrowed to the present-day Pueblo tribes. The original notice 66 FR 51472–51474, October 9, 2001) is corrected by replacing paragraphs 9–10 with the following:

In the **Federal Register** (73 FR 62533–62535, October 21, 2008), paragraphs 9, 10, and 11 are corrected by removing the paragraphs in their entirety.

In the **Federal Register** (73 FR 62533–62535, October 21, 2008), paragraph 14, sentence one is corrected by deleting the catalogue number DU CO X:16:12.

In the **Federal Register** (73 FR 62533–62535, October 21, 2008), paragraph 16, sentences one and two are corrected by substituting the following sentences:

Officials of the University of Denver Department of Anthropology and Museum of Anthropology have determined that, pursuant to 25 U.S.C. 3001(9–10), the human remains described above represent the physical remains of a minimum of two individuals of Native American ancestry. Officials of the University of Denver Department of Anthropology and Museum of Anthropology also have determined that, pursuant to 25 U.S.C.3001(3)(A), the 50 objects described above are reasonably believed to have been placed with or near the individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

The University of Denver Museum of Anthropology is responsible for notifying the Hopi Tribe of Arizona; Ohkay Owingeh, New Mexico (formerly Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: August 19, 2013.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2013–25107 Filed 10–24–13; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–14178; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before September 21, 2013. Pursuant to section 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by November 12, 2013. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: September 24, 2013.

Alexandra Lord,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

NORTH DAKOTA

Dickey County

White Stone Hill, (Federal Relief Construction in North Dakota, 1931–1943, MPS) Address Restricted, Kulm, 13000861

Pembina County

Vikur Lutheran Church at Mountain, 290 Main Ave., Mountain, 13000862

Walsh County

Edinburg WPA Auditorium, (Federal Relief Construction in North Dakota, 1931–1943, MPS) 67 Main St., Edinburg, 13000863

WISCONSIN

Marathon County

Fromm Brothers Fur and Ginsing Farm, 436 Cty. Rd. F, Hamburg, 13000864

Shawano County

Lincoln School, 237 S. Sawyer St., Shawano, 13000865

[FR Doc. 2013–25099 Filed 10–24–13; 8:45 am]

BILLING CODE 4312–51–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–405, 406, and 408 and 731–TA–899–901 and 906–908 (Second Review)]

Hot-Rolled Steel Products From China, India, Indonesia, Taiwan, Thailand, and Ukraine; Revised Schedule for the Subject Five Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: *Effective Date:* October 21, 2013.

FOR FURTHER INFORMATION CONTACT: Nathanael Comly (202–205–3174), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On April 16, 2013, the Commission established a schedule for the conduct of the subject five year reviews (78 FR 24435, April 25, 2013). Subsequently, due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission postponed the hearing in this matter. The Commission, therefore, is revising the remainder of its schedule to conform to the revised hearing date.

The Commission's new schedule for these reviews is as follows: The hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on October 31, 2013; the deadline for filing posthearing briefs is November 8, 2013; the Commission will make its final release of information on December 10, 2013; and final party comments are due on December 12, 2013.

For further information concerning these reviews see the Commission's notice cited above and the

Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and F (19 CFR part 207).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: October 22, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–25129 Filed 10–24–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–491–493, 495, and 497 (Final)]

Frozen Warmwater Shrimp From China, Ecuador, India, Malaysia, and Vietnam

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded by reason of imports from China, Ecuador, India, Malaysia, and Vietnam of frozen warmwater shrimp, provided for in subheadings 0306.17.00, 1605.21.10, and 1605.29.10 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be subsidized by the Governments of China, Ecuador, India, Malaysia, and Vietnam.[2]

Background

The Commission instituted these investigations effective December 28, 2012, following receipt of a petition filed with the Commission and Commerce by the Coalition of Gulf Shrimp Industries, Biloxi, MS. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of frozen warmwater shrimp from countries under investigation were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)).[3] Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 13, 2013 (78 FR 35643). The hearing was held in Washington, DC, on August 13, 2013, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission completed and filed its determinations in these investigations on October 21, 2013.[4] The views of the Commission are contained in USITC Publication 4429 (October 2013), entitled *Frozen Warmwater Shrimp from China, Ecuador, India, Malaysia, and Vietnam: Investigation Nos. 701–TA–491–493, 495, and 497 (Final).*

Dated: October 21, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–25112 Filed 10–24–13; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Chairman Irving A. Williamson and Commissioner Shara L. Aranoff dissenting.

[3] In its preliminary determinations, Commerce found that imports of frozen warmwater shrimp from Ecuador and Indonesia were not being and not likely to be subsidized by the Governments of Ecuador or Indonesia (78 FR 33342–33351, June 4, 2013). However, in its final determinations, Commerce found imports of frozen warmwater shrimp from Ecuador were being subsidized, but that imports of frozen warmwater shrimp from Thailand in addition to those from Indonesia were not being and not likely to be subsidized by the Governments of Indonesia and Thailand. Following final negative determinations by Commerce with respect to frozen warmwater shrimp from Indonesia and Thailand (78 FR 50379–50394, August 19, 2013), the Commission terminated investigation Nos. 701–TA–494 and 496 (78 FR 54912, September 6, 2013).

[4] Due to the lapse in appropriations and ensuing cessation of Commission operations, all import injury investigations conducted under authority of Title VII of the Tariff Act of 1930 have been tolled by 16 days.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–897]

Certain Optical Disc Drives, Components Thereof, and Products Containing the Same; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 3, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Optical Devices, LLC of Peterborough, New Hampshire. A letter supplementing the complaint was filed on September 20, 2013. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain optical disc drives, components thereof, and products containing the same by reason of infringement of U.S. Patent No. 6,904,007 (''the '007 patent''); U.S. Patent No. 7,196,979 (''the '979 patent''); U.S. Patent No. 8,416,651 (''the '651 patent''); U.S. Patent No. RE40,927 (''the '927 patent''); U.S. Patent No. RE42,913 (''the '913 patent''); and U.S. Patent No. RE43,681 (''the '681 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone no. (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server 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*.

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2013).

Scope of investigation: Having considered the complaint, the U.S.

International Trade Commission, on October 21, 2013, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain optical disc drives, components thereof, and products containing the same by reason of infringement of one or more of claims 9–11, 13, 15, and 16 of the '007 patent; claims 13 and 14 of the '979 patent; claims 1–4, 9–12, 17, 21, 25, 29–31, 35, and 36 of the '651 patent; claims 37–39 of the '927 patent; claims 51–53 of the '913 patent; and claims 54–59 and 65–69 of the '681 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant: Optical Devices, LLC, 20 Depot Street, Suite 2A, Peterborough, NH 03458.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Lenovo Group Ltd., 23rd Floor, Lincoln House, Taikoo Place, 979 King's Road, Quarry Bay, Hong Kong.

Lenovo (United States) Inc., 1009 Think Place, Morrisville, NC 27560.

LG Electronics, Inc., LG Twin Towers 20, Yoido-dong, Youngdungpo-gu, Seoul, Republic of Korea 150–721.

LG Electronics U.S.A., Inc., 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632.

Nintendo Co., Ltd., 11–1 Hokotate-cho, Kamitoba, Minami-ku, Kyoto 601–8501, Japan.

Nintendo of America, Inc., 4600 150th Avenue NE, Redmond, WA 98052–5113.

Panasonic Corp., 1006, Oaza Kadoma, Kadoma-shi, Osaka 571–8501, Japan.

Panasonic Corporation of North America, One Panasonic Way, Secaucus, NJ 07094.

Samsung Electronics Co., Ltd., 1320–10, Seocho 2-Dong, Seocho-Gu, Seoul 137–857, Republic of Korea.

Samsung Electronics America, Inc., 85 Challenger Road, Ridgefield Park, NJ 07660.

Toshiba Corporation, 1–1, Shibaura 1-chome, Minato-ku, Tokyo 105–8001, Japan.

Toshiba America Information Systems, Inc., 9740 Irvine Boulevard, Irvine, CA 92618.

MediaTek, Inc., No. 1, Dusing Road 1, Hsinchu Science Park, Hsinchu City 30078, Taiwan.

MediaTek USA Inc., 2860 Junction Avenue, San Jose, CA 95134.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge. The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 21, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–25114 Filed 10–24–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Windshield Wipers and Components Thereof,* DN 2987; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *EDIS* [1], and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *USITC* [2]. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *EDIS* [3]. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Trico Products Corporation on October 21, 2013. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain windshield wipers and components thereof. The complaint names as respondents Federal-Mogul Corporation of Southfield, MI and Federal Mogul S.A. of Belgium. The complainant requests that the Commission issue a limited exclusion order, and cease and desist orders.

Proposed respondents, other interested parties, and members of the

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 2987'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *Electronic Filing Procedures* [4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on *EDIS* [5].

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

Issued: October 21, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–25113 Filed 10–24–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Tolling of Activity in Antidumping and Countervailing Duty Proceedings

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: *Effective Date:* October 21, 2013.

FOR FURTHER INFORMATION CONTACT: Catherine DeFilippo (202–205–3160), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION: On September 30, 2013, the Commission posted a notification on its Web site, that if the Commission did not receive funding by 8:45 a.m. on October 1, 2013, the agency would shut down its investigative activities for the duration of the absence of an appropriation. The notice stated that if a shutdown occurred, the schedules and deadlines for all investigative and pre-institution activities would be tolled by the number of days for which the government was shut down. The notice further indicated that the Commission would reconsider schedules after resuming operations.

The Commission was unable to operate from October 1, 2013 to October 16, 2013 because of an absence of appropriations. Accordingly, all statutory deadlines pertaining to activities conducted under the authority of Title VII of the Tariff Act of 1930 (including antidumping and countervailing duty investigations and reviews) will be tolled 16 calendar days. Additionally, the Commission is revising its schedules for individual proceedings to reflect the tolling of deadlines, which, unless otherwise indicated, have been extended 16 calendar days. Individual case schedules will be revised and posted on the Commission's Web site (www.usitc.gov) and separate **Federal Register** notices will be issued where appropriate.

The Commission's new scheduled dates for conferences in preliminary phase investigations and submission of postconference briefs are as follows:

Investigation	Conference	Postconference brief
Investigation Nos. 701–TA–503–504 and 731–TA–1229–1230 (Preliminary): Monosodium Glutamate from China and Indonesia.	October 23, 2013, 9:30 a.m	October 28, 2013.
Investigation Nos. 701–TA–505 and 731–TA–1231–1237 (Preliminary): Grain-Oriented Electrical Steel from China, Czech Republic, Germany, Japan, Korea, Poland, and Russia.	October 25, 2013, 9:00 a.m	October 30, 2013.

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*.

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov*.

Investigation	Conference	Postconference brief
Investigation Nos. 701–506–508 and 731–1238- 1243 (Preliminary): Non-Oriented Electrical Steel from China, Germany, Japan, Korea, Sweden, and Taiwan.	November 6, 2013, 9:30 a.m	November 12, 2013.

Authority: The activities referenced in this notice are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: October 21, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–25082 Filed 10–24–13; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Committee on Rules of Practice and Procedure

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Civil Procedure.

ACTION: Notice of Public Hearing and Open Meeting.

SUMMARY: On November 7, 2013, the Advisory Committee on Rules of Civil Procedure will hold a one-day public hearing on the proposed amendments to Civil Rules 1, 4, 6, 16, 26, 30, 31, 33, 34, 36, 37, 55, 84, and Appendix of Forms.

On November 8, 2013, the Advisory Committee on Rules of Civil Procedure will hold a one-day meeting. The meeting will be open to public observation but not participation.

DATES: November 7 and 8, 2013.

TIME: 8:30 a.m. to 5:00 p.m.

ADDRESSES: Thurgood Marshall Federal Judiciary Building, Mecham Conference Center, One Columbus Circle NE., Washington, DC 20544.

FOR FURTHER INFORMATION CONTACT: Jonathan C. Rose, Secretary and Chief Rules Officer, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: October 22, 2013.

Jonathan C. Rose,

Secretary and Chief Rules Officer.

Notice of Open Meeting

[FR Doc. 2013–25215 Filed 10–24–13; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

[OMB Number 1121—NEW]

Agency Information Collection Activities; Proposed Collection; Comments Requested; New Collection: 2013 Census of Federal, State, and Local Law Enforcement Agencies

ACTION: 60-day notice.

The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until December 24, 2013. This process is conducted in accordance with 5 CFR 1320.10.

If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Andrea Burch, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (phone: 202–307–1138).

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement, with change, of a previously approved collection for which approval has expired.

2. *The Title of the Form/Collection:* 2013 Census of Federal, State, and Local Law Enforcement Agencies (Census).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form numbers is CJ–38. The applicable component within the Department of Justice is the Bureau of Justice Statistics, Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* This information collection is a census of federal, state, and local publically-funded law enforcement agencies that employ the equivalent of one full-time sworn personnel with general arrest powers. The information will provide national statistics on the number of sworn and civilian personnel by type of agency and functions performed by each agency.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* A projected 18,000 state and local respondents will take an average of 60 minutes each to complete form CJ–38. In addition, 75 federal respondents will take an average of 30 minutes to complete a shortened version of the CJ–38.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 18,038 total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: October 22, 2013.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2013–25161 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1121—NEW]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Geospatial Capabilities Survey

ACTION: 30-day Notice.

The Department of Justice (DOJ), National Institute of Justice (NIJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 156, page 49288, on August 13, 2013, allowing for a 60-day comment period.

The purpose of this notice is to allow an additional 30 days for public comment until November 25, 2013 This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please call Joel Hunt at 202–616–8111.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Establishment survey and initial approval of collection.

(2) *Title of Form/Collection:* Geospatial Capabilities Survey.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* None. National Institute of Justice, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Law enforcement agencies with 100 or more sworn officers. These law enforcement agencies include police departments, sheriff agencies, and state police agencies. This collection is the only effort that provides an ability to determine, in detail, the geospatial tools, techniques, and practices in use currently at large law enforcement agencies. The results of the survey will help NIJ determine how best it can meet the needs and enhance the effectiveness of geospatial capabilities among crime analysts in large police departments through future technology development grants. There is little data on the specific geospatial capabilities of law enforcement agencies and hence little data on which to base technology grant decisions to enhance crime analysis tools and techniques. This survey will update the information gathered in the Use of Computerized Crime Mapping Survey conducted by NIJ in 1997, the last survey on use of computerized crime analysis tools by NIJ and establish the basis for future technology development funding. This collection will also enable Federal, State, and local law enforcement agencies; legislators; researchers; and government agencies to understand the depth, range, and scope of geospatial capabilities currently in use at large law enforcement agencies and develop approaches to extend and enhance these capabilities towards improving policing strategies and public safety through crime solving and prevention.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The survey will invite all of the 907 law enforcement agencies with 100 or more sworn officers to participate in the survey. The law enforcement agencies will select the personnel most fitting to their organization to provide the responses. The survey is estimated to take one hour to complete.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 907 total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407–B, Washington, DC 20530.

Dated: October 22, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–25160 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application; Cambrex Charles City, Inc.

Pursuant to Title 21 Code of Federal Regulations 1301.34(a), this is notice that on July 24, 2013, Cambrex Charles City, Inc., 1205 11th Street, Charles City, Iowa 50616–3466, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of the following basic classes of controlled substances:

Drug	Schedule
4-Anilino-N-phenethyl-4-piperidine (8333).	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II

The company plans to import the listed controlled substances for internal use, and to manufacture bulk intermediates for sale to its customers.

Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (2007).

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture

such basic classes of controlled substances listed in schedules I or II, which fall under the authority of section 1002(a)(2)(B) of the Act [21 U.S.C. 952(a)(2)(B)] may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than November 25, 2013.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745, all applicants for registration to import a basic class of any controlled substance in schedules I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: September 27, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25062 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances, Notice of Application, Wildlife Laboratories, Inc.

Pursuant to Title 21 Code of Federal Regulations 1301.34(a), this is notice that on August 23, 2013, Wildlife Laboratories, Inc., 1230 Wash Street, Suite D, Windsor, Colorado 80550, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of the following basic classes of controlled substances:

Drug	Schedule
Etorphine (except HCl) (9056)	I
Etorphine HCl (9059)	II

The company plans to import the listed controlled substances for sale to its customers.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances listed in schedule I or II, which fall under the authority of section 1002(a)(2)(B) of the Act [21 U.S.C. 952(a)(2)(B)] may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODW), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than November 25, 2013.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745–46, all applicants for registration to import a basic class of any controlled substance in schedules I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: October 16, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25077 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application; Penick Corporation

This is notice that on February 28, 2013, Penick Corporation, 33 Industrial Park Road, Pennsville, New Jersey 08070, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of the following basic classes of controlled substances:

Drug	Schedule
Coca Leaves (9040)	II
Opium, raw (9600)	II
Poppy Straw (9650)	II
Poppy Straw Concentrate (9670)	II

The company plans to import the listed controlled substances to manufacture bulk controlled substance intermediates for sale to its customers.

Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (2007).

As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745, all applicants for registration to import a basic class of any controlled substance in schedules I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: October 17, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25064 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application; United States Pharmacopeial Convention

Pursuant to Title 21 Code of Federal Regulations 1301.34 (a), this is notice that on July 31, 2013, United States Pharmacopeial Convention, 12601 Twinbrook Parkway, Rockville, Maryland 20852, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of Noroxymorphone (9668), a basic class of controlled substance listed in schedule II.

The company plans to import reference standards for sale to researchers and analytical labs.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic class of controlled substance listed in schedules I and II, which fall

under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)) may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODW), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than November 25, 2013.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745–46, all applicants for registration to import a basic class of any controlled substance in schedules I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: September 27, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25073 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application; Noramco, Inc.

Pursuant to Title 21, Code of Federal Regulations (CFR), 1301.34(a), this is notice that on August 5, 2013, Noramco, Inc., 500 Swedes Landing Road, Wilmington, Delaware 19801–4417, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of the following basic classes of controlled substances:

Drug	Schedule
Phenylacetone (8501)	II
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II
Tapentadol (9780)	II

The company plans to import Opium, raw (9600) and Poppy Straw Concentrate (9670) to manufacture other controlled substances. The company plans to import Tapentadol (9780) in intermediate form for the bulk manufacture of Tapentadol (9780) for distribution to its customers. The company plans to import Phenylacetone (8501) in bulk for the manufacture of a controlled substance.

Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417(2007).

In regard to the non-narcotic raw material, any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances listed in schedules I or II, which fall under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)) may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODW), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than November 25, 2013.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745–46, all applicants for registration to import a basic class of any controlled substance in schedules I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. . 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: September 27, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25069 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration; Stepan Company

By Notice dated March 19, 2013, and published in the **Federal Register** on March 28, 2013, 78 FR 19015, Stepan Company, Natural Products Department, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Coca Leaves (9040), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance to manufacture bulk controlled substance for distribution to its customer.

Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417(2007).

DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Stepan Company to import the basic class of controlled substance is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Stepan Company to ensure that the company's registration is consistent with the public interest.

The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: September 27, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25087 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances, Notice of Registration, Siegfried (USA), LLC

By Notice dated August 2, 2013, and published in the **Federal Register** on

August 14, 2013, 78 FR 49546, Siegfried USA, LLC., 33 Industrial Park Road, Pennsville, New Jersey 08070, made application by letter to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substances:

Drug	Schedule
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II

The company plans to import the listed controlled substances to bulk manufacture APIs for distribution to its customer.

Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (2007).

DEA has considered the factors in 21 U.S.C. 823(a) and 952(a), and determined that the registration of Siegfried USA, LLC., to import the basic classes of controlled substances is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Siegfried USA, LLC., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: October 10, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25090 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances, Notice of Registration, Boehringer Ingelheim Chemicals

By Notice dated June 18, 2013, and published in the **Federal Register** on July 1, 2013, 78 FR 39337, Boehringer Ingelheim Chemicals, 2820 N. Normandy Drive, Petersburg, Virginia 23805, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Phenylacetone (8501), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance to bulk manufacture amphetamine.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Boehringer Ingelheim Chemicals is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Boehringer Ingelheim Chemicals to ensure that the company's registration is consistent with the public interest.

The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: September 27, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25086 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances, Notice of Registration, Akorn, Inc.

By Notice dated June 18, 2013, and published in the **Federal Register** on July 1, 2013, 78 FR 39337, Akorn, Inc., 1222 W. Grand Avenue, Decatur, Illinois 62522, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Remifentanil (9739), a basic class of controlled substance listed in schedule II.

The company plans to import Remifentanil in bulk for use in dosage form manufacturing.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Akorn, Inc., consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Akorn, Inc., to ensure that the company's registration is consistent with the public interest.

The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: September 27, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25081 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration; Watson Pharma, Inc.

By Notice dated May 24, 2013, and published in the **Federal Register** on June 4, 2013, 78 FR 33440, Watson Pharma, Inc., 2455 Wardlow Road, Corona, California 92880–2882, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substances:

Drug	Schedule
Amphetamine (1100)	II
Methylphenidate (1724)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II

The company plans to import the listed controlled substances for analytical testing and clinical trials.

The import of the above listed basic classes of controlled substances will be granted only for analytical testing and clinical trials. This authorization does not extend to the import of a finished FDA approved or non-approved dosage form for commercial distribution in the United States.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Watson Pharma, Inc., to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under

international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Watson Pharma, Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems; verification of the company's compliance with state and local laws; and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: October 10, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25094 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application; Cedarburg Pharmaceuticals, Inc.

Pursuant to § 1301.33(a), of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 8, 2013, Cedarburg Pharmaceuticals, Inc., 870 Badger Circle, Grafton, Wisconsin 53024, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
4-Anilino-N-phenethyl-4-piperidine (8333).	II
Remifentanil (9739)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Regarding the drug code (8333), the company plans manufacture this controlled substance for commercial sale.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODW), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than December 24, 2013.

Dated: October 16, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25102 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application; Cambrex Charles City, Inc.

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 25, 2013, Cambrex Charles City, Inc., 1205 11th Street, Charles City, Iowa 50616, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Gamma Hydroxybutyric Acid (2010).	I
Amphetamine (1100)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
4-Anilino-N-phenethyl-4-piperidine (8333).	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Methadone (9250)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Opium, raw (9600)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium, powdered (9639)	II
Opium, granulated (9640)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Poppy Straw Concentrate (9670)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for sale to its customers, for dosage form development, for clinical trials, and for use in stability qualification studies.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than December 24, 2013.

Dated: September 27, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25091 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application; Pharmacore, Inc.

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 16, 2013, PharmaCore, Inc., 4180 Mendenhall Oaks Parkway, High Point, NC 27265, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Noroxymorphone (9668), a basic class of controlled substance listed in schedule II.

The company plans to manufacture the listed controlled substance as active pharmaceutical ingredients (API) for clinical trials.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODW), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than December 24, 2013.

Dated: September 27, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25088 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application; GE Healthcare

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on September 12, 2013, GE Healthcare, 3350 North Ridge Avenue, Arlington Heights, Illinois 60004–1412, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Cocaine (9041), a basic class of controlled substance listed in schedule II.

The company plans to manufacture a radioactive product to diagnose Parkinson's disease for distribution to its customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such a substance, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODW), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than December 24, 2013.

Dated: October 16, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25101 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances, Notice of Application, Stepan Company

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 7, 2013, Stepan Company, Natural Products Dept., 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Cocaine (9041)	II
Ecgonine (9180)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to their customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODW), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than December 24, 2013.

Dated: October 9, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25097 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances, Notice of Application, Research Triangle Institute

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 25, 2013, Research Triangle Institute, Hermann Building East Institute Drive, P.O. Box 12194, Research Triangle Park, North Carolina 27709, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Tetrahydrocannabinols (7370), a class of controlled substance listed in schedule I.

The company plans to provide small quantities to commercial customers for use in preparing test kits, reagents, and reference standards.

The company plans to bulk manufacture a synthetic Tetrahydrocannabinol. No other activity for this drug code is authorized for this registration.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODW), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than December 24, 2013.

Dated: October 10, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25085 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances, Notice of Application, Nektar Therapeutics

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 16, 2013, Nektar Therapeutics, 1112 Church Street, Huntsville, Alabama 35801, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Fentanyl (9801), a basic class of controlled substance listed in schedule II.

The company plans to manufacture the listed controlled substance in support of product development.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODW), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than December 24, 2013.

Dated: September 27, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25079 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration; Boehringer Ingelheim Chemicals, Inc.

By Notice dated June 18, 2013, and published in the **Federal Register** on July 1, 2013, 78 FR 39340, Boehringer Ingelheim Chemicals, Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805–9372, made application by

renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Methylphenidate (1724)	II
Methadone (9250)	II
Methadone Intermediate (9254)	II
Tapentadol (9780)	II

The company plans to manufacture the listed controlled substances in bulk for sale to its customers and formulation into finished pharmaceuticals. In reference to Methadone Intermediate (9254) the company plans to produce Methadone HCL active pharmaceutical ingredients (APIs) for sale to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Boehringer Ingelheim Chemicals, Inc., to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Boehringer Ingelheim Chemicals, Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems; verification of the company's compliance with state and local laws; and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: October, 16 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25096 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances, Notice of Registration, Austin Pharma, LLC.

By Notice dated May 14, 2013, and published in the **Federal Register** on May 22, 2013, 78 FR 30332, Austin Pharma, LLC., 811 Paloma Drive, Suite C, Round Rock, Texas 78665–2402, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Tetrahydrocannabinols (7370), a basic class of controlled substance listed in schedule I.

The company plans to bulk manufacture a synthetic Tetrahydrocannabinol. No other activity for this drug code is authorized for this registration.

On August 9, 2013, Austin Pharma, LLC., withdrew their request for the addition of marihuana (7360) to their registration.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Austin Pharma, LLC., to manufacture the listed basic class of controlled substance is consistent with the public interest at this time. DEA has investigated Austin Pharma, LLC., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: October 10, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25072 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration; Agilent Technologies

By Notice dated May 24, 2013, and published in the **Federal Register** on June 4, 2013, 78 FR 33441, Agilent Technologies, 25200 Commercentre Drive, Lake Forest, California 92630–8810, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
1-Piperidinocyclohexane-carbonitrile (8603).	II
Benzoylecgonine (9180)	II

The company plans to manufacture small quantities of the listed controlled substances for use in diagnostic products.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Agilent Technologies to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Agilent Technologies to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: October 10, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25078 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances, Notice of Registration, Penick Corporation

By Notice dated May 24, 2013, and published in the **Federal Register** on June 4, 2013, 78 FR 33441, Penick Corporation, 33 Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Opium Tincture (9630), a basic class of controlled substance listed in schedule II.

The company plans to manufacture the listed controlled substance, as bulk intermediates for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Penick Corporation to manufacture the listed basic class of controlled substance is consistent with the public interest at this time. DEA has investigated Penick Corporation to ensure that the company's registration is consistent with the public interest. The

investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: October 16, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25084 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration; Siegfried USA, LLC

By Notice dated May 22, 2013, and published in the **Federal Register** on May 30, 2013, 78 FR 32458, Siegfried USA, LLC., 33 Industrial Park Road, Pennsville, New Jersey 08070, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Opium tincture (9630), a basic class of controlled substance listed in schedule II.

The company plans to manufacture the listed controlled substance for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a), and determined that the registration of Siegfried USA, LLC., to manufacture the listed basic class of controlled substance is consistent with the public interest at this time. DEA has investigated Siegfried USA, LLC., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems; verification of the company's compliance with state and local laws; and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: September 27, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25075 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration; Sigma Aldrich Research Biochemicals, Inc.

By Notice dated May 24, 2013, and published in the **Federal Register** on June 4, 2013, 78 FR 33442, Sigma Aldrich Research Biochemicals, Inc., 1–3 Strathmore Road, Natick, Massachusetts 01760–2447, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Mephedrone (4-Methyl-N-methylcathinone) (1248).	I
MDPV (3,4-Methylenedioxypyrovalerone) (7535).	I
Methylone (3,4-Methylenedioxy-N-methylcathinone) (7540).	I
Sufentanil (9740)	II

The company plans to manufacture reference standards.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a), and determined that the registration of Sigma Aldrich Research Biochemicals, Inc., to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Sigma Aldrich Research Biochemicals, Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems; verification of the company's compliance with state and local laws; and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: October 16, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25076 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances, Notice of Registration, Siegfried USA, LLC

The Notice dated July 23, 2013, and published in the **Federal Register** on August 1, 2013, 78 FR 46613, page 18338, Siegfried (USA), LLC., 33 Industrial Park Road, Pennsville, New Jersey 08070, applied for registration as a Bulk Manufacturer of drug codes Opium, raw (9600), and Poppy Straw Concentrate (9670). On August 6, 2013, Siegfried (USA), LLC., subsequently withdrew this request for drug code Opium, raw (9600).

The company plans to manufacture the listed controlled substance for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a), and determined that the registration of Siegfried USA, LLC., to manufacture the listed basic class of controlled substance is consistent with the public interest at this time. DEA has investigated Siegfried USA, LLC., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems; verification of the company's compliance with state and local laws; and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: September 27, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25098 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration; Chemtos, LLC

By Notice dated June 18, 2013, and published in the **Federal Register** on July 1, 2013, 78 FR 39340, Chemtos, LLC., 14101 W. Highway 290, Building 2000B, Austin, Texas 78737–9331, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
Nabilone (7379)	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Etorphine HCL (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Ecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Meperidine-intermediate-A (9232)	II
Meperidine-intermediate-B (9233)	II
Meperidine-intermediate-C (9234)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Morphine (9300)	II
Thebaine (9333)	II
Dihydroetorphine (9334)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Racemethorphan (9732)	II
Racemorphan (9733)	II

The company plans to manufacture small quantities of the listed controlled substances in bulk for distribution to its customers for use as reference standards.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Chemtos, LLC., to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Chemtos, LLC., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: October 16, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25060 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration; Noramco, Inc. (GA)

By Notice dated June 7, 2013, and published in the **Federal Register** on June 20, 2013, 78 FR 37241, Noramco, Inc., 1440 Olympic Drive, Athens, Georgia 30601, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Opium Tincture (9630), a basic class of controlled substance listed in schedule II.

The company plans to manufacture the listed controlled substance in bulk for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Noramco, Inc., to manufacture the listed basic class of controlled substance is consistent with the public interest at this time.

DEA has investigated Noramco, Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: October 10, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–25067 Filed 10–24–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Survivor's Form for Benefits Under the Black Lung Benefits Act

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) titled, ''Survivor's Form for Benefits under the Black Lung Benefits Act,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act (PRA) of 1995.

DATES: Submit comments on or before November 25, 2013.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201306-1240-004* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Information Management Program, Room N1301, 200 Constitution Avenue, NW., Washington, DC 20210, email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: A survivor of a deceased miner files the ''Survivor's Form for Benefits under the Black Lung Benefits Act,'' Form CM–912, to apply for benefits under the Black Lung

Benefits Act (BLBA) (30 U.S.C. 901 *et seq.*). The OWCP, Division of Coal Mine Workers' Compensation uses the information in determining the survivor's entitlement to benefits. The BLBA and regulations 20 CFR 410.221 and 725.304 authorize this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0027.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on October 31, 2013. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. It should also be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 14, 2013 (78 FR 35982).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0027. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Survivor's Form for Benefits under the Black Lung Benefits Act.

OMB Control Number: 1240–0027.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 1,100.

Total Estimated Number of Responses: 1,100.

Total Estimated Annual Burden Hours: 147.

Total Estimated Annual Other Costs Burden: $441.

Dated: October 21, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–25175 Filed 10–24–13; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Program To Prevent Smoking in Hazardous Areas of Underground Coal Mines

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Program to Prevent Smoking in Hazardous Areas of Underground Coal Mines,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act (PRA) of 1995.

DATES: Submit comments on or before November 25, 2013.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201308-1219-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Information Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210, email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: Regulations 30 CFR 75.1702 prohibits a person from smoking or carrying smoking materials underground or in places where there is a fire or explosion hazard. Regulations 30 CFR 75.1702–1 requires a mine operator to submit a smoking prevention plan to the MSHA for approval.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0041.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on October 31, 2013. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. It should also be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice

published in the **Federal Register** on June 11, 2013 (78 FR 35054).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0041. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–MSHA.

Title of Collection: Program To Prevent Smoking in Hazardous Areas of Underground Coal Mines.

OMB Control Number: 1219–0041.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 97.

Total Estimated Number of Responses: 97.

Total Estimated Annual Burden Hours: 49.

Total Estimated Annual Other Costs Burden: $0.

Dated: October 21, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–25176 Filed 10–24–13; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Data Users Advisory Committee; Notice of Meeting and Agenda

The Bureau of Labor Statistics Data Users Advisory Committee will meet on Tuesday, November 19, 2013. The meeting will be held in the Postal Square Building, 2 Massachusetts Avenue NE., Washington, DC.

The Committee provides advice to the Bureau of Labor Statistics from the points of view of data users from various sectors of the U.S. economy, including the labor, business, research, academic, and government communities, on technical matters related to the collection, analysis, dissemination, and use of the Bureau's statistics, on its published reports, and on the broader aspects of its overall mission and function.

The meeting will be held in Meeting Rooms 1, 2, and 3 of the Postal Square Building Conference Center. The schedule and agenda for the meeting are as follows:

8:30 a.m. Registration
9:00 a.m. Commissioner's welcome and review of agency developments
9:30 a.m. The impact of the Affordable Care Act (ACA) on BLS health benefits data
10:45 a.m. Measures of health care costs using CPI and PPI data
11:00 a.m. Users' needs for BLS employment and price data to understand the impact of the ACA
11:45 p.m. Error corrections—Before and after publication
1:30 p.m. Model wages using NCS and OES data
2:30 p.m. Report from the Taxonomy and Lexicon Team
3:45 p.m. New PPI Aggregation Structure
4:45 p.m. Meeting wrap-up

The meeting is open to the public. Any questions concerning the meeting should be directed to Kathy Mele, Data Users Advisory Committee, on 202.691.6102. Individuals who require special accommodations should contact Ms. Mele at least two days prior to the meeting date.

Signed at Washington, DC, this 21st day of October 2013.

Eric P. Molina,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2013–25071 Filed 10–24–13; 8:45 am]

BILLING CODE 4510–24–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 2013–6 CRB DD (MW) 2009–2011]

Distribution of 2009 through 2011 DART Musical Works Funds Royalties

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice soliciting comments on motion for partial distribution.

SUMMARY: The Copyright Royalty Judges (Judges) are soliciting comments on a motion for partial distribution in connection with 2009, 2010, and 2011 DART Musical Works Fund royalties.

DATES: Comments are due on or before November 25, 2013.

ADDRESSES: Interested parties may comment electronically by email to *crb@loc.gov.* In the alternative, parties shall send an original, five copies, and an electronic copy of their comments on a CD either by mail or in-person delivery. PARTIES SHALL NOT USE MULTIPLE MEANS OF TRANSMISSION. Parties may deliver their comments to the Copyright Royalty Board (CRB) by United States mail or by courier delivery. The CRB will NOT accept comments delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If using mail (including overnight delivery), parties must address their comments to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977. If using a private party for hand delivery, parties shall direct delivery of comments to the Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000. If using a commercial courier, parties shall order delivery of comments to the Congressional Courier Acceptance Site, 2nd and D Streets NE., Washington, DC; addressing the envelope to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: Richard Strasser, Senior Attorney, or Gina Giuffreda, Attorney Advisor, by telephone at (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: On September 9, 2013, Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, SESAC, Inc., and The Harry Fox Agency, Inc. (hereinafter ''Settling Claimants'') filed with the Judges a Motion for Partial Distribution of the [Digital Audio Recording Technology (DART)] Musical Works Fund to Broadcast Music, Inc., American Society of Composers, Authors and Publishers, SESAC, Inc., and the Harry Fox Agency, Inc., as Settling Claimants (Motion). In the Motion, the Settling Claimants state that they have reached confidential settlements among themselves concerning their respective distribution shares for the years 2009 through 2011,

inclusive. The Settling Claimants request that the Judges, pursuant to Section 801(b)(3)(C) of the Copyright Act, publish in the **Federal Register** notice of their motion and receive comments on the proposed distribution of 95% of the 2009–2011 DART Musical Works Funds (Writers and Music Publishers Subfunds).

Section 801(b)(3)(C) requires publication in the **Federal Register** of the request for partial distribution and a period for submission of responses to the motion. The Settling Claimants state that the Judges ''have the discretion, within a zone of reasonableness, to find that 95% of the royalties are not in controversy.'' Motion at 3. As support for this assertion, they state that ''[i]n all DART Musical Works Funds distribution proceedings since 1997, non-settling individual writer and publisher claimants collectively have either received less than one tenth of one percent (0.1%) of the royalty funds or have been dismissed altogether.'' The Settling Claimants assert that, therefore, at least 95% of the 2009–2011 Musical Works Funds is clearly not in controversy, and a partial distribution of this amount to the Settling Parties is ''appropriate and warranted at this time.'' *Id.*

The Judges do not find, based on the historical record, that no controversy exists with regard to the 2009, 2010, or 2011 Musical Works funds; rather the Judges publish the Settling Parties' request for comment in the **Federal Register**. After publication in the **Federal Register**, if the Judges determine that no claimant entitled to receive any of the 2009–2011 Musical Works funds has stated a reasonable objection to the partial distribution, then the Judges may order the requested partial distribution, provided that the Settling Claimants requesting the partial distribution, among other things, sign an agreement obligating them to return any excess amounts to the extent necessary to comply with a final determination on the distribution of the funds. *See* 17 U.S.C. 801(b)(3)(C). The Settling Claimants have accepted this obligation. *See* Motion at 3–4.

The Judges, therefore, seek comments from any claimant entitled to receive royalties from the 2009–2011 DART Musical Works Funds stating whether there are any reasonable objections to a partial distribution of 95% of the 2009–2011 Musical Works Funds to the Settling Claimants

The Settling Claimants' motion for partial distribution is posted on the Copyright Royalty Board Web site at *http://www.loc.gov/crb.*

Dated: October 21, 2013.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2013–25131 Filed 10–24–13; 8:45 am]

BILLING CODE 1410–72–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (13–122)]

NASA Advisory Council; Science Committee; Planetary Science Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Planetary Science Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The meeting will be held via Teleconference and Webex for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Tuesday, November 5, 2013, 11:00 a.m. to 3:00 p.m., Eastern Time.

This meeting will take place telephonically and by WebEx. Any interested person may call the USA toll free conference call number 800–857–7040, pass code PSS, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/*, meeting number 992 145 430, password is PSS@Nov5

FOR FURTHER INFORMATION CONTACT: Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0750, fax (202) 358–3092, or *ann.b.delo@nasa.gov*.

SUPPLEMENTARY INFORMATION: The agenda for the meeting includes the following topics:

—Planetary Science Division Update
—Government Performance and Results Act Presentation and Scoring

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Note: In accordance with Section 102–3.150(b) of the GSA Federal Advisory Committee Management; Final Rule (41 CFR parts 101–6 and 102–3), this meeting is being announced with less than 15 day notification due to the recent Federal Government shutdown which forced NASA to cancel a previously scheduled meeting of the Planetary Science Subcommittee where a time-critical, mandatory review and scoring of agency annual performance goals, required by the Government Performance and Results Modernization Act of 2010, was to take place. Due to the length of the shutdown a teleconference will be used to complete this action prior to the Office of Management and Budget imminent deadline. Because a quorum of the Planetary Science Subcommittee is required for this action, November 5, 2013, is the only available date for this telecon.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2013–25179 Filed 10–24–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

[NARA–2014–001]

National Industrial Security Program Policy Advisory Committee (NISPPAC)

AGENCY: National Archives and Records Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulation 41 CFR part 101–6, announcement is made for the following committee meeting to discuss National Industrial Security Program policy matters.

DATES: The meeting will be held on November 14, 2013 from 10:00 a.m. to 12:00 p.m.

ADDRESSES: National Archives and Records Administration, 700 Pennsylvania Avenue NW., Archivist's Reception Room, Room 105, Washington, DC 20408.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Information Security Oversight Office (ISOO) no later than Friday, November 8, 2013. ISOO will provide additional instructions for gaining access to the location of the meeting.

FOR FURTHER INFORMATION CONTACT: David O. Best, Senior Program Analyst, ISOO, National Archives Building, 700 Pennsylvania Avenue NW., Washington, DC 20408, telephone number (202) 357–5123, or at *david.best@nara.gov*. Contact

ISOO at *ISOO@nara.gov* and the NISPPAC at *NISPPAC@nara.gov*.

Dated: October 21, 2013.

Patrice Little Murray,

Acting Committee Management Officer.

[FR Doc. 2013–25214 Filed 10–24–13; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting Notice; Matter Added to the Agenda for Consideration at an Agency Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: October 21, 2013 (78 FR 62364).

TIME AND DATE: 10:00 a.m., Thursday, October 24, 2013.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

Pursuant to the provisions of the ''Government in Sunshine Act'' notice is hereby given that the NCUA Board gave notice on October 21, 2013 (78 FR 62364) of the regular meeting of the NCUA Board scheduled for October 24, 2013. Prior to the meeting, on October 22, 2013, the NCUA Board unanimously determined that agency business required the addition of the first item on the agenda with less than seven days' notice to the public, and that no earlier notice of the deletion was possible.

MATTERS TO BE ADDED:

1. Board Briefing, Proposed Interagency Policy Statement, Joint Diversity Standards for Regulated Entities.

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2013–25353 Filed 10–23–13; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Submission for OMB Review, Comment Request, Proposed Collection: Public Libraries Survey, 2014–2016

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

ACTION: Submission for OMB review, comment request.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **FOR FURTHER INFORMATION CONTACT** section below on or before November 22, 2013.

OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the 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.

ADDRESSES: For a copy of the documents contact: Deanne W. Swan, Senior Statistician, Office of Planning, Research, and Evaluation, Institute of Museum and Library Services, 1800 M Street NW., 9th Floor, Washington DC 20036. Dr. Swan can be reached by Telephone: 202–653–4769, Fax: 202–653–4601, or by email at *dswan@imls.gov* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services (IMLS) is an independent Federal grant-making agency and is the primary source of Federal support for the Nation's 123,000 libraries and 17,500 museums. IMLS provides a variety of grant programs to assist the Nation's museums and libraries in improving their operations and enhancing their services to the public. IMLS is responsible for identifying national needs for and trends in museum, library, and information services; measuring and reporting on the impact and effectiveness of museum, library and information services throughout the United States, including programs conducted with funds made available by IMLS; identifying, and disseminating information on, the best practices of such programs; and developing plans to improve museum, library and information services of the United States and strengthen national, State, local, regional, and international communications and cooperative networks (20 U.S.C. Chapter 72, 20 U.S.C. 9108).

Abstract: The Public Libraries Survey has been conducted by the Institute of Museum and Library Services under the clearance number 3137–0074, which expires 12/31/2013. Pursuant to Public Law 107–279, this Public Libraries Survey collects annual descriptive data on the universe of public libraries in the U.S. and the Outlying Areas. Information such as public service hours per year, circulation of library books, number of librarians, population of legal service area, expenditures for library collection, programs for children and young adults, staff salary data, and access to technology, etc., would be collected.

Current Actions: This notice proposes clearance of the Public Libraries Survey. The 60-day notice for the Public Libraries Survey, FY 2014–2016, was published in the **Federal Register** on June 20, 2013, (FR vol. 78, No. 119, pgs. 37243–37244). The agency has taken into consideration the one comment that was received under this notice.

Agency: Institute of Museum and Library Services

Title: Public Libraries Survey, Fiscal Years 2014–2016

OMB Number: 3137–0074

Agency Number: 3137

Affected Public: State and local governments, State library agencies, and public libraries.

Number of Respondents: 55

Note: 55 is the number of State Library Administrative Agencies (SLAAs) that are responsible for the collection of this information and for reporting it to IMLS. In gathering this information, the SLAAs will request that their sub-entities (i.e., public libraries in their respective States and Outlying Areas) provide information to the respective SLAA. As the number of sub-entities and questions varies from SLAA to SLAA, it is difficult to assess the exact number of burden hours and costs.

Frequency: Annually.

Burden Hours per Respondent: 80.3.
Total burden hours: 4417.
Total Annualized Capital/Startup Costs: n/a.
Total Annual Costs: $121,409.

FOR FURTHER INFORMATION CONTACT: Comments should be sent to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316.

Dated: October 22, 2013.

Kim A. Miller,

Management Analyst, Office of Policy, Planning, Research, and Communication.

[FR Doc. 2013–25249 Filed 10–24–13; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts Advisory Panel Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of Meeting

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that thirteen meetings of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506 as follows (ending time is approximate):

Opera (application review): This meeting will be closed.

Dates: November 12, 2013. 10:00 a.m. to 4:00 p.m. Eastern time in Room 716. (Note—this meeting replaces the meeting on October 31, 2013, which has been cancelled.)

Arts Education (application review): This meeting will be closed.

Dates: November 14, 2013 in Room 714. 9:00 a.m. to 5:00 p.m. Eastern time.

Music (application review): This meeting will be virtual and will be closed.

Dates: November 13, 2013. 1:00 p.m. to 3:00 p.m. Eastern time.

Theater and Musical Theater (application review): This meeting will be virtual and will be closed.

Dates: November 14, 2013. 3:00 p.m. to 5:00 p.m. Eastern time.

Theater and Musical Theater (application review): This meeting will be virtual and will be closed.

Dates: November 18, 2013. 3:00 p.m. to 5:00 p.m. Eastern time.

Music (application review): This meeting will be closed.

Dates: November 19, 2013. 9:00 a.m. to 3:00 p.m. Eastern time in room 714.

Music (application review): This meeting will be closed.

Dates: November 20, 2013. 9:00 a.m. to 3:00 p.m. Eastern time in room 714.

Local Arts Agencies (application review): This meeting will be virtual and will be closed.

Dates: November 21, 2013. 3:00 p.m. to 5:00 p.m. Eastern time.

Presenting and Muiltidisciplinary Works (application review): This meeting will be virtual and will be closed.

Dates: November 21, 2013. 3:00 p.m. to 5:00 p.m. Eastern time.

Dance (application review): This meeting will be virtual and will be closed.

Dates: November 22, 2013. 12:30 p.m. to 2:00 p.m. Eastern time.

Dance (application review): This meeting will be virtual and will be closed.

Dates: November 22, 2013. 2:30 p.m. to 4:00 p.m. Eastern time.

Theater and Musical Theater (application review): This meeting will be virtual and will be closed.

Dates: November 25, 2013. 12:00 p.m. to 2:00 p.m. Eastern time.

Theater and Musical Theater (application review): This meeting will be virtual and will be closed.

Dates: November 25, 2013. 2:00 p.m. to 4:00 p.m. Eastern time.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *plowitzk@arts.gov,* or call 202/682–5691.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Dated: October 21, 2013.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2013–25104 Filed 10–24–13; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Investigative Hearing

On Wednesday, November 6, 2013, and Thursday, November 7, 2013, the National Transportation Safety Board (NTSB) will convene an investigative hearing to gather additional factual information for the ongoing investigation into two Metro-North Railroad accidents that occurred in May 2013. The NTSB Chairman Deborah A.P. Hersman will preside over the Investigative Hearing.

On Friday, May 17, 2013, at 6:01 p.m. eastern daylight time, eastbound Metro-North Railroad passenger train 1548, (departing Grand Central Station, NY toward New Haven, CT) derailed near milepost 53.3 on track number 4 and was struck by westbound Metro-North Railroad passenger train 1581 (departing New Haven toward Grand Central Station). As a result of the collision, 73 passengers, two engineers, and a conductor were transported to local hospitals with injuries. Metro-North estimated there were about 250 passengers on each train at the time of the accident. Metro-North estimated damage at $18.5 million.

On Tuesday, May 28, 2013, at 11:57 a.m. eastern daylight time, Metro-North Railroad passenger train 1559, traveling westbound at 70 mph, struck and killed a track foreman working on the Metro-North New Haven Line, Subdivision 7, in West Haven, CT. The accident occurred at milepost 69.58 on main track 1. The track foreman's planned work for the day consisted of relocating rail segments from main track 1 to industrial track 5 between control points 266 and 271 near the West Haven Station using a locomotive crane. There were two rail traffic controllers (RTCs) assigned to Division G, the Division where the track foreman was working: (1) A qualified RTC and (2) a student RTC, who was training under the mentorship of the qualified RTC. The student RTC was receiving on-the-job training and was the RTC who applied the blocking devices for this work crew and issued the working authority, thus taking the track out-of-service.

As a result of the West Haven accident, on June 17, 2013, the Board released an urgent recommendation to Metro-North to require redundant protection, such as shunting, for maintenance-of-way work crews who depend on the train dispatcher to control access to occupied sections of track. A shunt is a device that crews can attach to the rails in a work zone to alert

the controller and provides approaching trains a stop signal.

The investigative hearing will discuss the following issue areas:

- Adequacy of existing Federal track inspection standards, and the adequacy of Metro-North's track maintenance and inspection program;
- Adequacy of existing Federal passenger car safety standards emphasizing 'forward end' car requirements, and the crashworthiness of Metro-North's M8 railcars emphasizing the rear (B) end corner post and truck attachment;
- Metro-North's operational protection of track work areas; and
- Metro-North's organizational safety culture.

Parties to the hearing include the Federal Railroad Administration, State of Connecticut Department of Transportation, Metro-North Railroad, Metropolitan Transportation Authority Police Department, Association of Commuter Railroad Employees, Kawasaki Rail Car, Brotherhood of Maintenance of Way Employees, Sheet Metal and Rail Transportation Employees, and the Brotherhood of Locomotive Engineers and Trainmen.

At the start of the hearing, the public docket will be opened. Included in the docket are photographs, interview transcripts, and numerous other documents.

Order of Proceedings

1. Opening Statement by the Chairman of the Board of Inquiry
2. Introduction of the Board of Inquiry and Technical Panel
3. Introduction of the Parties to the Hearing
4. Introduction of Exhibits by Hearing Officer
5. Overview of the incident and the investigation by Investigator-In-Charge
6. Calling of Witnesses by Hearing Officer and Examination of Witness by Board of Inquiry, Technical Panel, and Parties
7. Closing Statement by the Chairman of the Board of Inquiry

The hearing docket is DCA13MR003.

The Investigative Hearing will be held in the NTSB Board Room and Conference Center, located at 429 L'Enfant Plaza E. SW., Washington, DC, Wednesday, November 6, and Thursday, November 7, 2013, beginning at 9:00 a.m. The public can view the hearing in person or by live webcast at *www.ntsb.gov.* Webcast archives are generally available by the end of the next day following the hearing, and webcasts are archived for a period of 3 months from after the date of the event.

Individuals requesting specific accommodations should contact Ms. Rochelle Hall at (202) 314–6305 or by email at *Rochelle.Hall@ntsb.gov* by Friday, November 1, 2013.

NTSB Media Contact: Mr. Terry Williams—*terry.williams@ntsb.gov.*

NTSB Investigative Hearing Officer: Mr. Mike Flanigon—*mike.flanigon@ntsb.gov.*

Dated: October 21, 2013.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2013–25157 Filed 10–24–13; 8:45 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2011–0129]

Preoperational Testing of Emergency Core Cooling Systems for Pressurized-Water Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory Guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a revision to regulatory guide (RG), 1.79, ''Preoperational Testing of Emergency Core Cooling Systems for Pressurized-Water Reactors.'' This RG is being revised to incorporate guidance for preoperational testing of new pressurized water reactor (PWR) designs.

ADDRESSES: Please refer to Docket ID NRC–2011–0129 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–2011–0129. 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 notice (if that document is available in ADAMS) is provided the first time that a document is referenced. Revision 2 of RG 1.79 is available in ADAMS under Accession No. ML113540207. The regulatory analysis may be found in ADAMS under Accession No. ML113540212.
- *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.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Frank Talbot, telephone: 301–415–3145, email: *Frank.Talbot@nrc.gov,* Office of New Reactors, or Mark P. Orr, telephone: 301–251–7495, email: *Mark.Orr@nrc.gov,* Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

This revision of RG 1.79 describes the general scope and depth the NRC staff considers acceptable for demonstrating compliance with the NRC regulations relating to preoperational testing of features in the emergency core cooling systems (ECCSs) of pressurized water reactors (PWRs). This RG also describes methods the NRC staff finds acceptable for preoperational testing of ECCS structures, systems, and components (SSCs). Appendix A of RG 1.79 contains a discussion of the ECCS for the current fleet of PWRs as well as diagrams and descriptions of the ECCS for advanced PWR designs including the U.S. Advanced Pressurized-Water Reactor, U.S. Evolutionary Power Reactor, and AP1000.

This RG describes preoperational testing methods acceptable to the NRC staff specifically for ECCSs in PWRs. This RG is applicable to all PWRs

licensed under part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities'' or 10 CFR part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.''

Nuclear power plant SSCs must be tested to quality standards commensurate with their importance to safety. Criterion XI, ''Test Control,'' of Appendix B, ''Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants,'' to 10 CFR part 50 requires licensees to establish a testing program to identify and perform all tests needed to demonstrate that SSCs will perform satisfactorily in service. This testing program is to be conducted in accordance with written test procedures that incorporate the requirements and acceptance criteria in applicable design documents. The ECCS functions to be tested are those necessary to ensure that specified design functions of the ECCS are met during any condition of normal operation, including abnormal operating occurrences, or because of postulated accident conditions.

II. Additional Information

Revision 2 of RG 1.79 was issued with a temporary identification as Draft Regulatory Guide (DG) 1253, ''Preoperational Testing of Emergency Core Cooling Systems for Pressurized-Water Reactors.'' Draft Regulatory Guide 1253, was published in the **Federal Register** on June 7, 2011 (76 FR 32878), for a 60-day public comment period. The public comment period closed on August 5, 2011, and no public comments were received. A companion guide, DG–1277, ''Initial Test Program of Emergency Core Cooling Systems for New Boiling-Water Reactors'' (proposed new RG 1.79.1) was published for public comment on June 15, 2012 (77 FR 36014). A total of 45 comments were received on DG–1277. Of these, 5 comments were considered to be applicable to both DG–1253 and DG–1277. These 5 comments resulted in revisions to this guide. The comments and the NRC staff responses are available in ADAMS at Accession No. ML13007A389.

IV. Congressional Review Act

This regulatory guide is a rule as designated in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget (OMB) has not found it to be a major rule as designated in the Congressional Review Act.

III. Backfitting and Issue Finality

Issuance of this final regulatory guide does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Implementation'' section of this regulatory guide, the NRC has no current intention to impose this regulatory guide on holders of current operating licenses or combined licenses.

This regulatory guide may be applied to applications for operating licenses and combined licenses docketed by the NRC as of the date of issuance of the final regulatory guide, as well as future applications for operating licenses and combined licenses submitted after the issuance of the regulatory guide. Such action does not constitute backfitting as defined in 10 CFR 50.109(a)(1) or is otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in part 52.

Dated at Rockville, Maryland, this 4th day of October 2013.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2013–25255 Filed 10–24–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0035]

Decommissioning of Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 of regulatory guide (RG) 1.184 ''Decommissioning of Nuclear Power Reactors.'' This guide describes a method NRC considers acceptable for use in decommissioning power reactors.

ADDRESSES: Please refer to Docket ID NRC–2012–0035 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–2012–0035. 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 notice (if that document is available in ADAMS) is provided the first time that a document is referenced. Revision 1 of RG 1.184, is available in ADAMS under Accession No. ML13144A840. The regulatory analysis may be found in ADAMS under Accession No. ML13144A842.
- *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.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: James C. Shepherd, Office of Federal and State Materials and Environmental Management Programs, telephone: 301–415–6712, email: *James.Shepherd@nrc.gov,* or Edward O'Donnell, Office of Nuclear Regulatory Research, telephone: 301–251–7455; email: *Edward.Odonnell@nrc.gov,* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The NRC issued Revision 1 of RG 1.184 with a temporary identification as

Draft Regulatory Guide, DG–1271 in the **Federal Register** on February 14, 2012 (77 FR 8902), for a 60-day public comment period. The public comment period closed on April 16, 2012. Public comments on DG–1271 and the staff responses to the public comments are available in ADAMS under Accession No. ML13144A843.

Revision 1 of RG 1.184 describes a method that the NRC staff considers acceptable for use in complying with the NRC's regulations relating to the decommissioning process for nuclear power reactors. The revision takes advantage of the 13 years of decommissioning experience since the first issuance of RG 1.184 in July 2000, and decommissioning guidance documents released since then have been incorporated into the guide.

II. Congressional Review Act

This regulatory guide 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.

III. Backfitting and Issue Finality

Issuance of this final regulatory guide does not constitute backfitting as defined in 10 CFR 50.109 and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Implementation'' section of this regulatory guide, the NRC has no current intention to impose this regulatory guide on holders of current operating licenses or combined licenses.

Dated at Rockville, Maryland, this 4th day of October, 2013.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2013–25259 Filed 10–24–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0237]

Cost-Benefit Analysis for Radwaste Systems for Light-Water-Cooled Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing revision 1 to Regulatory Guide (RG) 1.110, ''Cost-Benefit Analysis for Radwaste Systems for Light-Water-Cooled Nuclear Power Reactors,'' in which the NRC made editorial corrections and formatting changes with no substantive changes in the staff regulatory positions. This guide describes methods and procedures that the staff of the NRC considers acceptable for performing a cost-benefit analysis for liquid and gaseous radwaste system components for light water nuclear power reactors.

ADDRESSES: Please refer to Docket ID NRC–2013–0237 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–2013–0237. 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*. Revision 1 of RG 1.110 is available in ADAMS under Accession No. ML13241A052.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's Public Document Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Stephen C. Burton, Region III, telephone: 301–415–7000; email: *Stephen.Burton@nrc.gov,* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. Regulatory guides were developed to describe and make available to the public information and methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses. The NRC typically seeks public comment on a draft version of a regulatory guide by announcing its availability for comment in the **Federal Register**. However, as explained in section III.F. of the NRC's Management Directive Handbook 6.6, ''Regulatory Guides,'' (ADAMS Accession No. ML110330475) the NRC may directly issue a final regulatory guide without a draft version or public comment period if the changes to the regulatory guide are non-substantive.

The NRC is issuing Revision 1 of RG 1.110 directly as a final regulatory guide because the changes between Revision 0 and Revision 1 are non-substantive. Regulatory Guide 1.110 was revised to incorporate editorial changes and the NRC's current format for regulatory guides. These changes were intended to improve clarity and did not alter the staff regulatory guidance.

In the course of a periodic review of the guide, the NRC staff identified several technical issues (ADAMS Accession No. ML13238A095). Nonetheless, the current version is successfully being used by the NRC staff in their safety reviews and by applicants in preparing license applications under parts 50 and 52 of Title 10 of the *Code of Federal Regulations* (10 CFR).

The NRC staff currently is considering revising RG 1.110 as part of rulemaking efforts being planned in response to the Staff Requirements Memorandum for SECY–12–0064, ''Recommendation for Policy and Technical Direction to Revise Radiation Protection Regulations and Guidance'' (ADAMS Accession No. ML12306A119). The rulemaking effort for 10 CFR part 50, appendix I, ''Numerical Guides for Design Objectives and Limiting Conditions for Operation to Meet the Criterion 'As Low as is Reasonably Achievable' for Radioactive Material in Light-Water-Cooled Nuclear Power Reactor Effluents,'' will include the development of a technical basis, public meetings and industry workshops, and revision of NRC guidance documents and computer codes. This effort should also incorporate the update of the cost-benefit ratio for person-rem, which would be a significant update.

II. Backfitting and Issue Finality

Issuance of this final regulatory guide does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10

CFR part 52. The changes in Revision 1 of RG 1.110 are limited to editorial changes to improve clarity and formatting changes to align with the NRC's new standardized regulatory guide format. These changes do not fall within the kinds of agency actions that constitute backfitting or are subject to limitations in the issue finality provisions of part 52. Accordingly, the NRC did not address the Backfit Rule or issue finality provisions of part 52.

III. Congressional Review Act

This regulatory guide 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.

IV. Submitting Suggestions for Improvement of Regulatory Guides

Revision 1 of RG 1.110 is being issued without public comment. However, you may at any time submit suggestions to the NRC for improvement of existing regulatory guides or for the development of new regulatory guides to address new issues. Suggestions can be submitted by the form available online at *http://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html*. Suggestions will be considered in future updates and enhancements of the regulatory guide.

Dated at Rockville, Maryland, this 7th day of October 2013.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2013–25256 Filed 10–24–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0234]

Monitoring Criteria and Methods To Calculate Occupational Radiation Doses

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–8031, ''Monitoring Criteria and Methods to Calculate Occupational Radiation Doses.'' This guide describes methods that the NRC staff considers acceptable for licensees to use to determine monitoring criteria and calculate occupational radiation doses.

DATES: Submit comments by December 24, 2013. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0234. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN, 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: Harriet Karagiannis, telephone: 301–251–7477, email: *Harriet.Karagiannis@nrc.gov,* or Doris Lewis, telephone: 301–251–7559, email: *Doris.Lewis@nrc.gov*. Both of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0234 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–2013–0234.
- *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 draft regulatory guide is available electronically in ADAMS under Accession No. ML13168A095. The regulatory analysis may be found in ADAMS under Accession No. ML13168A096.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

- *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–2013–0234 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

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

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

II. Additional Information

The NRC is issuing for public comment a draft guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in

evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

This draft regulatory guide, entitled, ''Monitoring Criteria and Methods to Calculate Occupational Radiation Doses,'' is temporarily identified by its task number, DG–8031. The DG–8031 is proposed revision 1 of Regulatory Guide (RG) 8.34, dated July 1992.

The NRC issued RG 8.34 in 1992, to provide guidance on acceptable methods of monitoring and calculating occupational radiation doses. On December 4, 2007 (72 FR 68043), the NRC revised the definition of total effective dose equivalent (TEDE) in part 20 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Standards for Protection Against Radiation,'' and in 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities.'' Previously, the definition of the TEDE was the sum of the deep dose equivalent (DDE) and the committed effective dose equivalent (CEDE), DDE to account for external exposure and CEDE to account for internal exposure. In the revised definition of TEDE, DDE was replaced with the effective dose equivalent for external exposure (EDEX).

As a result of the changed definition of TEDE, RG 8.34 is inconsistent with the current regulatory rule. Therefore, RG 8.34 needs to be revised to reflect the rule change. In addition, the NRC staff has incorporated guidance on how to calculate occupational radiation doses for wound contamination to the extremities into this draft revision of RG 8.34.

III. Backfitting and Issue Finality

This draft regulatory guide, if finalized, would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and would not be otherwise inconsistent with the issue finality provisions in 10 CFR part 52, ''Licenses, Certifications and Approvals for Nuclear Power Plants.'' As discussed in the ''Implementation'' section of this draft regulatory guide, the NRC has no current intention to impose this draft regulatory guide on holders of current operating licenses, early site permits or combined licenses, unless this draft regulatory guide becomes part of the licensing basis for the facility.

If this draft regulatory guide is finalized, the NRC may apply the revised regulatory guide to applications for operating licenses, early site permits and combined licenses docketed by the NRC as of the date of issuance of the revised regulatory guide, as well as to future applications for operating licenses, early site permits and combined licenses submitted after the issuance of the revised regulatory guide. Such action would not constitute backfitting as defined in 10 CFR 50.109(a)(1) nor be otherwise inconsistent with the applicable issue finality provision in 10 CFR Part 52, because such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in part 52.

Dated at Rockville, Maryland, this 3rd day of October 2013.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2013–25258 Filed 10–24–13; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Privacy Act of 1974: Systems of Records

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of changes to systems of records and addition of routine uses.

SUMMARY: Pursuant to the Privacy Act of 1974, *as amended* (5 U.S.C. 552a), the Pension Benefit Guaranty Corporation is proposing two new systems of records, adding new routine uses to existing systems of records, and is amending two systems of records to make technical and clarifying changes.

DATES: Comments on the new systems of records, proposed routine uses, and technical and clarifying changes must be received on or before November 25, 2013. The new systems of records, routine uses, and technical and clarifying changes will become effective on December 9, 2013 without further notice, unless comments result in a contrary determination and a notice is published to that effect.

ADDRESSES: You may submit written comments to PBGC by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Email: reg.comments@pbgc.gov.*
- *Fax:* 202–326–4224.
- *Mail or Hand Delivery:* Regulatory Affairs Group, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

Comments received, including personal information provided, will be posted to *http://www.pbgc.gov.* Copies of comments may also be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026, or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Marla Greenberg, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, 1200 K Street NW., Washington, DC 20005–4026, 202–326–4400 or 1–800–400–7242, extension 3110 (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400). For access to any of the PBGC's systems of records, contact PBGC's Disclosure Officer, Office of the General Counsel, Disclosure Division, at the above address, 202–326–4040 or 1–800–400–7242.

SUPPLEMENTARY INFORMATION: The PBGC is proposing to add two new systems of records, PBGC–21, Reasonable Accommodation Records—PBGC; and PBGC–22, Telework and Alternative Worksite Records—PBGC. In addition, PBGC is proposing to alter the following systems of records maintained pursuant to the Privacy Act of 1974, *as amended,* by adding new routine uses: PBGC–2, Disbursements—PBGC (last updated at 75 FR 59252 (September 26, 2012)), and PBGC–6 Plan Participant and Beneficiary Data—PBGC (last updated at 75 FR 59252 (September 26, 2012)). PBGC is also amending two systems of records to make technical and clarifying changes after undertaking a periodic review of those systems as required under Appendix 1 to the Office of Management and Budget (''OMB'') Circular A–130, *Management of Federal Information Resources* (November 28, 2000). The two systems of records being amended are PBGC–2, Disbursements (last published at 75 FR 59252 (September 26, 2012)), and PBGC–6, Plan Participant and Beneficiary Data—PBGC (last published at 75 FR 59252 (September 26, 2012)).

Revising Routine Uses in PBGC System of Records PBGC–2 and PBGC–6

PBGC–2

For PBGC–2, Disbursements—PBGC, PBGC is amending Routine Use 1 to broaden the purpose of sharing information with the Department of the Treasury to enable PBGC to verify consultants' and vendors' eligibility to receive payments. This revision will enable PBGC to both effect payments to

consultants and vendors, and to verify their eligibility to receive such payments. PBGC has determined that it is prudent to broaden the scope of the language to place consultants and vendors on notice that PBGC can also determine the eligibility of these entities to receive payments in addition to effecting payments.

PBGC–6

For PBGC–6, Plan Participant and Beneficiary Data—PBGC, PBGC is proposing to revise four existing routine uses. Routine Use 1, as revised, will permit the information of participants and beneficiaries of pension plans covered under Title IV of the Employee Retirement Income Security Act (''ERISA'') to be shared with parties outside of PBGC that elect to pay a supplemental pension benefit to those participants and beneficiaries. Routine Use 6, as revised, will no longer require that a request for information be notarized. This change will remove a barrier to requests made electronically. PBGC has also determined it is prudent to revise Routine Use 7 to provide PBGC with discretion to notify participants about information disclosed to an alternate payee (or their representative) under a qualified domestic relations order (QDRO). Routine Use 12, as revised, will consolidate what were previously two separately-stated routine uses of the information by the Department of the Treasury's Bureau of the Public Debt and the Social Security Administration. This revision will also allow PBGC to disclose payee information to the Internal Revenue Service (''IRS'') to permit PBGC to verify payees' social security numbers through an IRS matching program.

In addition, PBGC is planning to add three new routine uses to PBGC–6, Plan Participant and Beneficiary Data—PBGC. The newly proposed Routine Use 8 will provide a participant with the same right to information that Routine Use 7 provides for an alternate payee to allow a participant to pursue an administrative appeal of a benefit determination. The newly proposed Routine Use 9 will allow PBGC to disclose information needed to explain PBGC's calculation of a benefit affected by a QDRO to participants and alternate payees. PBGC's newly proposed Routine Use 13 will allow PBGC to determine which of its payees who currently receive their benefits by paper check have electronic debit card accounts and will enable PBGC to pay benefits through these electronic deposit accounts.

Finally, PBGC is removing the applicability of PBGC's General Routine Use G13 to PBGC–6, Plan Participant and Beneficiary Data—PBGC. PBGC has determined that General Routine Use G13, which allows PBGC to disclose information contained within a system of records to a federal agency in connection with hiring or retaining an employee, does not apply to this system of records.

Addition of System of Records

PBGC–21, Reasonable Accommodation Records—PBGC

PBGC is proposing to establish a new system of records entitled, ''PBGC–21, Reasonable Accommodation Records—PBGC.'' This proposed system of records is necessary to the functions performed by the Human Resources Department (''HRD''), and will cover only those files that identify by name, or other personal identifier, individuals who request or receive reasonable accommodations. The system includes records that are used to determine qualification for reasonable accommodation for prospective, current, or former employees, including medical documentation. Additionally, records maintained in this system may include an employee's name, personal address, and other personal contact information; the employee's occupational series and grade level; the employee's operating division/function office location, mailing address, telephone number, and email address; information about the individual's disability or medical condition; type of reasonable accommodation requested; explanation of how a reasonable accommodation would assist the employee in the performance of his/her job; relevant medical documentation and other supporting documents; deciding official's name and title; essential duties of the position; information relating to an individual's capability to satisfactorily perform the duties of the position currently held; estimated cost of accommodation; whether the accommodation was requested pre-employment or during employment with the agency; the amount of time taken to process the request; whether the request was granted or denied, and, if denied, the reason for the denial; the sources of technical assistance consulted in trying to identify possible reasonable accommodations; and other supporting documents relating to reasonable accommodation.

HRD, as it has always done, will continue to respect the privacy of individuals named in these files and will disclose, within the boundaries of the law, the least amount of information necessary to perform its responsibilities.

The collection and maintenance of records subject to this system are not new because records of the same type have been collected and maintained in HRD since the establishment of PBGC's reasonable accommodation program. Electronic information will be kept in an environment with physical security, including protection by network and system-specific user identification numbers to individuals needing access to the records and by passwords set and periodically changed by authorized users. Computers and hard copy records are maintained in a secured environment.

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written comments on this proposal. A report on the proposed system has been sent to Congress and the Office of Management and Budget for their evaluation.

PBGC–22, Telework and Alternative Worksite Records—PBGC

PBGC is proposing to establish a new system of records entitled, ''PBGC–22, Telework and Alternative Worksite Records—PBGC.'' The proposed system of records is necessary to the functions performed by the Workplace Solutions Department (''WSD''), and will cover only those files that identify by name, or other personal identifier, individuals who have been granted or denied authorization to participate in PBGC's Telework Program to work at an alternative worksite apart from their official PBGC duty station. The system includes records that are used to determine a prospective, current, or former employee's qualification to participate in PBGC's Telework Program, including medical documentation. Additionally, records maintained in this system may include an employee's name, position title, grade, job series, and department name; official PBGC duty station address and telephone number; alternative worksite address and telephone number(s); date telework agreement received and approved/denied; telework request and approval form; telework agreement, self-certification home safety checklist, and supervisor-employee checklist; type of telework requested (e.g., episodic or regular); regular work schedule; telework schedule; approvals/disapprovals; description and list of government-owned equipment and software provided to the teleworker; mass transit benefits received through PBGC's mass transit subsidy program; parking subsidies received through PBGC's subsidized parking program; medical documentation necessitating medical telework; and any other

miscellaneous documents supporting telework.

WSD, as it has always done, will continue to respect the privacy of individuals named in these files and will disclose, within the boundaries of the law, the least amount of information necessary to perform its responsibilities.

The collection and maintenance of records subject to this system are not new because records of the same type have been collected and maintained in WSD since the establishment of PBGC's Telework program. Electronic information will be kept in an environment with physical security, including protection by network and system-specific user identification numbers to individuals needing access to the records and by passwords set and changed periodically by authorized users. Computers and hard copy records are maintained in a secured environment.

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written comments on this proposal. A report on the proposed system has been sent to Congress and the Office of Management and Budget for their evaluation.

Technical and Clarifying Amendments

PBGC is amending PBGC–2, Disbursements—PBGC, and PBGC–6, Plan Participant and Beneficiary Data—PBGC. For its system of records, PBGC–2, Disbursements—PBGC, PBGC is correcting and updating the category of records maintained in this system of records. PBGC is also proposing to amend another system of records, PBGC–6, Plan Participant and Beneficiary Data—PBGC, to enable third parties to pay supplemental pension benefits outside the scope of Title IV of ERISA to participants and beneficiaries. These amendments clarify the nature and purposes of these systems of records and reflect changes that have occurred since they were last published.

Issued in Washington, DC this 18th day of September, 2013.

Joshua Gotbaum,

Director, Pension Benefit Guaranty Corporation.

PBGC–2

SYSTEM NAME:

Disbursements—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; PBGC, 1275 K Street NW., Washington, DC 20005–4026; PBGC Benefits Service, 2500 Grubb Road, Suites 140 and 221, Wilmington, DE 19810; PBGC Document Management Center, 5971 Kingstowne Village Parkway, Alexandria, VA 2231.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are consultants and vendors to the PBGC.

CATEGORIES OF RECORDS IN THE SYSTEMS:

Acquisition data for the procurement of goods and services. Consultant or vendor *information including: Invoices;* payment vouchers*;* name*;* address*; Commercial and Government Entity (CAGE) codes; Dun & Bradstreet Data Universal Numbering System (DUNS) numbers; social economic status; Web site; primary and/or government point of contact (including name, address, telephone number, and fax number of contacts);* and taxpayer identification number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101.

PURPOSE(S):

This system of records is maintained for use in determining amounts to be paid and in effecting payments by the Department of the Treasury to consultants and vendors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be transmitted to the United States Department of *the* Treasury to effect payments to consultants and vendors, *or to verify consultants' and vendors' eligibility to receive payments.*

2. General Routine Uses G1 through G7, G9 through G12 apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Information may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(f) and/or (5 U.S.C. 552a(b)(12)).

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

STORAGE:

Records are maintained by PBGC manually in file folders and/or in electronic format, including computer databases, magnetic tapes, or discs.

RETRIEVABILITY:

Records are indexed by name, tax payer identification number, and contract number.

SAFEGUARDS:

Records are kept in file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and are protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Pursuant to PBGC's Simplified Records Schedule 1.2, PBGC retains the records for *seven* years. Records also may be maintained on PBGC's network back-up tapes.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable PBGC media sanitization practice.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Operations Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 4902.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Individuals who are consultants and vendors to the PBGC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–6

SYSTEM NAME:

Plan Participant and Beneficiary Data—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026 and/or field benefit administrator, plan administrator, and paying agent worksites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants, alternate payees, and beneficiaries in terminating and terminated pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, as amended (ERISA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, telephone numbers, sex, social security numbers and other Social Security Administration information, dates of birth, dates of hire, salary, marital status, domestic relations orders, time of plan participation, eligibility status, pay status, benefit data, health-related information, insurance information where plan benefits are provided by private insurers, pension plan names and numbers, and initial and final PBGC determinations (29 CFR 4003.21 and 4003.59). The records listed herein are included only as pertinent or applicable to the individual plan participant, alternate payee, or beneficiary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1055, 1056(d)(3), 1302, 1321, 1322, 1322a, 1341, 1342 and 1350; 26 U.S.C. 6103; 44 U.S.C. 3101.

PURPOSE(S):

This system of records is maintained for use in determining whether participants, alternate payees, and beneficiaries are eligible for benefits under plans covered by Title IV of ERISA, *determining supplemental payments to be paid to those persons by a party other than PBGC, determining* the amounts of benefits to be paid, making benefit payments, collecting benefit overpayments, *and complying with statutory and regulatory mandates.* Names, addresses, and telephone numbers are used to survey customers to measure their satisfaction with the PBGC's benefit payment services and to track (for follow-up) those who do not respond to surveys.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to third parties, such as banks, insurance companies, or trustees, to enable these third parties to make or determine benefit payments *to determine supplemental payments by a party other than PBGC,* to plan participants and beneficiaries, and to report to the IRS the amounts of benefit*s—paid or required to be paid under federal law and* taxes withheld.

2. A record from this system of records may be disclosed, in furtherance of proceedings under Title IV of ERISA, to a contributing sponsor (or other employer who maintained the plan), including any predecessor or successor, and any member of the same controlled group.

3. A record from this system of records may be disclosed, upon request for a purpose authorized under Title IV of ERISA, to an official of a labor organization recognized as the *current or former* collective bargaining representative of the individual about whom a request is made.

4. Payees' names, addresses, and telephone numbers and information pertaining to debts owed by such payees to the PBGC may be disclosed to the *Department of the* Treasury or a debt collection agency or firm to collect a claim. Disclosure to a debt collection agency or firm shall be made only under a contract *issued by the federal government* that binds any such contractor or employee of such contractor to the penalties of the Privacy Act. The information so disclosed shall be used exclusively pursuant to the terms and conditions of such contract and shall be used solely for the purposes prescribed therein. The contract shall provide that the information so disclosed shall be returned at the conclusion of the debt collection effort.

5. The name and social security number of a participant employed or formerly employed as a pilot by a commercial airline may be disclosed to the Federal Aviation Administration (FAA) to obtain information relevant to the participant's eligibility or continued eligibility for disability benefits.

6. The name of a participant's pension plan, the actual or estimated amount of a participant's benefit under Title IV of ERISA, the form(s) in which the benefit is payable, and whether the participant is currently receiving benefit payments under the plan or (if not) the earliest date(s) such payments could commence may be disclosed to the participant's spouse, former spouse, child, or other dependent solely to obtain a qualified domestic relations order under 29 U.S.C. 1056(d) and 26 U.S.C. 414(p). The PBGC will disclose the information only upon the receipt of a written request by a prospective alternate payee, or *the payee's* representative, that describes the requester's relationship to the participant and states that the information will be used solely to obtain a qualified domestic relations order under state domestic relations law. The PBGC will notify the participant of any information disclosed to a prospective alternate payee or their representative under this routine use. Any person who knowingly and willfully requests or obtains any record concerning an individual under false pretenses is subject to a criminal penalty under 5 U.S.C. 552a(i)(3).

7. Information from a participant's initial determination under 29 CFR 4003.1(b) (excluding the participant's address, telephone number, social security number, and any sensitive medical information) may be disclosed to an alternate payee, or their representative, under a qualified domestic relations order issued pursuant to 29 U.S.C. 1056(d) and 26 U.S.C. 414(p) to explain how the PBGC determined the benefit due the alternate payee so that the alternate payee can pursue an administrative appeal of the benefit determination under 29 CFR 4003.51. The PBGC *may* notify the participant of the information disclosed to an alternate payee or their representative under this routine use.

8. Information from an alternate payee's initial determination under 29 CFR 4003.1(b) (excluding the alternate payee's address, telephone number, social security number, and any sensitive medical information) may be disclosed to a participant, or their representative, under a qualified domestic relations order issued pursuant to 29 U.S.C. 1056(d) and 26 U.S.C. 414(p) to explain how the PBGC determined the benefit due the participant so that the participant can pursue an administrative appeal of the benefit determination under 29 CFR 4003.51. The PBGC may notify the alternate payee of the information disclosed to a participant or their representative under this routine use.

9. Information used in calculating the benefit, or share of the benefit, of a participant or alternate payee (excluding the participant's or alternate payee's address, telephone number, social security number, and any sensitive medical information) may be disclosed to a participant or an alternate payee, or their representative, when (a) a qualified domestic relations order issued pursuant to 29 U.S.C. 1056(d) and 26 U.S.C. 414(p) affects the calculation of the benefit, or share of the benefit, of the participant or alternate payee; and (b) the information is needed to explain to the participant or alternate payee how the PBGC calculated the benefit, or share of the benefit, of the participant or alternate payee. The PBGC may notify the participant or the alternate payee, or their representative, as appropriate, of the information disclosed to the participant or the alternate payee, or their representative, under this routine use.

10. The names, addresses, social security numbers, dates of birth, and the pension plan name and number of eligible PBGC pension recipients may be disclosed to the Department of *the* Treasury and the Department of Labor to implement the income tax credit for health insurance costs under 26 U.S.C. 35 and the program for advance

payment of the tax credit under 26 U.S.C. 7527.

11. The names, addresses, social security numbers, and dates of birth of eligible PBGC pension recipients residing in a particular state may be disclosed to the state's workforce agency if the agency received a National Emergency Grant from the Department of Labor under the Workforce Investment Act of 1988 to provide health insurance coverage assistance and support services for state residents under 29 U.S.C. 2918(a) and (f).

12. Payees' name*s,* social security number*s,* and date*s* of birth may be provided to the Department of *the* Treasury's Bureau of the Public Debt, *the Social Security Administration, and the Internal Revenue Service* to verify payees' eligibility to receive payments.

13. Names and social security numbers of participants and beneficiaries may be provided to the Department of the Treasury, the Department of the Treasury's financial agent, and the Federal Reserve Bank for the purpose of learning which of PBGC's check payees have established electronic debit card accounts used for the electronic deposit of federal benefit payments.

14. General Routine Uses G1, *G2,* G4 through G7, G9 *through G12* apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Information may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(f) (5 U.S.C. 552a(b)(12)).

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

STORAGE:

Records are maintained in paper, microfiche, and electronic form.

RETRIEVABILITY:

Records are indexed by plan name and number, and participant and/or beneficiary name. Customer satisfaction survey responses are aggregated for statistical purposes after they have been received by the PBGC and are not retrievable by a participant or beneficiary's name or other assigned identifier.

SAFEGUARDS:

Paper and microfiche records are kept in file folders in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Records for participants in a particular plan are destroyed *seven* years after all payments have been made to all participants, beneficiaries, and alternate payees associated with that plan. Records existing on paper or microfiche are destroyed by shredding. Records existing on other media and computer storage media are destroyed according to the applicable PBGC Information Assurance Handbook guidance on media sanitization practice.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Benefit*s* Administration and Payment Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in the PBGC's regulations: 29 CFR Part 4902.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Plan administrators, participants, alternate payees, and beneficiaries, the FAA, and the IRS.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–21

SYSTEM NAME:

PBGC–21, Reasonable Accommodation Records—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, current, and former employees of the PBGC who request or receive a reasonable accommodation under Sections 501, 504, and 701 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. This also includes authorized individuals or representatives (e.g., family members, union representatives, or attorneys) who file requests for reasonable accommodation on behalf of an applicant for employment, current employees, and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records that are used to determine qualification for reasonable accommodation, including medical documentation. The records may include requests for reasonable accommodation, as well as position descriptions, medical records, notes or records made during consideration of requests, and decisions on requests. Additionally, records may include an employee's name, personal address, and other personal contact information; the employee's occupational series and grade level; the employee's operating division/function, office location, mailing address, telephone number, and email address; information about the nature of the individual's disability or medical condition; type of reasonable accommodation requested; explanation of how a reasonable accommodation would assist the employee in the performance of his/her job; relevant medical documentation and other supporting documents; deciding official's name and title; essential duties of the position; information relating to an individual's capability to satisfactorily perform the duties of the position currently held; estimated cost of accommodation; whether the accommodation was requested pre-employment or during employment with the agency; the amount of time taken to process the request; whether the request was granted or denied, and, if denied, the reason for the denial; the sources of technical assistance consulted in trying to identify possible reasonable accommodations; and other supporting documents relating to reasonable accommodation.

If an accommodation request is made by a family member, health professional, attorney, or representative of a PBGC employee or applicant, the records may contain the requester's name, email address, mailing address, telephone number, and any additional information provided by the requester relating to the processing of the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 501, 504, and 701 of the Rehabilitation Act of 1973; ADA Amendments of 2008; Executive Order 13164 (July 28, 2000); and Executive Order 13548 (July 10, 2010).

PURPOSE(S):

The purpose of this system is to allow PBGC to collect and maintain records on prospective, current, and former employees with disabilities who requested or received reasonable accommodation by PBGC as required by Sections 501, 504, and 701 of the Rehabilitation Act of 1973 and the

ADAAA of 2008. The purpose of this system is also to track and report the processing of requests for reasonable accommodation PBGC-wide to comply with applicable law and regulations, and to preserve and maintain the confidentiality of medical information submitted by or on behalf of applicants or employees requesting reasonable accommodation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to physicians or other medical professionals to provide them with or obtain from them the necessary medical documentation and/or certification for reasonable accommodation.

2. A record from this system of records may be disclosed to another federal agency or commission with responsibility for labor or employment relations or other issues, including equal employment opportunity and reasonable accommodation issues, when that agency or commission has jurisdiction over reasonable accommodation issues.

3. A record from this system of records may be disclosed to the Office of Management and Budget (OMB), Department of Labor (DOL), Office of Personnel Management (OPM), Equal Employment Opportunity Commission (EEOC), or Office of Special Counsel (OSC) to obtain advice regarding statutory, regulatory, policy, and other requirements related to reasonable accommodation.

4. A record from this system of records may be disclosed to appropriate third-parties contracted by the Agency to facilitate mediation or other dispute resolution procedures or programs.

5. A record from this system of records may be disclosed to the Department of Defense (DOD) for purposes of procuring assistive technologies and services through the Computer/Electronic Accommodation Program in response to a request for reasonable accommodation.

6. General Routine Uses G1 through G13.

DISCLOSUSRE TO CONSUMER REPORTING AGENCIES:

None.

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

STORAGE:

Records are maintained manually in file folders and/or in automated form, including computer databases, magnetic tapes, or discs. Records are also maintained on PBGC's network back-up tapes.

RETRIEVABILITY:

Records are indexed and retrieved using employee name and fiscal year of request for (or receipt of) reasonable accommodation.

SAFEGUARDS:

Paper records are kept in file cabinets in areas of restricted access that are locked after office hours. Only authorized personnel may be given access to either the secured area or the locked file cabinet. Electronic records are stored on computer networks and protected by assigning both network and system-specific user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically. Access to electronic records is limited to only those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

Pursuant to NARA General Records Schedule (GRS) 1 Section 24, records are maintained for three years from the employee's separation from PBGC or after all appeals have concluded, whichever is later. Records are also maintained on PBGC's network back-up tapes. All medical information, including information about functional limitations and reasonable accommodation needs obtained in connection with a request for reasonable accommodation, must be kept confidential and shall be maintained in files separate from the individual's official personnel file. Additionally, employees who obtain or receive such information are strictly bound by these confidentiality requirements. Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements that attach to it.

SYSTEM MANAGER(S) AND ADDRESS:

Reasonable Accommodation Coordinator, Human Resources Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR part 4902.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Prospective, current, and former PBGC employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–22

SYSTEM NAME:

Telework and Alternative Worksite Records—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, current, and former employees of the PBGC who have been granted or denied authorization to participate in PBGC's Telework Program to work at an alternative worksite apart from their official PBGC duty station.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include an employee's name, position title, grade, job series, and department name; official PBGC duty station address and telephone number; alternative worksite address and telephone number(s); date telework agreement received and approved/denied; telework request and approval form; telework agreement, self-certification home safety checklist, and supervisor-employee checklist; type of telework requested (e.g., episodic or regular); regular work schedule; telework schedule; approvals/disapprovals; description and list of government-owned equipment and software provided to the teleworker; mass transit benefits received through PBGC's mass transit subsidy program; parking subsidies received through PBGC's subsidized parking program; medical documentation necessitating medical telework; and any other miscellaneous documents supporting telework.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 6120, Telecommuting in Executive Agencies; 29 U.S.C. 701 et seq.

PURPOSE(S):

The purpose of this system is to allow PBGC to collect and maintain records on prospective, current, and former employees who seek to participate in PBGC's Telework Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system may be disclosed to medical professionals to obtain information about an employee's medical background necessary to grant or deny approval of medical telework.
2. A record from this system may be disclosed to federal, state, or local governments during actual emergencies, exercises, or continuity of operations tests for the purposes of emergency preparedness and responding to emergency situations.
3. A record from this system may be disclosed to the Department of Labor when an employee is injured when working at home while in the performance of normal duties.
4. A record from this system may be disclosed to the Office of Personnel Management (OPM) for use in its Telework Survey to provide consolidated data on participation in PBGC's Telework Program.
5. A record from this system of records may be disclosed to appropriate third-parties contracted by the Agency to facilitate mediation or other dispute resolution procedures or programs.
6. PBGC's General Routine Uses G1 through G13 also apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

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

STORAGE:

Records are maintained manually in file folders and/or in automated form, including computer databases, magnetic tapes, or discs. Records are also maintained on PBGC's network back-up tapes.

RETRIEVABILITY:

Records are indexed and retrieved using employee name and by the department in which the employee works, will work, or previously worked.

SAFEGUARDS:

Paper records are kept in file cabinets in areas of restricted access that are locked after office hours. Only authorized personnel may be given access to either the secured area or the locked file cabinet. Electronic records are stored on computer networks and protected by assigning both network and system-specific user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically. Access to electronic records is limited only to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

Records are destroyed two years after the employee's participation in the program ends. Unapproved requests are destroyed two years after the request is rejected.

SYSTEM MANAGER(S) AND ADDRESS:

Telework Coordinator, Workplace Solutions Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 4902.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Prospective, current, and former PBGC employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2013–25216 Filed 10–24–13; 8:45 am]

BILLING CODE 7709–02–P

POSTAL REGULATORY COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 78 FR 60334 (October 1, 2013).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, October 9, 2013, beginning at 11 a.m.

CHANGES IN THE MEETING: The Commission cancelled the October 9, 2013 meeting. The Commission posted notice of the cancellation on its Web site on Tuesday, October 1, 2013. The Commission is not rescheduling the October 9, 2013 meeting.

CONTACT PERSON FOR MORE INFORMATION: Stephen L. Sharfman, General Counsel, at 202–789–6820.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2013–25350 Filed 10–23–13; 4:15 pm]

BILLING CODE 7710–FW–P

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

[Notice–PCLOB–2013–06; Docket No. 2013–0005; Sequence No. 7]

Notice of Hearing

AGENCY: Privacy and Civil Liberties Oversight Board (PCLOB).

ACTION: Notice of a hearing.

SUMMARY: The Privacy and Civil Liberties Oversight Board (PCLOB) will conduct a public hearing with current and former government officials and others to address the activities and responsibilities of the executive and judicial branches of the federal government regarding the government's counterterrorism surveillance programs. This hearing will continue the PCLOB's study of the federal government's surveillance programs operated pursuant to Section 215 of the USA PATRIOT Act and Section 702 of Foreign Intelligence Surveillance Act. Recommendations for changes to these programs and the operations of the Foreign Intelligence Surveillance Court will be considered at the hearing to ensure that counterterrorism efforts properly balance the need to protect privacy and civil liberties. Visit *www.pclob.gov* for the full agenda closer to the hearing date. This hearing was re-scheduled from October 4, 2013, due to the unavailability of witnesses as a result of the federal lapse in appropriations.

DATES: Monday, November 4, 2013; 9:00 a.m.–4:30 p.m. (Eastern Standard Time).

Comments:

You may submit comments with the docket number PCLOB–2013–0005; Sequence 7 by the following method:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Written comments may be submitted at any time prior to the closing of the docket at 11:59 p.m. Eastern Time on November 14, 2013. This comment period has been extended from October 25, 2013, as a result of the new hearing date.

All comments will be made publicly available and posted without change. Do not include personal or confidential information.

ADDRESSES: Mayflower Renaissance Hotel Washington, 1127 Connecticut Ave. NW., Washington DC 20036. Facility's location is near Farragut North Metro station.

FOR FURTHER INFORMATION CONTACT: Susan Reingold, Chief Administrative

Officer, 202–331–1986. For email inquiries, please email *info@pclob.gov.*

SUPPLEMENTARY INFORMATION:

Procedures for Public Participation

The hearing will be open to the public. Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Susan Reingold, Chief Administrative Officer, 202–331–1986, at least 72 hours prior to the meeting date.

Dated: October 21, 2013.

Diane Janosek,

Chief Legal Officer, Privacy and Civil Liberties Oversight Board.

[FR Doc. 2013–25103 Filed 10–24–13; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70725; File No. SR–CME–2013–19]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Adoption of CME Rule 1001

October 21, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 17, 2013, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I and II below, which Items have been prepared by CME. CME filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(ii) thereunder,[4] so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CME is filing proposed rules changes that are limited to its business as a derivatives clearing organization. The new CME rule simply specifies that CME will discharge any swap data reporting obligations it has with respect to the swaps it clears under applicable Commodity Futures Trading Commission (''CFTC'') by making reports to the CME SDR.

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 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 self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

CME is registered as a derivatives clearing organization (''DCO'') with the Commodity Futures Trading Commission and currently offers clearing services for swaps products. In connection with its business as a DCO clearing swaps, CME is required to make certain reports regarding the swaps it clears to a swap data repository (''SDR'') registered with the CFTC in accordance with applicable CFTC regulations.

The rule that is the subject of this filing, CME Rule 1001, specifies that CME DCO will discharge any applicable swap reporting requirements that it has in its capacity as a DCO clearing swaps by making reports to the CME SDR. CME Rule 1001 was reviewed and affirmatively approved by the CFTC.

The scope of CME Rule 1001 is limited to CME's business as a derivatives clearing organization clearing products under the exclusive jurisdiction of the Commodity Futures Trading Commission (''CFTC''). CME Rule 1001 does not materially impact CME's security-based swap clearing business in any way. As such, the changes will be effective upon filing.

CME believes the rule that is the subject of this filing is consistent with the requirements of the Exchange Act including Section 17A of the Exchange Act.[5] The rule simply clarifies how CME will make required swap data reports regarding the swaps its clears in an operationally efficient manner and in accordance with applicable CFTC requirements, and as such it is designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[6]

Furthermore, the rule is limited in its effect to swaps offered under CME's authority to act as a derivatives clearing organization. Swaps fall under the exclusive jurisdiction of the CFTC. As such, the proposed CME changes are limited to CME's activities as a derivatives clearing organization clearing swaps that are not security-based swaps; CME notes that the policies of the CFTC with respect to administering the Commodity Exchange Act are comparable to a number of the policies underlying the Exchange Act, such as promoting market transparency for over-the-counter derivatives markets, promoting the prompt and accurate clearance of transactions and protecting investors and the public interest.

Because the changes are limited in their effect to swaps offered under CME's authority to act as a derivatives clearing organization, the changes are properly classified as effecting a change in an existing service of CME that:

(a) Primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, and swaps that are not security-based swaps or mixed swaps; and

(b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service.

As such, the changes are therefore consistent with the requirements of Section 17A of the Exchange Act[7] and are properly filed under Section 19(b)(3)(A)[8] and Rule 19b–4(f)(4)(ii)[9] thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. As a general matter, CME Rule 1001 should not be seen to have any effect on competition because it does not act as a restraint.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(4)(ii).

CME Rule 1001 simply codifies how CME's clearinghouse will discharge its own CFTC-required swap data reporting obligations for swaps cleared by CME in an operationally efficient manner. The Rule states that CME will discharge any DCO reporting obligations it has by making required swap data reports regarding CME-cleared swaps to its affiliated SDR. In addition, it should be noted that the Rule separately provides that CME will also make voluntary, supplemental reports regarding the same cleared swap data it reports to the CME SDR to any third party swap data repositories selected by any counterparty to a swap cleared at CME. The reporting arrangements contemplated by Rule 1001 regarding swaps under the exclusive jurisdiction of the CFTC were reviewed and approved by the CFTC.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME separately submitted Rule 1001 to the CFTC for affirmative approval pursuant to Regulation 40.5 of CFTC Regulations. This process involved a public comment period. A series of comment letters from various market participants were submitted. These letters made a variety of arguments alleging that CME Rule 1001 was inconsistent with the Commodity Exchange Act. CME submitted multiple response letters addressing these arguments. After a lengthy review process, the CFTC concluded that ''CME Rule is not inconsistent with either the [Commodity Exchange] Act or the regulatory structure implemented by the Commission to effectuate the Act.'' All of the industry comment letters, CME's response letters, the CFTC's approval order and separate CFTC Commissioners statements regarding Rule 1001 can be found at the following public Web site: *http://www.cftc.gov/PressRoom/PressReleases/pr6525-13.*

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A) [10] of the Act and Rule 19b–4(f)(4)(ii) [11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–CME–2013–19 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–CME–2013–19. 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 or 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 CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

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–CME–2013–19 and should be submitted on or before November 15, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–25118 Filed 10–24–13; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(4)(ii).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70714; File No. SR–EDGX–2013–39]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend EDGX Rule 4.3, Record of Written Complaints, To Conform to Financial Industry Regulatory Authority, Inc. Rule 4513

October 18, 2013.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 15, 2013, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been substantially 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 amend EDGX Rule 4.3, Record of Written Complaints, to conform to the rules of the Financial Industry Regulatory Authority, Inc. (''FINRA'') for purposes of an agreement between the Exchange and FINRA pursuant to Rule 17d–2 under the Exchange Act.[3] The text of the proposed rule change is available on the Exchange's Internet Web site at www.directedge.com, at the Exchange's principal office, and at the Public Reference Room of the Commission.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.17d–2. Pursuant to Rule 17d–2 under the Exchange Act, the Exchange and FINRA entered into an agreement to allocate regulatory responsibility for common rules (the ''17d–2 Agreement''). *Id.*

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 17d–2 Agreement between the Exchange and FINRA covers common members of both self-regulatory organizations and allocates to FINRA regulatory responsibility, with respect to common members, for the following: (1) Examination of common members of the Exchange and FINRA for compliance with federal securities laws, rules, and regulations, and rules of the Exchange that the Exchange has certified as identical or substantially similar to FINRA rules; (2) investigation of common members of EDGX and FINRA for violations of federal securities laws, rules, or regulations, or Exchange rules that the Exchange has certified as identical or substantially identical to a FINRA rule; and (3) enforcement of compliance by common members with the federal securities laws, rules, and regulations, and the rules of the Exchange that the Exchange has certified as identical or substantially similar to FINRA rules.[4]

The 17d–2 Agreement included a certification by the Exchange that states that the requirements contained in certain Exchange rules are identical to, or substantially similar to, certain FINRA rules that have been identified as comparable. To conform to the comparable FINRA rule for purposes of the 17d–2 Agreement, the Exchange proposes to amend EDGX Rule 4.3, Record of Written Complaints, to align with FINRA Rule 4513.[5]

EDGX Rule 4.3 currently requires that members keep and preserve written customer complaints[6] for a period of not less than five years, the first two of which must be in a readily accessible place. To take into account FINRA's four-year routine examination cycle for certain members, FINRA Rule 4513 requires that members preserve the customer complaint records for a period of at least four years. Under the 17d–2 Agreement, FINRA examines common members of the Exchange and FINRA for compliance with EDGX Rule 4.3. However, because of the differing retention periods of EDGX Rule 4.3 and FINRA Rule 4513, the 17d–2 Agreement specifically states that FINRA has the regulatory responsibilities for the first four years of EDGX Rule 4.3's five-year record keeping requirement.

The Exchange, therefore, proposes to decrease the record retention requirements under EDGX Rule 4.3 from five to four years.[7] The Exchange believes that amending the record retention requirements for customer complaints to align with FINRA Rule 4513 would help to avoid confusion among members of the Exchange that are also members of FINRA. The Exchange further believes that aligning the Exchange's rules with FINRA Rule 4513 would account for FINRA's four-year routine examination cycle for certain members, which FINRA conducts on the Exchange's behalf under the 17d–2 Agreement, ensuring consistent regulation of members that are also members of FINRA.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Exchange Act,[8] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The proposed rule change would provide greater harmonization between similar Exchange and FINRA rules, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The proposed rule change is not designed to address any competitive issues but rather is designed to provide greater harmonization among similar Exchange and FINRA rules, resulting in less burdensome and more efficient regulatory compliance for common members and facilitating FINRA's performance of its regulatory functions under the 17d–2 Agreement.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange filed the proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Exchange Act[9] and Rule 19b–4(f)(6) thereunder.[10] The Exchange believes that the proposed rule change meets the criteria of subparagraph (f)(6) of Rule 19b–4[11] because the proposed rule change will not adversely affect investors or the public interest; rather, the proposed rule change will promote greater harmonization between the Exchange and FINRA rules of similar purpose, resulting in greater uniformity and less burdensome and more efficient

[4] *See* Securities and Exchange Release No. 61698 (Mar. 12, 2010), 75 FR 13151 (Mar. 18, 2010) (Order Approving File No. 10–196) (Findings, Opinion, and Order of the Commission).

[5] *See also* Securities Exchange Act Release No. 63784 (Jan. 27, 2011), 76 FR 5850 (Feb. 2, 2011) (Order Approving Proposed Rule Change; File No. SR–FINRA–2010–052) (Approval Order).

[6] EDGX Rule 4.3(b) defines a ''complaint'' as ''any written statement of a customer or any person acting on behalf of a customer alleging a grievance involving the activities of a Member or persons under the control of the Member in connection with (1) the solicitation or execution of any transaction conducted or contemplated to be conducted through the facilities of the Exchange or (2) the disposition of securities or funds of that customer which activities are related to such a transaction.''

[7] Under Exchange Act Rules 17a–3(a)(18) and 17a–4(b)(4), members are required to preserve customer complaint records for a period of at least three years. *See* 17 CFR 240.17a–3(a)(18); 17 CFR 240.17a–4(b)(4).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 240.19b–4(f)(6).

regulatory compliance. Additionally, the Exchange believes the proposed rule change does not raise any new policy issues not previously considered by the Commission nor impose any significant burden on competition because it will: (1) Result in less burdensome and more efficient regulatory compliance for common members; and (2) facilitate FINRA's performance of its regulatory functions under the 17d–2 Agreement.

Accordingly, the Exchange has designated this rule filing as non-controversial under section 19(b)(3)(A) of the Exchange Act [12] and paragraph (f)(6) of Rule 19b–4 thereunder.[13] Because the proposed rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) 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 Exchange Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] 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 Exchange stated its belief that this proposal is non-controversial and will not significantly affect the protection of investors because the Exchange is not proposing any substantive changes and is merely amending its rule text to mirror FINRA's rules. Based on the Exchange's statements and the non-controversial nature of the proposed rule change, the Commission believes that waiving the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby grants the Exchange's request and waives the 30-day operative delay.[16]

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 Exchange Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Exchange 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 No. SR–EDGX–2013–39 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 No. SR–EDGX–2013–39. 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 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 No. SR–EDGX–2013–39 and should be submitted on or before November 15, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–24913 Filed 10–24–13; 8:45 am]

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[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For purposes only of waiving the operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70715; File No. SR–EDGA–2013–31]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend EDGA Rule 4.3, Record of Written Complaints, To Conform to Financial Industry Regulatory Authority, Inc. Rule 4513

October 18, 2013.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 15, 2013, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been substantially 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 amend EDGA Rule 4.3, Record of Written Complaints, to conform to the rules of the Financial Industry Regulatory Authority, Inc. (''FINRA'') for purposes of an agreement between the Exchange and FINRA pursuant to Rule 17d–2 under the Exchange Act.[3] The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of the Commission.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.17d–2. Pursuant to Rule 17d–2 under the Exchange Act, the Exchange and FINRA entered into an agreement to allocate regulatory responsibility for common rules (the ''17d–2 Agreement''). *Id.*

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 17d–2 Agreement between the Exchange and FINRA covers common members of both self-regulatory organizations and allocates to FINRA regulatory responsibility, with respect to common members, for the following: (1) Examination of common members of the Exchange and FINRA for compliance with federal securities laws, rules, and regulations, and rules of the Exchange that the Exchange has certified as identical or substantially similar to FINRA rules; (2) investigation of common members of EDGA and FINRA for violations of federal securities laws, rules, or regulations, or Exchange rules that the Exchange has certified as identical or substantially identical to a FINRA rule; and (3) enforcement of compliance by common members with the federal securities laws, rules, and regulations, and the rules of the Exchange that the Exchange has certified as identical or substantially similar to FINRA rules.[4]

The 17d–2 Agreement included a certification by the Exchange that states that the requirements contained in certain Exchange rules are identical to, or substantially similar to, certain FINRA rules that have been identified as comparable. To conform to the comparable FINRA rule for purposes of the 17d–2 Agreement, the Exchange proposes to amend EDGA Rule 4.3, Record of Written Complaints, to align with FINRA Rule 4513.[5]

EDGA Rule 4.3 currently requires that members keep and preserve written customer complaints[6] for a period of not less than five years, the first two of which must be in a readily accessible place. To take into account FINRA's four-year routine examination cycle for certain members, FINRA Rule 4513 requires that members preserve the customer complaint records for a period of at least four years. Under the 17d–2 Agreement, FINRA examines common members of the Exchange and FINRA for compliance with EDGA Rule 4.3. However, because of the differing retention periods of EDGA Rule 4.3 and FINRA Rule 4513, the 17d–2 Agreement specifically states that FINRA has the regulatory responsibilities for the first four years of EDGA Rule 4.3's five-year record keeping requirement.

The Exchange, therefore, proposes to decrease the record retention requirements under EDGA Rule 4.3 from five to four years.[7] The Exchange believes that amending the record retention requirements for customer complaints to align with FINRA Rule 4513 would help to avoid confusion among members of the Exchange that are also members of FINRA. The Exchange further believes that aligning the Exchange's rules with FINRA Rule 4513 would account for FINRA's four-year routine examination cycle for certain members, which FINRA conducts on the Exchange's behalf under the 17d–2 Agreement, ensuring consistent regulation of members that are also members of FINRA.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Exchange Act,[8] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The proposed rule change would provide greater harmonization between similar Exchange and FINRA rules, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The proposed rule change is not designed to address any competitive issues but rather is designed to provide greater harmonization among similar Exchange and FINRA rules, resulting in less burdensome and more efficient regulatory compliance for common members and facilitating FINRA's performance of its regulatory functions under the 17d–2 Agreement.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange filed the proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Exchange Act[9] and Rule 19b–4(f)(6) thereunder.[10] The Exchange believes that the proposed rule change meets the criteria of subparagraph (f)(6) of Rule 19b–4[11] because the proposed rule change will not adversely affect investors or the public interest; rather, the proposed rule change will promote greater harmonization between the Exchange and FINRA rules of similar purpose, resulting in greater uniformity and less burdensome and more efficient

[4] *See* Securities and Exchange Release No. 61698 (Mar. 12, 2010), 75 FR 13151 (Mar. 18, 2010) (Order Approving File No. 10–196) (Findings, Opinion, and Order of the Commission).

[5] *See also* Securities Exchange Act Release No. 63784 (Jan. 27, 2011), 76 FR 5850 (Feb. 2, 2011) (Order Approving Proposed Rule Change; File No. SR–FINRA–2010–052) (Approval Order).

[6] EDGA Rule 4.3(b) defines a ''complaint'' as ''any written statement of a customer or any person acting on behalf of a customer alleging a grievance involving the activities of a Member or persons under the control of the Member in connection with (1) the solicitation or execution of any transaction conducted or contemplated to be conducted through the facilities of the Exchange or (2) the disposition of securities or funds of that customer which activities are related to such a transaction.''

[7] Under Exchange Act Rules 17a–3(a)(18) and 17a–4(b)(4), members are required to preserve customer complaint records for a period of at least three years. *See* 17 CFR 240.17a–3(a)(18); 17 CFR 240.17a–4(b)(4).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 240.19b–4(f)(6).

regulatory compliance. Additionally, the Exchange believes proposed rule change does not raise any new policy issues not previously considered by the Commission nor impose any significant burden on competition because it will: (1) Result in less burdensome and more efficient regulatory compliance for common members; and (2) facilitate FINRA's performance of its regulatory functions under the 17d–2 Agreement.

Accordingly, the Exchange has designated this rule filing as non-controversial under section 19(b)(3)(A) of the Exchange Act [12] and paragraph (f)(6) of Rule 19b–4 thereunder.[13] Because the proposed rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) 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 Exchange Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] 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 Exchange stated its belief that this proposal is non-controversial and will not significantly affect the protection of investors because the Exchange is not proposing any substantive changes and is merely amending its rule text to mirror FINRA's rules. Based on the Exchange's statements and the non-controversial nature of the proposed rule change, the Commission believes that waiving the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby grants the Exchange's request and waives the 30-day operative delay.[16]

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 Exchange Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Exchange 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 No. SR–EDGA–2013–31 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 No. SR–EDGA–2013–31. 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 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 No. SR–EDGA–2013–31 and should be submitted on or before November 15, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–24915 Filed 10–24–13; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For purposes only of waiving the operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70728; File No. SR–NYSE–2013–67]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Proposing to Amend the Quantitative Continued Listing Standards Applicable to Companies Listed Under Sections 102.01C and 103.01B of the Listed Company Manual

October 21, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on October 8, 2013, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to harmonize the quantitative continued listing standards applicable to companies listed under Sections 102.01C and 103.01B of the Listed Company Manual (the ''Manual''). Under the proposed amendment, a company will be considered to be below compliance standards if its average global market capitalization over a consecutive 30 trading-day period is less than $50,000,000 and, at the same time, its total stockholders' equity is less than $50,000,000. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to harmonize the quantitative continued listing standards applicable to companies listed under Sections 102.01C and 103.01B of the Manual (''operating companies'').

The Exchange's financial initial listing standards for domestic operating companies are set forth in Section 102.01C of the Manual and financial initial listing standards applicable to non-U.S. operating companies are set forth in Section 103.01B of the Manual.[3] The Exchange's financial continued listing standards for operating companies are set forth in Section 802.01B of the Manual.[4] All operating companies are subject to continued listing requirements to maintain (i) a stock price on a 30-trading-day average basis of $1.00 and (ii) a total market capitalization on a 30-trading day average basis of $15 million (the ''Minimum Listing Criteria''). All listed operating companies are subject to additional financial continued listing requirements which vary depending on the initial listing standard in Section 102.01C or 103.01B under which the company originally listed.

The following are the current continued listing standards specific to operating companies listed under the various initial listing standards:

- A company that qualified to list under the Earnings Test set out in Sections 102.01C(I) or 103.01B(I), or pursuant to the requirements set forth under the Assets and Equity Test set forth in Section 102.01C(IV) or the ''Initial Listing Standard for Companies Transferring from NYSE Arca'' (this standard is no longer in existence and was operative from October 1, 2008 until August 31, 2009), will be considered to be below compliance standards if average global market capitalization over a consecutive 30 trading-day period is less than $50,000,000 and, at the same time, total stockholders' equity is less than $50,000,000.
- A company that qualified to list under the Valuation/Revenue with Cash Flow Test set out in Section 102.01C(II)(a) or Section 103.01B(II)(a) will be considered to be below compliance standards if:
  - average global market capitalization over a consecutive 30 trading-day period is less than $250,000,000 and, at the same time, total revenues are less than $20,000,000 over the last 12 months (unless the company qualifies as an original listing under one of the other original listing standards); or
  - average global market capitalization over a consecutive 30 trading-day period is less than $75,000,000.
- A company that qualified to list under the Pure Valuation/Revenue Test set out in Section 102C.01(II)(b) or in Section 103.01B(II)(b) will be considered to be below compliance standards if:
  - average global market capitalization over a consecutive 30 trading-day period is less than $375,000,000 and, at the same time, total revenues are less than $15,000,000 over the last 12 months (unless the company qualifies as an original listing under one of the other original listing standards); or
  - average global market capitalization over a consecutive 30 trading-day period is less than $100,000,000.
- A company that qualified to list under the Affiliated Company Test set out in Section 102C.01(III) or Section 103.01B(III) will be considered to be below compliance standards if:
  - the listed company's parent/affiliated company ceases to control the listed company, or the listed company's parent/affiliated company itself falls below the continued listing standards applicable to the parent/affiliated company, and
  - average global market capitalization over a consecutive 30 trading-day period is less than $75,000,000 and, at the same time, total stockholders' equity is less than $75,000,000.

The Exchange proposes to amend the applicable continued listing standards such that every operating company will be subject to the same standards regardless of the standard under which such company initially qualified. The proposed amendment to Section 802.01B of the Manual will state that an operating company will be considered to be below compliance standards if its average global market capitalization over a consecutive 30 trading-day period is less than $50,000,000 and, at the same time, its total stockholders' equity is less than $50,000,000 (the ''Proposed Continued Listing Standard'').[5]

Currently, to determine whether an operating company complies with continued listing standards, the Exchange first looks to the financial standard under which the company initially qualified for listing and then applies the continued listing standard specified as applicable to that initial listing standard. The practical impact of this policy is that a company may be deemed noncompliant with the continued listing standard associated with the initial financial listing standard under which it originally qualified to list, notwithstanding the fact that it would have remained in compliance if subject to one of the other continued listing standards. This creates the anomalous result that two companies could have identical quantitative characteristics, yet one company would be deemed noncompliant and the other would remain compliant, purely on the basis of the initial listing standards under which the respective companies qualified to list many years previously. The Exchange believes this potential for disparate treatment is unfair to a listed company and its shareholders in the circumstance that a company is deemed noncompliant or delisted notwithstanding the fact that it would have remained compliant if one of the other continued listing standards was applicable. Moreover, many listed companies evolve subsequent to initial listing, and the idea that a company should be subject indefinitely to continued listing criteria tailored to the type of company it was at the time of initial listing no longer seems appropriate.

The Exchange notes that the approach of assigning different quantitative continued listing requirements to

[3] Non-U.S. companies are also permitted to list under the domestic listing standards set forth in Section 102.01C.

[4] The Exchange also maintains continued listing standards with respect to distribution of shares, set forth in Section 802.01A of the Manual.

[5] Consistent with the Exchange's general practice in the case of rule changes (unless the amended rule specifies otherwise), upon effectiveness of the proposed amendment, all listed operating companies would be subject to the Proposed Continued Listing Standard rather than any of the other currently applicable continued listing standards, including any company operating under a compliance plan due to an event of non-compliance with a previously applicable continued listing standard or any company awaiting appeal of a delisting determination based on non-compliance with a previously applicable continued listing standard.

companies that originally listed under different listing standards was adopted in 2004, based on the assumption that a company should be subject to a continued listing requirement that was related to the elements in the financial listing standard under which it originally listed.[6] However, the Exchange's experience administering these standards does not support the original assumption that the disparate standards would enhance the quality of operating companies listed on the Exchange. As discussed below, a review of data collected over more than five years indicates that all of the companies that were delisted under any of the other currently existing continued listing standards during that period would also have been delisted if they had instead been subject to the Proposed Continued Listing Standard, either pursuant to the Proposed Continued Listing Standard itself or pursuant to the Minimum Listing Criteria. Consequently, the Exchange derived no appreciable regulatory benefit during that period from having multiple continued listing standards rather than simply the Proposed Continued Listing Standard and the Minimum Listing Criteria. Therefore, the Exchange does not believe that it is necessary to continue to maintain a complicated set of alternative continued listing standards.

The Exchange acknowledges that the other currently applicable continued listing standards have higher minimum quantitative requirements for average market capitalization than the Proposed Continued Listing Standard. Most notably, the $50,000,000 minimum average market capitalization requirement of the Proposed Continued Listing Standard is lower than the minimum average market capitalization requirements of all of the other currently existing continued listing standards. However, the Exchange believes that, the proposed adoption of the Proposed Continued Listing Standard will not result in any meaningful weakening of the quality of companies listed on the Exchange. In that regard, the Exchange notes that almost all companies that are currently below compliance with their applicable financial continued listing standard will also be below compliance with the Proposed Continued Listing Standard at the time of its adoption. Further, the Exchange notes that more than 87% of the operating companies currently listed on the Exchange are already subject to a continued listing standard identical to the Proposed Continued Listing Standard. For those companies, therefore, there will be no change to their continued listing obligations as a result of the proposed rule change.

With regard to companies that are currently subject to one of the other continued listing standards, the Exchange believes that adoption of the Proposed Continued Listing Standard will not result in the continued listing of a meaningful number of companies that would be subject to delisting under the current continued listing standards. In reaching this conclusion, the Exchange reviewed all companies that were identified as below compliance for any of the financial standards between 2006 and 2012. Approximately 22% of the identified companies during that period were subject to a continued listing standard other than the Proposed Continued Listing Standard. Of those 22% of companies, a majority would have been cited for noncompliance with either the Proposed Continued Listing Standard or the Minimum Listing Criteria.[7] With respect to the minority of companies that would not have fallen below either the Proposed Continued Listing Standard or the Minimum Listing Criteria, all have regained compliance and currently continue to be in compliance with the Exchange's quantitative continued listing standards. Based on this empirical data, therefore, the Exchange believes that the Proposed Continued Listing Standard, in combination with the Minimum Listing Criteria, is a rigorous measure that will capture the full universe of companies that are financially unsuitable for listing and will successfully maintain the quality of the Exchange's listing program.

The Exchange believes that the proposed amendment is consistent with Rule 3a51–1(a)(2)(ii) (the ''Penny Stock Rule'')[8] under the Act. Section (a)(2) of the Penny Stock Rule provides that a security is not a penny stock for purposes of the rule if it is listed on a national securities exchange that has established quantitative continued listing standards that are reasonably related to certain enumerated initial listing standards and that are consistent with the maintenance of fair and orderly markets. The Penny Stock Rule's minimum initial listing standards are stockholders' equity ($5,000,000), market value of listed securities ($50,000,000) or net income ($750,000). The Proposed Continued Listing Standard requires that a listed company maintain an average global market capitalization over a consecutive 30 trading-day period of in excess of $50,000,000[9] and stockholder's equity in excess of $50,000,000. The Exchange believes that global market capitalization is a comparable measure to the Penny Stock Rule's market value of listed securities requirement. Therefore, the Proposed Continued Listing Standard contains measures that are both related to, and equal to or far in excess of, the Penny Stock Rule's initial listing standards. Therefore, the Exchange believes that the proposed amendment is consistent with the Penny Stock Rule.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[10] in general, and furthers the objectives of Section 6(b)(5) of the Act,[11] in particular, in that it is 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 a national market system, and, in general, to protect investors and the public interest. In particular, the Exchange believes that the adoption of the Proposed Continued Listing Standard is consistent with the protection of investors and the public interest because: (i) The Exchange has many years of experience utilizing the Proposed Continued Listing Standard as the applicable continued listing standard for a large percentage of listed companies and, in the Exchange's experience, companies that remain in compliance with that standard are suitable for continued listing; and (ii) the Proposed Continued Listing Standard is unlikely to allow companies to remain listed that would not otherwise be suitable for listing, as the Exchange's review of historical listing compliance matters indicates that any company that falls below any other applicable quantitative listing standard will generally also fall below the Proposed Continued Listing Standard.

[6] *See* Securities Exchange Act Release No. 49154 (January 29, 2004), 69 FR 5633 (February 5, 2004) (SR–NYSE–2003–43).

[7] Of the 22 total companies that make up this percentage, eight would have fallen below the Proposed Continued Listing Standard and an additional four were delisted for falling below the Minimum Listing Criteria. An additional three of the 22 companies voluntarily delisted as a result of merger transactions.

[8] 17 CFR 240.3a51–1.

[9] For purposes of calculating global market capitalization, the Exchange will only consider securities that are (1) publicly traded (or quoted) or (2) convertible into a publicly traded (or quoted) security.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

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 change is being made to rationalize the continued listing standards for operating companies listed on the Exchange. As the Exchange's research has indicated that this change will be unlikely to have any meaningful effect on the number of companies that will be delisted, the Exchange believes that it will not have any effect on the competition among listing markets and will result in no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2013–67 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2013–67. 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–NYSE–2013–67 and should be submitted on or before November 15, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–25120 Filed 10–24–13; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70726; File No. SR–BOX–2013–50]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend BOX Rules 4020 (Opening of Accounts), 4050 (Discretionary Accounts), and 4060 (Confirmation to Public Customers) To Conform to the Corresponding Rules of FINRA

October 21, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 9, 2013, BOX Options Exchange LLC (the ''Exchange'' or ''BOX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. BOX has designated the proposed rule change as constituting a ''non-controversial'' rule change under Exchange Act Rule 19b–4(f)(6),[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the BOX Rules to conform to the corresponding rules of the Financial Industry Regulatory Authority, Inc. (''FINRA''). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com*.

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 amend BOX Rules 4020 (Opening of Accounts), 4050 (Discretionary Accounts), and 4060 (Confirmation to Public Customers) to conform to the corresponding rules of FINRA.[4] The Exchange believes the proposed amendments would clarify to Order

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* FINRA Rule 2360(b)(12), (16), and (18).

Flow Providers (''OFPs'') their requirements with respect to supervision of their public customer options business and confirmations to public customers. In addition, the Exchange believes that the proposed amendments would align the Exchange's rules with FINRA's rules, thereby facilitating FINRA's enforcement of the Exchange's rules.

First, the Exchange proposes to amend BOX Rule 4020(f)(3) to clarify the person responsible for approving accounts that do not meet the specific criteria and standards for writing uncovered short options transactions and for maintaining written records of the reasons for every account so approved. Specifically, the Exchange proposes to replace the terms ''Senior Options Principal and/or Compliance Options Principal'' with the term ''a specific Options Principal(s).'' The terms ''Senior Options Principal and/or Compliance Options Principal'' are not used anywhere else in the BOX Rules, while the term ''Options Principal'' is used in similar provisions and is already defined in the BOX Rules.[5] The new term would have the same significance as the terms it is replacing, as the Exchange currently treats these three terms interchangeably when deciding if the OFP has met it supervision requirements. Moreover, the Exchange believes that using the term ''a specific Options Principal(s)'' in Rule 4020(f)(3) would align its rule with the corresponding FINRA rule,[6] thereby facilitating FINRA's enforcement of the Exchange's rules.

In addition, the Exchange proposes to amend Rule 4050. First, the Exchange proposes to remove section (a)(2). The Exchange believes that the requirement found in section (a)(2)—that each discretionary order be reviewed and approved on a daily basis—is no longer necessary and consequently overly burdensome. Second, the Exchange proposes to add a new section to Rule 4050, entitled ''*Discretion as to Price or Time Excepted*''. The Exchange believes that adding this section would clarify the duration and circumstances surrounding a price and time discretion exemption as well as facilitate FINRA's enforcement of the BOX Rules. In addition, the Exchange believes that removing section (a)(2) and adding the new language would align BOX Rule 4050 with the corresponding FINRA rule,[7] thereby facilitating FINRA's enforcement of the Exchange's rules.

Finally, the Exchange proposes to add language to Rule 4060(b) to state that written confirmations relating to options transactions do not need to specify the exchange or exchanges on which an option is executed. The Exchange believes that requiring written confirmations relating to options transactions specify the exchange or exchanges on which an option is executed is overly burdensome in light of the recent increase in order routing to away exchanges.[8] Furthermore, even with this information removed from the transaction confirmation, a Public Customer would be able to receive this detail upon request. Finally, the Exchange believes that this change would help FINRA enforce the BOX Rules by aligning Rule 4060(b) with the corresponding FINRA rule.[9]

The Exchange believes the proposed rule change would provide greater certainty to OFPs regarding the Exchange's rules by aligning them more closely with the corresponding FINRA rules. Moreover, the Exchange believes that aligning these rules more closely with the corresponding FINRA rules would aid in FINRA's enforcement of the Exchange's rules. Finally, the Exchange believes the proposed rule change would remove provisions that are no longer necessary and are now overly burdensome.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Exchange Act Section 6(b),[10] in general, and Exchange Act Section 6(b)(5),[11] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

In particular, the Exchange believes the proposed rule change would promote consistency between the Exchange's rules and FINRA's rules and provide uniform rules governing how OFPs conduct business with the public. By promoting consistency with FINRA's rules, the Exchange believes the proposed rule change would facilitate FINRA's enforcement of the Exchange's rules. By providing uniform rules governing how OFPs conduct business with the public, the Exchange believes the proposed rule change would foster certainty for market participants. Accordingly, the Exchange believes that the proposed rule change would promote a free and open market and a national market system and the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

As stated above, the Exchange believes that the proposed rule change would clarify certain provisions of the Exchange's rules and make them substantially similar to the corresponding FINRA rules.[12] Specifically, the Exchange believes the proposed rule change is necessary to establish uniform rules regarding how OFPs conduct business with the public. The Exchange does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. In this regard, the Exchange does not believe the proposed rule change would impose any burden on any intramarket competition as it applies to all OFPs. In addition, the Exchange does not believe the proposed rule change would bring any unnecessary burden on intermarket competition as it is consistent with the corresponding FINRA rules. Therefore, the Exchange does not believe the proposed rule change would impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant

[5] *See* BOX Rule 100(a)(41).

[6] FINRA Rule 2360(b)(16)(E)(iii).

[7] FINRA Rule 2360(b)(18)(A)(ii).

[8] The Exchange is a participant in the Options Order Protection and Locked/Crossed Market Plan (''Plan''). The Plan requires the Participating Options Exchanges to adopt rules ''reasonably designed to prevent Trade Throughs.'' Under the Plan, the Exchange cannot execute orders at a price that is inferior to the National Best Bid and Offer, nor can the Exchange place an order on its books that would cause the Exchange's best bid or offer to lock or cross another exchange's quote. If the Exchange cannot execute or book an order, it will route the order to an Away Exchange on behalf of the Options Participant who submitted the Eligible Order through a third-party broker dealer.

[9] FINRA Rule 2360(b)(12).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *See supra* note 4.

burden on competition; and (iii) become operative for 30 days from date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Exchange Act Section 19(b)(3)(A) [13] and Rule 19b–4(f)(6) thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Exchange 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 Exchange 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–BOX–2013–50 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–BOX–2013–50. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method.

The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, on official business days between the hours of 10:00 a.m. and 3:00 p.m., located at 100 F Street NE., Washington, DC 20549. 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–BOX–2013–50 and should be submitted on or before November 15, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–25119 Filed 10–24–13; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). Pursuant to Exchange Act Rule 19b–4(f)(6)(iii), the Exchange is required to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of the filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has determined to waive the requirement that the Exchange provide the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date.

[15] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Intelligent Transportation Systems Program Advisory Committee; Notice of Meeting

AGENCY: ITS Joint Program Office, Research and Innovative Technology Administration, U.S. Department of Transportation.

ACTION: Notice.

The Intelligent Transportation Systems (ITS) Program Advisory Committee (ITSPAC) will hold a meeting by web conference on November 18, 2013, from 1:00 p.m. to 5:00 p.m. (EDT).

The ITSPAC, established under Section 5305 of Public Law 109–59, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, August 10, 2005, and re-established under Section 53003 of Public Law 112–141, Moving Ahead for Progress in the 21st Century, July 6, 2012, was created to advise the Secretary of Transportation on all matters relating to the study, development, and implementation of intelligent transportation systems. Through its sponsor, the ITS Joint Program Office (JPO), the ITSPAC makes recommendations to the Secretary regarding ITS Program needs, objectives, plans, approaches, content, and progress.

The following is a summary of the meeting tentative agenda: (1) Welcome and Introductions, (2) Safety Pilot Update, (3) Review of Deployment Incentives Report, (4) Review of Draft Final Recommendations, and (5) Next Steps and Remaining Tasks.

The web conference will be open to the public, but limited conference lines will be available on a first-come, first-served basis. Members of the public who wish to participate in the web conference must request approval from Mr. Stephen Glasscock, the Committee Designated Federal Official, at (202) 366–9126, not later than November 11, 2013. You must request Mr. Glasscock's approval also to present oral statements during the web conference.

Questions about the agenda or written comments may be submitted by U.S. Mail to: U.S. Department of Transportation, Research and Innovative Technology Administration, ITS Joint Program Office, Attention: Stephen Glasscock, 1200 New Jersey Avenue SE., HOIT, Washington, DC 20590 or faxed to (202) 493–2027. The ITS Joint Program Office requests that written comments be submitted not later than November 11, 2013.

Notice of this meeting is provided in accordance with the Federal Advisory Committee Act and the General Services Administration regulations (41 CFR part 102–3) covering management of Federal advisory committees.

Issued in Washington, DC, on the 22nd day of October 2013.

John Augustine,

Managing Director, ITS Joint Program Office.

[FR Doc. 2013–25183 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–HY–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice for Bob Hope Airport, Burbank, California

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

ACTION: Notice.

SUMMARY: The FAA announces its determination that the noise exposure maps submitted by Burbank-Glendale-Pasadena Airport Authority, for Bob Hope Airport under the provisions of 49 U.S.C. 47501 et. seq (Aviation Safety

and Noise Abatement Act) and 14 CFR Part 150 are in compliance with applicable requirements.

DATES: This notice is effective October 25, 2013 and applicable October 10, 2013.

FOR FURTHER INFORMATION CONTACT: Victor Globa, Environmental Protection Specialist, Federal Aviation Administration, Los Angeles Airports District Office, Mailing Address: P.O. Box 92007, Los Angeles, California 90009–2007. Street Address: 15000 Aviation Boulevard, Hawthorne, California 90261. Telephone: 310/725–3637. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Bob Hope Airport are in compliance with applicable requirements of 14 Code of Federal Regulations (CFR) Part 150 (hereinafter referred to as ''Part 150''), effective October 10, 2013. Under 49 U.S.C. 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by the Burbank-Glendale-Pasadena Airport Authority. The documentation that constitutes the ''Noise Exposure Maps'' as defined in section 150.7 of Part 150 includes: Exhibit 1, 2012 Noise Exposure Contour (Existing Condition); Exhibit 2, 2017 Noise Exposure Contours (Forecast Condition). The FAA has determined that these Noise Exposure Maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on October 10, 2013.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, Western-Pacific Region Office, Airports Division, Room 3012, 15000 Aviation Boulevard, Hawthorne, California 90261;

Federal Aviation Administration, Los Angeles Airports District Office, Room 3000, 15000 Aviation Boulevard, Hawthorne, California 90261;

Administrative Offices of the, Burbank-Glendale-Pasadena Airport Authority, 2627 Hollywood Way, Burbank, California 91505.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California, October 10, 2013.

Mark A. McClardy,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 2013–24991 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2013–0002 (Notice No. 13–14)]

Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on certain information collections pertaining to hazardous materials transportation for which PHMSA intends to request renewal from the Office of Management and Budget (OMB).

DATES: Interested persons are invited to submit comments on or before December 24, 2013.

ADDRESSES: You may submit comments identified by the docket number (PHMSA–2010–0223) by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number or Regulation Identification Number (RIN) for this notice. Internet users may access comments received by DOT at: *http://www.regulations.gov*. Note that comments received will be posted without change to: *http://*

www.regulations.gov including any personal information provided.

Requests for a copy of an information collection should be directed to Steven Andrews or T. Glenn Foster, Standards and Rulemaking Division (PHH–12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, East Building, 2nd Floor, Washington, DC 20590–0001, Telephone (202) 366–8553.

FOR FURTHER INFORMATION CONTACT: Steven Andrews or T. Glenn Foster, Standards and Rulemaking Division (PHH–12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., East Building, 2nd Floor, Washington, DC 20590–0001, Telephone (202) 366–8553.

SUPPLEMENTARY INFORMATION: Section 1320.8 (d), Title 5, Code of Federal Regulations requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies information collection requests that PHMSA will be submitting to OMB for renewal and extension. These information collections are contained in 49 CFR 171.6 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180). PHMSA has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed or final rules published since the information collections were last approved. The following information is provided for each information collection: (1) Title of the information collection, including former title if a change is being made; (2) OMB control number; (3) summary of the information collection activity; (4) description of affected public; (5) estimate of total annual reporting and recordkeeping burden; and (6) frequency of collection. PHMSA will request a three-year term of approval for each information collection activity and, when approved by OMB, publish a notice of the approval in the **Federal Register.**

PHMSA requests comments on the following information collections:

Title: Inspection and Testing of Portable Tanks and Intermediate Bulk Containers

OMB Control Number: 2137–0018.

Summary: This information collection consolidates provisions for documenting qualifications, inspections, tests, and approvals pertaining to the manufacture and use of portable tanks and intermediate bulk containers under various provisions of the HMR. It is necessary to ascertain whether portable tanks and intermediate bulk containers have been qualified, inspected, and retested in accordance with the HMR. The information is used to verify that certain portable tanks and intermediate bulk containers meet required performance standards prior to their being authorized for use, and to document periodic requalification and testing to ensure the packagings have not deteriorated due to age or physical abuse to a degree that would render them unsafe for the transportation of hazardous materials.

Affected Public: Manufacturers and owners of portable tanks and intermediate bulk containers.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 8,770.
Total Annual Responses: 86,100.
Total Annual Burden Hours: 66,390.
Frequency of collection: On occasion.

Title: Rulemaking and Special Permit Petitions.

OMB Control Number: 2137–0051.

Summary: This collection of information applies to rulemaking procedures regarding the HMR. Specific areas covered in this information collection include Part 105, Subpart A and Subpart B, ''Hazardous Materials Program Definitions and General Procedures''; Part 106, Subpart B, ''Participating in the Rulemaking Process''; Part 107, Subpart B, ''Special Permits''; and Part 107, Subpart C, ''Preemption.'' The Federal hazardous materials transportation law directs the Secretary of Transportation to prescribe regulations for the safe transportation of hazardous materials in commerce. We are authorized to accept petitions for rulemaking and appeals, as well as applications for special permits, preemption determinations, and waivers of preemption. The types of information collected include:

(1) *Petitions for Rulemaking:* Any person may petition the Office of Hazardous Materials Safety to add, amend, or delete a regulation in Parts 110, 130, 171 through 180, or may petition the Office of Chief Counsel to add, amend, or delete a regulation in Parts 105, 106 or 107.

(2) *Appeals:* Except as provided in § 106.40(e), any person may submit an appeal to our actions in accordance with the Appeals procedures found in §§ 106.110 through 106.130.

(3) *Application for Special Permit:* Any person applying for a special permit must include the citation of the specific regulation from which the applicant seeks relief; specification of the proposed mode or modes of transportation; detailed description of the proposed special permit (e.g., alternative packaging, test, procedure or activity), including as appropriate, written descriptions, drawings, flow charts, plans and other supporting documents, etc.

(4) *Application for Preemption Determination:* With the exception of highway routing matters covered under 49 U.S.C. 5125(c), any person directly affected by any requirement of a State, political subdivision, or Indian tribe may apply to the Chief Counsel for a determination whether that requirement is preempted by § 107.202(a), (b) or (c). The application must include the text of the State or political subdivision or Indian tribe requirement for which the determination is sought; specify each requirement of the Federal hazardous materials transportation law, regulations issued under the Federal hazardous material transportation law, or hazardous material transportation security regulations or directives issued by the Secretary of Homeland Security with which the applicant seeks the State or political subdivision or Indian tribe requirement to be compared; explain why the applicant believes the State or political subdivision or Indian tribe requirement should or should not be preempted under the standards of § 107.202; and state how the applicant is affected by the State or political subdivision or Indian tribe requirement.

(5) *Waivers of Preemption:* With the exception of requirements preempted under 49 U.S.C. 5125(c), any person may apply to the Chief Counsel for a waiver of preemption with respect to any requirement that: (1) The State or political subdivision thereof or Indian tribe acknowledges to be preempted under the Federal hazardous materials transportation law, or (2) that has been determined by a court of competent jurisdiction to be so preempted. The Chief Counsel may waive preemption with respect to such requirement upon a determination that such requirement affords an equal or greater level of protection to the public than is afforded by the requirements of the Federal hazardous materials transportation law or the regulations issued thereunder, and does not unreasonably burden commerce.

The information collected under these application procedures is used in the review process by PHMSA in determining the merits of the petitions for rulemakings and for reconsideration of rulemakings, as well as applications for special permits, preemption determinations, and waivers of preemption to the HMR. The procedures governing these petitions for rulemaking and for reconsideration of rulemakings

are covered in Subpart B of Part 106. Applications for special permits, preemption determinations, and waivers of preemption are covered under Subparts B and C of Part 107. Rulemaking procedures enable PHMSA to determine if a rule change is necessary, is consistent with public interest, and maintains a level of safety equal to or superior to that of current regulations. Special permit procedures provide the information required for analytical purposes to determine if the requested relief provides for a comparable level of safety as provided by the HMR. Preemption procedures provide information for PHMSA to determine whether a requirement of a State, political subdivision, or Indian tribe is preempted under 49 U.S.C. 5125, or regulations issued thereunder, or whether a waiver of preemption should be issued.

Affected Public: Shippers, carriers, packaging manufacturers, and other affected entities.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 3,304
Total Annual Responses: 4,294
Total Annual Burden Hours: 4,899
Frequency of Collection: On occasion

Title: Radioactive (RAM) Transportation Requirements.

OMB Control Number: 2137–0510.

Summary: This information collection consolidates and describes the information collection provisions in the HMR involving the transportation of radioactive materials in commerce. Information collection requirements for RAM include: Shipper notification to consignees of the dates of shipment of RAM; expected arrival; special loading/unloading instructions; verification that shippers using foreign-made packages hold a foreign competent authority certificate and verification that the terms of the certificate are being followed for RAM shipments being made into this country; and specific handling instructions from shippers to carriers for fissile RAM, bulk shipments of low specific activity RAM, and packages of RAM which emit high levels of external radiation. These information collection requirements help to establish that proper packages are used for the type of radioactive material being transported; external radiation levels do not exceed prescribed limits; and packages are handled appropriately and delivered in a timely manner, so as to ensure the safety of the general public, transport workers, and emergency responders.

Affected Public: Shippers and carriers of radioactive materials in commerce.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 3,817
Total Annual Responses: 21,519
Total Annual Burden Hours: 15,270
Frequency of Collection: On occasion

Title: Hazardous Materials Public Sector Training and Planning Grants.

OMB Control Number: 2137–0586.

Summary: Part 110 of 49 CFR sets forth the procedures for reimbursable grants for public sector planning and training in support of the emergency planning and training efforts of States, Indian tribes, and local communities to manage hazardous materials emergencies, particularly those involving transportation. Sections in this part address information collection and recordkeeping with regard to applying for grants, monitoring expenditures, and reporting and requesting modifications.

Affected Public: State and local governments, Indian tribes.

Annual Reporting and Recordkeeping Burden:

Annual Respondents: 68
Annual Responses: 68
Annual Burden Hours: 5,290
Frequency of Collection: On occasion

Title: Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service.

OMB Control Number: 2137–0595.

Summary: These information collection and recordkeeping requirements pertain to the manufacture, certification, inspection, repair, maintenance, and operation of certain Department of Transportation (DOT) specification and non-specification cargo tank motor vehicles used to transport liquefied compressed gases. These requirements are intended to ensure cargo tank motor vehicles used to transport liquefied compressed gases are operated safely, and to minimize the potential for catastrophic releases during unloading and loading operations. They include: (1) Requirements for operators of cargo tank motor vehicles in liquefied compressed gas service to develop operating procedures applicable to unloading operations and carry the operating procedures on each vehicle; (2) inspection, maintenance, marking, and testing requirements for the cargo tank discharge system, including delivery hose assemblies; and (3) requirements for emergency discharge control equipment on certain cargo tank motor vehicles transporting liquefied compressed gases that must be installed and certified by a Registered Inspector.

Affected Public: Carriers in liquefied compressed gas service, manufacturers and repairers.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 6,958
Total Annual Responses: 920,538
Total Annual Burden Hours: 200,914
Frequency of Collection: On occasion

Dated: October 21, 2013.

Charles E. Betts,

Director, Standards and Rulemaking Division.

[FR Doc. 2013–25105 Filed 10–24–13; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35773]

Mule Sidetracks, L.L.C.—Acquisition Exemption—Columbiana County Port Authority

Mule Sidetracks, L.L.C. (MSLLC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to: (1) Purchase a line of railroad owned by the Columbiana County Port Authority (CCPA) and currently operated by the Youngstown & Southeastern Railway Company (Y&SR), between milepost 0.0 in Youngstown, Ohio, and milepost 35.7 in Darlington, Pa. (the Line); and (2) receive from CCPA permanent assignments of CCPA's agreements and operating rights to approximately 3 miles of continuous track segments running east of milepost 0.0 that connect to the Line and that, *inter alia,* facilitate interchange with Norfolk Southern Railway Company (NSR) and CSX Transportation, Inc. (CSXT) [1]

[1] These agreements and operating rights are as follows: (1) Overhead Trackage Rights Agreement dated May 7, 2001, between Ohio & Pennsylvania Railroad Company (OHPA) and Central Columbiana & Pennsylvania Railway, Inc. (CQPA), to which CCPA is successor; (2) Letter Agreement regarding yard operations dated November 30, 2001, among OHPA, CQPA, and CCPA; (3) Interchange Agreement dated July 23, 2002, as amended and in effect, among CSXT, OHPA, and CQPA and Interline Service Agreement, effective date April 1, 2004, between CSXT and CQPA, to which CCPA is successor; (4) Land Lease dated August 8, 2003, between CSXT and CQPA, which was assumed by CCPA, effective January 3, 2006; (5) Interchange Agreement dated May 1, 2001, and Interline Service Agreement, effective date October 5, 2004, between CQPA and NSR, to which CCPA is successor; (6) Easements granted by Allied Erecting & Dismantling Company, Inc. to The Pittsburgh and Lake Erie Railroad Company by agreements dated June 3, 1992, and November 10, 1993, and easements retained by PLE in deeds dated June 3, 1992, and November 10, 1993, from PLE to Allied (collectively, the Allied Easements), which Allied Easements were conveyed by Youngstown and Southern Railway Company to Railroad Ventures, Inc. (RVI) by deed dated November 8, 1996, and by RVI to CCPA by deed dated January 23, 2001, and were included in the rights granted to CQPA by CCPA, including rights over the C.P. Graham

Continued

According to MSLLC, this transaction does not involve any provision or agreement that may limit future interchange with a third-party connecting carrier.

According to MSLLC, it will be a common carrier on the Line, and, once it acquires the Line, MSLLC intends to continue operations with Y&SR.[2] In addition, MSLLC states that it will be the common carrier for the 3 miles of continuous track segments extending east of milepost 0.0 in Youngstown, Ohio, that connect with the Line, but Y&SR will operate on the lines solely as an agent of and in the name of MSLLC.

The transaction may be consummated on or after November 8, 2013, the effective date of the exemption.[3]

MSLLC certifies that its projected annual revenues as a result of this transaction will not exceed $5 million and will not result in the creation of a Class I or Class II rail carrier.

If the verified 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. Stay petitions must be filed no later than November 1, 2013 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35773, 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 MSLLC's counsel, Richard H. Streeter, Law Offices of Richard H. Streeter, 5255 Partridge Lane NW., Washington, DC 20016.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: October 22, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2013–25180 Filed 10–24–13; 8:45 am]

BILLING CODE 4915–01–P

Interlocking, and which collective rights were also conferred on CCPA by order of the Bankruptcy Court dated March 28, 2002, in *In re: Pittsburgh & Lake Erie Properties, Inc.,* Case No. 96–406 (MFW), and to which CCPA is successor; and (7) Operating Rights Agreement between Matteson Equipment Company (Matteson) and CQPA, to which CCPA is successor, and Operating Rights Agreement between Eastern States Railroad, LLC (ESR) and Matteson dated July 14, 2006, to which CCPA is successor.

[2] To that end, Y&SR has filed a verified notice of exemption in *Youngstown & Southeastern Railway Company—Operation Exemption—Mule Sidetracks, L.L.C.,* Docket No. FD 35774, by which Y&SR seeks an exemption to continue to operate the Line.

[3] This notice was scheduled to be published in the **Federal Register** during the time that the agency was closed due to a lapse in appropriations. Because publication of this notice has been delayed, the effective date of the exemption will also be delayed to provide adequate notice to the public.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2013–0014]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. OP–1465]

FEDERAL DEPOSIT INSURANCE CORPORATION

NATIONAL CREDIT UNION ADMINISTRATION

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2013–0029]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70731; File No. S7–08–13]

Proposed Interagency Policy Statement Establishing Joint Standards for Assessing the Diversity Policies and Practices of Entities Regulated by the Agencies and Request for Comment

AGENCY: Office of the Comptroller of the Currency (''OCC''); Board of Governors of the Federal Reserve System (''Board''); Federal Deposit Insurance Corporation (''FDIC''); National Credit Union Administration (''NCUA''); Bureau of Consumer Financial Protection (''CFPB''); and Securities and Exchange Commission (''SEC'').

ACTION: Notice of proposed interagency policy statement with request for public comment.

SUMMARY: The OCC, Board, FDIC, NCUA, CFPB, and SEC (each an ''Agency'' and collectively, the ''Agencies'') are proposing joint standards for assessing the diversity policies and practices of the entities they regulate. Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (''Dodd-Frank Act'')[1] directed the establishment of an Office of Minority and Women Inclusion (''OMWI Office'') in each Agency. Each OMWI Office is headed by a Director and is responsible for all Agency matters relating to diversity in management, employment, and business activities. Section 342(b)(2)(C) directs each Agency's OMWI Director to develop standards for assessing the diversity policies and practices of entities regulated by that Agency. This proposed interagency policy statement (''Statement'') identifies these proposed standards and requests comment on all aspects of this Statement.

[1] Public Law 111–203, 124 Stat. 1376, 1541 (July 11, 2010), codified as 12 U.S.C. 5452.

DATES: Comments must be received on or before December 24, 2013.

ADDRESSES: Interested parties are encouraged to submit written comments to any of the Agencies listed below. To avoid duplication, the Agencies request that commenters not submit the same comment to more than one Agency. The Agencies will share comments with each other, as appropriate.

OCC: 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. Please use the title ''Proposed Interagency Policy Statement Establishing Joint Standards For Assessing the Diversity Policies and Practices of Entities Regulated by the Agencies and Request for Comment'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Email: regs.comments@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Mail Stop 9W–11, 400 7th Street SW., Washington, DC 20219.
- *Fax:* (571) 465–4326.
- *Hand Delivery/Courier:* 400 7th Street SW., Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2013–0014'' in your comment. In general, the OCC will enter all comments received into the docket and publish them on the Regulations.gov Web site without change, including any business or personal information that you provide such as name and address information, email addresses, or phone numbers. 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.

You may review comments that pertain to this notice by:

Viewing Comments Personally: You may personally inspect and photocopy

comments at the OCC, 400 7th Street SW., Washington, DC. 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.

Board: You may submit written comments, identified by Docket No. OP–1465, by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or 202–452–3102.
- *Mail:* Address to Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

Please send comments by one method only.

All public comments will be made available on the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments by any of the following methods:

- *FDIC Web site: http://www.fdic.gov/regulations/laws/federal/purpose.html.* Follow instructions for submitting comments on the agency Web site.
- *FDIC Email: Comments@fdic.gov.* Include ''Comments'' on the subject line of the message.
- *FDIC Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery to FDIC:* Comments may be hand-delivered to the guard station at the rear of the building at 550 17th Street (located on F Street), Washington, DC, on business days between 7:00 a.m. and 5:00 p.m.

Please note: All comments received will be posted generally without change to *http://www.fdic.gov/regulations/laws/federal/propose.html,* including any personal information provided.

Please include your name, affiliation, address, email address and telephone number(s) in your comment. Where appropriate, comments should include a short Executive Summary (no more than five single-spaced pages). All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

NCUA: You may submit comments by any one of the following methods (please send comments by one method only):

- *Federal rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Web site: http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx.* Follow the instructions for submitting comments.
- *Email:* Address to *regcomments@ncua.gov.* Include ''[Your name]—Comments on Proposed Interagency Policy Statement Establishing Joint Standards For Assessing the Diversity Policies and Practices of Regulated Entities'' in the email subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for email.
- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Public Inspection: You can view all public comments on NCUA's Web site at *http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx* as submitted, except for those we cannot post for technical reasons. NCUA will not edit or remove any identifying or contact information from the public comments submitted. You may inspect paper copies of comments in NCUA's law library at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9:00 a.m. and 3:00 p.m. To make an appointment, call (703) 518–6546 or send an email to *OGCMail@ncua.gov.*

CFPB: You may submit comments, identified by Docket No. CFPB–2013–0029, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail/Hand Delivery/Courier:* Monica Jackson, Office of the Executive Secretary, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

Instructions: All submissions must include the Agency name and docket number. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552, on official business days between the hours of 10:00 a.m. and 5:00 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or social security numbers, should not be included. Comments will not be edited to remove any identifying or contact information.

SEC: Comments may be submitted by any of the following methods:

Electronic Comments:

- Use the Commission's Internet comment form (*http://www.sec.gov*);
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–08–13 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow instructions for submitting comments.

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 S7–08–13. This file number should be included on the subject line if email is used. To help us 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*). Comments also are 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT:

OCC: Joyce Cofield, Executive Director, Office of Minority and Women Inclusion, at (202) 649–6460 or Karen McSweeney, Senior Attorney, Law Department, at (202) 649–6295, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

BOARD: Sheila Clark, Director, Office of Diversity and Inclusion, at (202) 452–2883; or Katherine Wheatley, Associate General Counsel, Legal Division, at (202) 452–3779.

FDIC: Melodee Brooks, Senior Deputy Director, Office of Minority and Women Inclusion, (703) 562–6090; Henry R.F. Griffin, Assistant General Counsel, (703) 562–6404; or Michelle M. Borzillo, Senior Counsel, (703) 562–6083; or Robert Lee, Counsel, (703) 562–2020, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429–0002.

NCUA: Tawana James, Director, Office of Minority and Women Inclusion, at (703) 518–1650, or Cynthia Vaughn, Diversity Outreach Program Analyst, Office of Minority and Women Inclusion, at (703) 518–1653, or Steven W. Widerman, Senior Staff Attorney, Office of General Counsel, at (703) 518–6540.

CFPB: Stuart Ishimaru, Director, Office of Minority and Women Inclusion, at (202) 435–9012, or To-Quyen Truong, Deputy General Counsel, Legal Division at (202) 435–7434, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

SEC: Pamela A. Gibbs, Director, Office of Minority and Women Inclusion, (202) 551–6046, or Tracey L. McNeil, Counsel, Office of Minority and Women Inclusion, (202) 551–3392, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Background

Each Office of Minority and Women Inclusion (OMWI) is headed by a Director who is responsible for Agency matters relating to diversity in management, employment, and business activities. Section 342(b)(2)(C) requires each Agency's OMWI Director to develop standards for ''assessing the diversity policies and practices of entities regulated by the agency.'' Such standards take into account section 342(b)(4), which states that nothing in section 342(b)(2)(C) ''may be construed to mandate any requirement on or otherwise affect the lending policies and practices of any regulated entity, or to require any specific action based on the findings of the assessment.''

The Agencies believe that a goal of section 342 is to promote transparency and awareness of diversity policies and practices within the entities regulated by the Agencies. The establishment of standards will provide guidance to the regulated entities and the public for assessing the diversity policies and practices of regulated entities. In addition, by facilitating greater awareness and transparency of the diversity policies and practices of regulated entities, the standards will provide the public a greater ability to assess diversity policies and practices of regulated entities. The Agencies recognize that greater diversity and inclusion promotes stronger, more effective, and more innovative businesses, as well as opportunities to serve a wider range of customers.

The Agencies believe that the term ''assessment'' encompasses many different types of assessments including self-assessment and provides an opportunity for the Agencies and the public to understand the diversity policies and practices of regulated entities. The assessment envisioned by the Agencies is not one of a traditional examination or other supervisory assessment. Thus, the Agencies will not use the examination or supervision process in connection with these proposed standards.

The Agencies are cognizant that regulated entities (a) with 100 or more employees; or (b) who are federal contractors with 50 or more employees and are prime contractors or first-tier subcontractors, with contracts of $50,000 or more are required to file an Employer Information Report EEO–1 (''EEO–1 Report'') with the Equal Employment Opportunity Commission. These reports contain data on the employment diversity at these regulated entities, and should assist the regulated entities in assessing their diversity policies and practices. We encourage regulated entities that are not required to file EEO–1 Reports to monitor and assess their diversity policies and practices and to use the proposed standards as a guide.

The OMWI Directors have worked together to develop a set of proposed standards for assessing the diversity policies and practices of entities regulated by the Agencies. In developing these standards, the Agencies took into account individual entities' circumstances (for example, asset size of the entity, number of employees, governance structure, income, number of members and/or customers, contract volume, geographic location, and community characteristics). We seek comments specifically on how we might better take into account individual entities' circumstances, especially for small regulated entities.

II. The Development of Proposed Joint Standards

During 2012, to encourage input and to learn more about diversity policies and practices, the OMWI Directors and staff held a series of roundtable discussions and teleconferences across the country with representatives of depository institutions, holding companies, credit unions, and industry trade groups. These outreach efforts served as an opportunity for regulated entities to provide input on assessment standards and for the Agencies to learn about the challenges and successes of current diversity programs and policies.

The OMWI Directors also held roundtable discussions with members of groups representing financial services professionals, communities, and consumer advocates. These meetings provided the Agencies with a greater understanding of the issues facing minorities and women with respect to employment and business contracting opportunities within the financial services industry.

Based on feedback received from the outreach sessions, the Agencies together have drafted proposed standards for assessing the diversity policies and practices of the entities regulated by the Agencies. These proposed standards address a regulated entity's employment practices and its business practices with regard to the procurement of goods and services.

The Agencies recognize that these standards may need to change and improve over time. Accordingly, the Agencies are open to ideas and input from the public to strengthen and develop this policy statement. Legal responsibility for insured depository institutions, credit unions, and depository institution holding companies shall be with the primary prudential regulator with respect to section 342 of the Dodd-Frank Act and these standards.

The proposed Statement follows.

Interagency Policy Statement Establishing Joint Standards for Assessing the Diversity Policies and Practices of Entities Regulated by the Agencies and Request for Comment

I. Introduction

Section 342 of the Dodd Frank Wall Street Reform and Consumer Protection Act of 2010 requires the Directors of the Offices of Minority and Women Inclusion (OMWI) to develop standards by which the diversity policies and practices of the entities regulated by the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, National Credit Union Administration, Bureau of Consumer Financial Protection, and Securities and Exchange Commission

(''the Agencies'') may be assessed. To promote consistency in this area, the OMWI Directors worked together to develop joint proposed standards.

II. The Joint Standards

An assessment of diversity policies and practices of the entities regulated by the Agencies may include the factors listed below. These standards may be tailored to take into consideration an individual entity's size and other characteristics (for example, total assets, number of employees, governance structure, revenues, number of members and/or customers, contract volume, geographic location, and community characteristics).

(1) Organizational Commitment to Diversity and Inclusion

The leadership of a successful organization demonstrates its commitment to diversity and inclusion. Leadership comes from the governing body such as a board of directors, senior officials, and those managing the organization on a day-to-day basis. These standards inform how an entity promotes diversity and inclusion both in employment and contracting, and how an entity fosters a corporate culture that embraces diversity and inclusion.

Standards

In a manner reflective of the individual entity's size and other characteristics,

- The regulated entity includes diversity and inclusion considerations in both employment and contracting as an important part of its strategic plan including hiring, recruiting, retention and promotion.
- The entity has a diversity and inclusion policy that is approved and supported by senior leadership, including senior management and the board of directors.
- The entity provides regular progress reports to the board and/or senior management.
- The entity conducts equal employment opportunity and diversity and inclusion education and training on a regular and periodic basis.
- The entity has a senior level official who oversees and directs the entity's diversity efforts. For some institutions, these responsibilities are assigned to an executive-level Chief Diversity Officer (or equivalent position) with dedicated resources to support diversity strategies and initiatives. For other entities, such as smaller entities, these responsibilities are assigned to a senior officer with sufficient authority.
- The entity takes proactive steps to promote a diverse pool of candidates, including women and minorities, in its hiring, recruiting, retention, and promotion, as well as in its selection of board members, senior management, and other senior leadership positions.

(2) Workforce Profile and Employment Practices

Many entities promote the fair inclusion of minorities and women in their workforce by publicizing employment opportunities, creating relationships with minority and women professional organizations and educational institutions, creating a culture that values the contribution of all employees, and encouraging focus on these objectives when evaluating performance of managers. Entities with diversity and inclusion programs regularly evaluate their programs and identify areas that can be improved.

Entities use various analytical tools to evaluate a wide range of business objectives, including metrics to track and measure the inclusiveness of their workforce (e.g., race, ethnicity, and gender). Regulated entities that are subject to the Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Programs (OFCCP) reporting requirements [2] currently provide data and supporting documentation that serve as analytical tools to evaluate diversity and inclusion programs. For entities not subject to the EEOC and OFCCP reporting requirements, these tools may serve as valuable models for data analysis to evaluate and assess diversity efforts.

Standards

In a manner reflective of the individual entity's size and other characteristics,

- Entities that file an annual EEO–1 Report as required by Title VII of the Civil Rights Act of 1964, or otherwise track their workforce data, use the data to evaluate and assess workforce diversity and inclusion efforts.
- Entities that prepare annual Affirmative Action Plans as required by Executive Order 11246 under the jurisdiction of the OFCCP use those plans to evaluate and assess workforce diversity and inclusion efforts.
- The entity utilizes metrics to evaluate and assess workforce diversity and inclusion efforts, such as recruitment, applicant tracking, hiring, promotions, separations (voluntary and involuntary), career development support, coaching, executive seminars and retention across all levels and occupations of the organization including executive and managerial ranks.
- The entity holds management accountable for diversity and inclusion efforts.
- The entity has policies and practices that create diverse applicant pools for both internal and external opportunities that may include:
  - Outreach to minority and women organizations;
  - Outreach to educational institutions serving significant minority and women student populations; and
  - Participation in conferences, workshops, and other events to attract minorities and women and inform them of employment and promotion opportunities.

(3) Procurement and Business Practices—Supplier Diversity

We recognize that there is limited public information available on supplier diversity at regulated entities and it may be more challenging to compare supplier diversity policies and practices among regulated entities. Some smaller institutions may also face greater challenges in gathering such information.

Companies increasingly understand the competitive advantage of using a broader choice of available businesses with benefits such as price, quality, attention to detail, and future relationship building. A number of entities have achieved success at broadening the range of available business options by increasing outreach to minority-owned and women-owned businesses.

As in the employment context, entities often use metrics to know the baseline of how much they spend on procuring goods and services and contracting for other business services, how much they spend with minority-owned and women-owned businesses, the availability of relevant minority-owned and women-owned businesses, and the growth in usage over time. Similarly, entities can use outreach methods to inform minority-owned and women-owned businesses (and affinity groups representing these constituencies) of the availability of these opportunities and the mechanism used by the entity for procurement.

In addition, entities' prime contractors often use subcontractors to fulfill the obligations of various contracts. The use of minority-owned and women-owned businesses as

[2] The Employer Information Report EEO–1 (EEO–1 Report) is required to be filed annually with the EEOC by (a) private employers with 100 or more employees or (b) federal contractors who have 50 or more employees, and are prime contractors or first-tier subcontractors, with contracts of $50,000 or more.

subcontractors provides valuable opportunities for both the minority-owned and women-owned businesses as well as for the prime contractor. The prime contractor can use this opportunity to work with minority-owned and women-owned businesses, and can expand the prime contractor's own capability under the contract. Entities can encourage the use of minority-owned and women-owned subcontractors by incorporating this objective in their business contracts.

Standards

In a manner reflective of the individual entity's size and other characteristics,

- The entity has a supplier diversity policy that provides for a fair opportunity for minority-owned and women-owned businesses to compete in procurements of business goods and services. This includes contracts of all types, including contracts for the issuance or guarantee of any debt, equity, or security, the sale of assets, the management of assets of the entity, and the making of equity investments by the entity.
- The entity has methods to evaluate and assess its supplier diversity, which may include metrics and analytics related to:
  - Annual contract spending by the entity;
  - Percentage spent with minority-owned and women-owned business contractors by race, ethnicity, and gender;
  - Percentage of contracts with minority-owned and women-owned business sub-contracts; and
  - Demographics of the workforce for contractors and subcontractors.
- The entity has practices to promote a diverse supplier pool which may include:
  - Outreach to minority-owned and women-owned contractors and representative organizations;
  - Participation in conferences, workshops and other events to attract minority-owned and women-owned firms and inform them of contracting opportunities; and
  - An ongoing process to publicize its procurement opportunities.

(4) Practices To Promote Transparency of Organizational Diversity and Inclusion

To promote the objectives of section 342, an entity's diversity and inclusion program should be transparent. Transparency and publicity can be an important aspect of assessing diversity policies and practices. Greater awareness and transparency can give members of the public information that allows them to assess those policies and practices. Entities can publicize information on their diversity and inclusion efforts through normal business methods, which can include, among other things, displaying information on their Web sites, in their promotional materials and in their annual reports to shareholders, if applicable. Making public an entity's commitment to diversity and inclusion, its plans for achieving diversity and inclusion, and its metrics used to measure success in both workplace and supplier diversity, informs a broad constituency—its investors, employees, potential employees and suppliers, customers, and the general community. Publication of this information can open new markets to new communities and can illustrate the progress that has been made toward an important business goal.

Standards

In a manner reflective of the individual entity's size and other characteristics, the regulated entity provides transparency in its activities regarding diversity and inclusion by making the following information available to the public annually through its public Web site or other appropriate communication methods:

- Its diversity and inclusion strategic plan;
- its commitment to diversity and inclusion; and
- its progress toward achieving diversity and inclusion in its workforce and procurement activities, which may include its:
  - current workforce and supplier demographic profiles;
  - current employment and procurement opportunities;
  - forecasts of potential employment and procurement opportunities; and
  - the availability and use of mentorship and developmental programs for employees and contractors.

III. Proposed Approach to Assessment

In developing the standards proposed in this Statement, the Agencies believe that the term ''assessment'' contemplates both self-assessment and an opportunity for the Agencies and the public to understand the diversity policies and practices of regulated entities. The assessment envisioned by the Agencies is not one of a traditional examination or other supervisory assessment. Thus, the Agencies will not use the examination or supervision process in connection with these proposed standards.

A model assessment would include:

- A self-assessment utilizing the proposed standards to conduct a quantitative and qualitative evaluation of the diversity and inclusion policies and practices, as stated in Section II (The Joint Standards).
- Voluntary disclosure to the appropriate Agency of the self-assessment and other information the entity deems relevant. The Agencies will monitor the information submitted over time for use as a resource in carrying out their diversity and inclusion responsibilities.
- The entity displays information on its public Web site and in its annual reports, and in other materials, regarding its efforts to comply with these proposed standards as an opportunity for more public awareness and understanding of its diversity policies and practices. The Agencies may periodically review information on regulated entities' public Web sites to monitor diversity and inclusion practices.

Entities that are required to file an EEO–1 Report are encouraged to use the proposed standards to develop and monitor diversity policies and practices. Entities that do not file EEO–1 Reports may also consider using the standards in a manner reflective of the individual entity's size and other characteristics.

The OMWI Directors will also continue to reach out to regulated entities and other interested parties to discuss diversity and inclusion practices and methods of assessment.

IV. Request for Comment

The Agencies request comments on all aspects of this draft policy statement, including but not limited to those set forth below. The Agencies will revise the Statement as appropriate after a review of public comments.

(1) Are the proposed joint standards effective and appropriate to promote diversity and inclusion? Why or why not? If not, what standards would be appropriate and why? How would such standards support or hinder the objectives of section 342?

(2) Are the proposed joint standards sufficiently flexible but still effective to allow meaningful assessments of entities with a wide range of particular characteristics or circumstances (for example, asset size; number of employees; contract volume; income stream; and number of members and/or customers)? Are there other ways to approach the standards for smaller entities, such as those with small contracting dollar volumes or those not required to file EEO–1 reports? What other approaches or characteristics would be appropriate for any such

alternative, modified or scaled approach? How would such modification or scaling support or hinder the objectives of section 342?

(3) What other factors, if any, would be useful in assessing the diversity policies and practices of the regulated entities, and why should such factors be considered? How would such factors support or hinder the objectives of section 342?

(4) Is the proposed model approach to assessment effective and appropriate to promote diversity and inclusion? Why or why not? If not, what approach would be appropriate and why? How would such approach support or hinder the objectives of Section 342?

(5) Would there be potential advantages or disadvantages of the proposed model approach to assessment? If so, what would they be?

V. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et. seq*)., the Agencies have reviewed the proposed policy statement and determined that it contains no collections of information requiring approval by the Office of Management and Budget (OMB). As the Agencies consider the public comments received and finalize the policy statement, they will reevaluate this PRA determination.

Dated: October 2, 2013.

Thomas J. Curry,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, October 10, 2013.

Robert deV. Frierson,

Secretary of the Board.

Dated at Washington, DC, this 4th of October 2013.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

By the National Credit Union Administration Board on September 18, 2013.

Gerard Poliquin,

Secretary of the Board.

Dated: October 1, 2013.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

By the Securities and Exchange Commission.

Dated: October 22, 2013.

Elizabeth M. Murphy

Secretary.

[FR Doc. 2013–25142 Filed 10–24–13; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6741–01–P; 7590–01–P; 4810–AM–P; 8011–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 1065, 1065–B, 1066, 1120, 1120–C, 1120–F, 1120–H, 1120–ND, 1120–S, 1120–SF, 1120–FSC, 1120–L, 1120–PC, 1120–REIT, 1120–RIC, 1120–POL and Related Attachments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, 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 continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). This notice requests comments on all forms used by business entity taxpayers:

Forms 1065, 1065–B, 1066, 1120, 1120–C, 1120–F, 1120–H, 1120–ND, 1120–S, 1120–SF, 1120–FSC, 1120–L, 1120–PC, 1120–REIT, 1120–RIC, 1120–POL; and all attachments to these forms (see the Appendix to this notice). With this notice, the IRS is also announcing significant changes to (1) the manner in which tax forms used by business taxpayers will be approved under the PRA and (2) its method of estimating the paperwork burden imposed on all business taxpayers.

DATES: Written comments should be received on or before December 24, 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:

Change in PRA Approval of Forms Used by Business Taxpayers

Under the PRA, OMB assigns a control number to each ''collection of information'' that it reviews and approves for use by an agency. A single information collection may consist of one or more forms, recordkeeping requirements, and/or third-party disclosure requirements. Under the PRA and OMB regulations, agencies have the discretion to seek separate OMB approvals for business forms, recordkeeping requirements, and third-party reporting requirements or to combine any number of forms, recordkeeping requirements, and/or third-party disclosure requirements (usually related in subject matter) under one OMB Control Number. Agency decisions on whether to group individual requirements under a single OMB Control Number or to disaggregate them and request separate OMB Control Numbers are based largely on considerations of administrative practicality.

The PRA also requires agencies to estimate the burden for each collection of information. Accordingly, each OMB Control Number has an associated burden estimate. The burden estimates for each control number are displayed in (1) the PRA notices that accompany collections of information, (2) **Federal Register** notices such as this one, and (3) in OMB's database of approved information collections. If more than one form, recordkeeping requirement, and/or third-party disclosure requirement is approved under a single control number, then the burden estimate for that control number reflects the burden associated with all of the approved forms, recordkeeping requirements, and/or third-party disclosure requirements.

As described below under the heading ''New Burden Model,'' the IRS's new Business Taxpayer Burden Model (BTBM) estimates of taxpayer burden are based on taxpayer characteristics and activities, taking into account, among other things, the forms and schedules generally used by those groups of business taxpayers and the recordkeeping and other activities needed to complete those forms. The BTBM represents the second phase of a long-term effort to improve the ability of IRS to measure the burden imposed on various groups of taxpayers by the federal tax system. While the new methodology provides a more accurate and comprehensive description of business taxpayer burden, it will not provide burden estimates on a form-by-form basis, as has been done under the previous methodology. When the prior model was developed in the mid-1980s, almost all tax returns were prepared manually, either by the taxpayer or a paid provider. In this context, it was determined that estimating burden on a form-by-form basis was an appropriate methodology. Today, over 90 percent of all business entity tax returns are prepared using software or with preparer assistance. In this

environment, in which many taxpayers' activities are no longer as directly associated with particular forms, estimating burden on a form-by-form basis is not an appropriate measurement of taxpayer burden. The new model, which takes into account broader and more comprehensive taxpayer characteristics and activities, provides a much more accurate and useful estimate of taxpayer burden.

Currently, there are 206 forms used by business taxpayers. These include Forms *1065, 1065–B, 1066, 1120, 1120–C, 1120–F, 1120–H, 1120–ND, 1120–S, 1120–SF, 1120–FSC, 1120–L, 1120–PC, 1120–REIT, 1120–RIC, 1120–POL,* and their schedules and all the forms business entity taxpayers attach to their tax returns (see the Appendix to this notice). For most of these forms, IRS has in the past obtained separate OMB approvals under unique OMB Control Numbers and separate burden estimates.

The BTBM estimates the aggregate burden imposed on business taxpayers, based upon their tax-related characteristics and activities. IRS therefore will seek OMB approval of all 206 business-related tax forms as a single ''collection of information.'' The aggregate burden of these tax forms will be accounted for under OMB Control Number 1545–0123, which is currently assigned to Form 1120 and its schedules. OMB Control Number 1545–0123 will be displayed on all business tax forms and other information collections. As a result of this change, burden estimates for business taxpayers will now be displayed differently in PRA Notices on tax forms and other information collections, and in **Federal Register** notices. This new way of displaying burden is presented below under the heading ''Proposed PRA Submission to OMB.'' Because some of the forms used by business taxpayers are also used by tax-exempt organizations, trusts and estates and other kinds of taxpayers, there will be a transition period during which IRS will report different burden estimates for individual taxpayers (OMB Control Number 1545–0074), business taxpayers (OMB Control Number 1545–0123), and another OMB Control Number for other taxpayers using the same forms. For those forms covered under OMB Control Numbers 1545–0074 and/or 1545–0123 and also used by other taxpayers, IRS will display the OMB Control Number related to the other filers on the form and provide the burden estimate for those taxpayers in the form instructions. The form instructions will refer readers to the burden estimates for individual and/or business taxpayers, as applicable. The burden estimates for business taxpayers will be reported and accounted for as described in this notice. The burden estimates for individual taxpayers will continue to be reported and accounted for under OMB Control Number 1545–0074 using a method similar to the method described in this notice. The burden estimates for other users of these forms will be determined under prior methodology based on form length and complexity.

New Burden Model

Data from the new BTBM revise the estimates of the levels of burden experienced by business taxpayers when complying with the federal tax laws. It replaces the earlier burden measurement developed in the mid-1980s. Since that time, improved technology and modeling sophistication have enabled the IRS to improve the burden estimates. The new model provides taxpayers and the IRS with a more comprehensive understanding of the current levels of taxpayer burden. It reflects major changes over the past two decades in the way taxpayers prepare and file their returns. The new BTBM also represents a substantial step forward in the IRS's ability to assess likely impacts of administrative and legislative changes on business taxpayers.

The BTBM's approach to measuring burden focuses on the characteristics and activities of business taxpayers rather than the forms they use. Key determinants of taxpayer burden in the model are the type of entity, total assets, total receipts, and activities reported on the tax return (income, deductions, credits, etc). In contrast, the previous estimates primarily focused on the length and complexity of each tax form. The changes between the old and new burden estimates are due to the improved ability of the new methodology to measure burden and the expanded scope of what is measured. These changes create a one-time shift in the estimate of burden levels that reflects the better measurement of the new model. The differences in estimates between the models do not reflect any change in the actual burden experienced by taxpayers. Comparisons should not be made between these and the earlier published estimates, because the models measure burden in different ways.

Methodology

Burden is defined as the time and out-of-pocket costs incurred by taxpayers to comply with the federal tax system. As has been done for individual taxpayer burden since 2005, both the time expended and the out-of-pocket costs for business taxpayers are estimated. The burden estimation methodology relies on surveys that measure time and out-of-pocket costs that taxpayers spend on pre-filing and filing activities. The methodology establishes econometric relationships between tax return characteristics and reported compliance costs. The methodology controls for the substitution of time and money by monetizing time and reporting total compliance costs in dollars. This methodology better reflects taxpayer compliance burden, because in a world of electronic tax preparation, time and out-of-pocket costs are governed by the information required rather than the form on which it is ultimately reported. Importantly, even where various businesses complete the same tax form lines, the new methodology differentiates the cost incurred to complete those forms based on characteristics of those businesses. Key business characteristics that serve as coefficients in the BTBM are:

- Entity type
- Total assets
- Total receipts
- Return complexity

The new model uses the following classifications of business taxpayers:

- Partnerships (Forms 1065, 1065–B, 1066)
- Taxable corporations (Forms 1120, 1120–C, 1120–F, 1120–H, 1120–ND, 1120–SF, 1120–FSC, 1120–L, 1120–PC, 1120–POL)
- Pass-through corporations (Forms 1120–REIT, 1120–RIC, 1120–S)

Each classification is further refined to separate large and small businesses, where a large business is generally defined as one having end of year assets totaling more than $10 million.

Taxpayer Burden Estimates

Tables 1, 2, and 3 below show the burden model estimates for each of the three classifications of business taxpayers. The data shown are the best estimates for 2013 business entity income tax returns available as of September 2013. The estimates are subject to change as new forms and data become available.

Proposed PRA Submission to OMB

Title: U.S. Business Income Tax Return.

OMB Number: 1545–0123.

Form Numbers: Forms 1065, 1065–B, 1066, 1120, 1120–C, 1120–F, 1120–H, 1120–ND, 1120–S, 1120–SF, 1120–FSC, 1120–L, 1120–PC, 1120–REIT, 1120–RIC, 1120–POL and all attachments to these forms (see the Appendix to this notice).

Abstract: These forms are used by businesses to report their income tax

liability. The data is used to verify that the items reported on the forms are correct, and also for general statistics use.

Current Actions: Changes are being made to the forms and the method of burden computation.

Type of Review: Extension of currently approved collections.

Affected Public: Businesses.

Estimated Number of Respondents: 10,300,000.

Total Estimated Time: 2.8 billion hours.

Estimated Time per Respondent: 275 hours.

Total Estimated Out-of-Pocket Costs: $48.5 billion.

Estimated Out-of-Pocket Cost per Respondent: $4,700.

Note: Amounts below are for FY2014. Reported time and cost burdens are national averages and do not necessarily reflect a ''typical'' case. Most taxpayers experience lower than average burden, with taxpayer burden varying considerably by taxpayer type. Detail may not add due to rounding.

TABLE 1

Primary form filed or type of taxpayer	Number of returns (millions)	Burden	
		Average time	Average cost
All Partnerships	3.6	290	5,600
Small	3.4	270	4,400
Large *	0.2	605	29,000

Forms 1065, 1065–B, 1066 and all attachments.

TABLE 2

Primary form filed or type of taxpayer	Number of returns (millions)	Burden	
		Average time	Average cost
All Taxable Corporations	2.1	305	5,800
Small	2.1	280	4,000
Large *	0.1	1,245	68,900

Forms 1120, 1120–C, 1120–F, 1120–H, 1120–ND, 1120–SF, 1120–FSC, 1120–L, 1120–PC, 1120–POL and all attachments.

TABLE 3

Primary form filed or type of taxpayer	Number of returns (millions)	Burden	
		Average time	Average cost
All Pass-Through Corporations	4.5	245	3,500
Small	4.4	240	3,100
Large *	0.1	605	30,800

Forms 1120–REIT, 1120–RIC, 1120–S and all attachments.
* A large business is defined as one having end of year assets greater than $10 million.

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 will 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 30, 2013.

Yvette Lawrence,

IRS Reports Clearance Officer.

Appendix

Product	Title
Form 1000	Ownership Certificate.
Form 1042	Annual Withholding Tax Return for U.S. Source Income of Foreign Persons.
Form 1065	U.S. Return of Partnership Income.
Form 1065 (SCH B–1)	Information for Partners Owning 50% or More of the Partnership.
Form 1065 (SCH C)	Additional Information for Schedule M–3 Filers.
Form 1065 (SCH D)	Capital Gains and Losses.
Form 1065 (SCH K–1)	Partner's Share of Income, Deductions, Credits, etc.

Product	Title
Form 1065 (SCH M–3)	Net Income (Loss) Reconciliation for Certain Partnerships.
Form 1065B	U.S. Return of Income for Electing Large Partnerships.
Form 1065B (SCH K–1)	Partner's Share of Income (Loss) From an Electing Large Partnership.
Form 1065X	Amended Return or Administrative Adjustment Request (AAR).
Form 1066	U.S. Real Estate Mortgage Investment Conduit (REMIC) Income Tax Return.
Form 1066 (SCH Q)	Quarterly Notice to Residual Interest Holder of REMIC Taxable Income or Net Loss Allocation.
Form 1118	Foreign Tax Credit—Corporations.
Form 1118 (SCH I)	Reduction of Foreign Oil and Gas Taxes.
Form 1118 (SCH J)	Adjustments to Separate Limitation Income (Loss) Categories for Determining Numerators of Limitation Fractions, Year-End Recharacterization Balances, and Overall Foreign and Domestic Loss Account Balances.
Form 1118 (SCH K)	Foreign Tax Carryover Reconciliation Schedule.
Form 1120	U.S. Corporation Income Tax Return.
Form 1120 (SCH B)	Additional Information for Schedule M–3 Filers.
Form 1120 (SCH D)	Capital Gains and Losses.
Form 1120 (SCH G)	Information on Certain Persons Owning the Corporation's Voting Stock.
Form 1120 (SCH H)	Section 280H Limitations for a Personal Service Corporation (PSC).
Form 1120 (SCH M–3)	Net Income (Loss) Reconciliation for Corporations With Total Assets of $10 Million of More.
Form 1120 (SCH N)	Foreign Operations of U.S. Corporations.
Form 1120 (SCH O)	Consent Plan and Apportionment Schedule for a Controlled Group.
Form 1120 (SCH PH)	U.S. Personal Holding Company (PHC) Tax.
Form 1120 (SCH UTP)	Uncertain Tax Position Statement.
Form 1120–C	U.S. Income Tax Return for Cooperative Associations.
Form 1120F	U.S. Income Tax Return of a Foreign Corporation.
Form 1120–F (SCH H)	Deductions Allocated to Effectively Connected Income Under Regulations Section 1.861–8.
Form 1120–F (SCH I)	Interest Expense Allocation Under Regulations Section 1.882–5.
Form 1120–F (SCH M1 & M2)	Reconciliation of Income (Loss) and Analysis of Unappropriated Retained Earnings per Books.
Form 1120–F (SCH M–3)	Net Income (Loss) Reconciliation for Foreign Corporations With Reportable Assets of $10 Million or More.
Form 1120–F (SCH P)	List of Foreign Partner Interests in Partnerships.
Form 1120F(SCH S)	Exclusion of Income From the International Operation of Ships or Aircraft Under Section 883.
Form 1120F(SCH V)	List of Vessels or Aircraft, Operators, and Owners.
Form 1120FSC	U.S. Income Tax Return of a Foreign Sales Corporation.
Form 1120FSC (SCH P)	Transfer Price or Commission.
fORM 1120H	U.S. Income Tax Return for Homeowners Associations.
Form 1120ICD (SCH K)	Shareholder's Statement of IC–DISC Distributions.
Form 1120ICD (SCH P)	Intercompany Transfer Price or Commission.
Form 1120IC–DISC	Interest Charge Domestic International Sales Corporation Return.
Form 1120–IC–DISC (SCH Q)	Borrower's Certificate of Compliance With the Rules for Producer's Loans.
Form 1120L	U.S. Life Insurance Company Income Tax Return.
Form 1120–L (SCH M–3)	Net Income (Loss) Reconciliation for U.S. Life Insurance Companies With Total Assets of $10 Million or More.
Form 1120ND	Return for Nuclear Decommissioning Funds and Certain Related Persons.
Form 1120PC	U.S. Property and Casualty Insurance Company Income Tax Return.
Form 1120–PC (SCH M–3)	Net Income (Loss) Reconciliation for U.S. Property and Casualty Insurance Companies With Total Assets of $10 Million or More.
Form 1120POL	U.S. Income Tax Return for Certain Political Organizations.
Form 1120REIT	U.S. Income Tax Return for Real Estate Investment Trusts.
Form 1120RIC	U.S. Income Tax Return for Regulated Investment Companies.
Form 1120S	U.S. Income Tax Return for an S Corporation.
Form 1120S (SCH D)	Capital Gains and Losses and Built-In Gains.
Form 1120S (SCH K–1)	Shareholder's Share of Income, Deductions, Credits, etc.
Form 1120S (SCH M–3)	Net Income (Loss) Reconciliation for S Corporations With Total Assets of $10 Million or More.
Form 1120SF	U.S. Income Tax Return for Settlement Funds (Under Section 468B).
Form 1120W	Estimated Tax for Corporations.
Form 1120X	Amended U.S. Corporation Income Tax Return.
Form 1122	Authorization and Consent of Subsidiary Corporation to be Included in a Consolidated Income Tax Return.
Form 1125–A	Cost of Goods Sold.
Form 1125–E	Compensation of Officers.
Form 1127	Application for Extension of Time for Payment of Tax.
Form 1128	Application to Adopt, Change, or Retain a Tax Year.
Form 1138	Extension of Time For Payment of Taxes by a Corporation Expecting a Net Operating Loss Carryback.
Form 1139	Corporation Application for Tentative Refund.
Form 11–C	Occupational Tax and Registration Return for Wagering.
Form 2220	Underpayment of Estimated Tax By Corporations.
Form 2438	Undistributed Capital Gains Tax Return.
Form 2553	Election by a Small Business Corporation.
Form 2848	Power of Attorney and Declaration of Representative.
Form 3115	Application for Change in Accounting Method.
Form 3468	Investment Credit.
Form 3520	Annual Return To Report Transactions With Foreign Trusts and Receipt of Certain Foreign Gifts.
Form 3800	General Business Credit.
Form 4136	Credit for Federal Tax Paid on Fuels.
Form 4255	Recapture of Investment Credit.
Form 4466	Corporation Application for Quick Refund of Overpayment of Estimated Tax.

Product	Title
Form 4562	Depreciation and Amortization (Including Information on Listed Property).
Form 4626	Alternative Minimum Tax—Corporations.
Form 4684	Casualties and Thefts.
Form 4797	Sales of Business Property.
Form 4810	Request for Prompt Assessment Under Internal Revenue Code Section 6501(d).
Form 4876A	Election To Be Treated as an Interest Charge DISC.
Form 5452	Corporate Report of Nondividend Distributions.
Form 5471	Information Return of U.S. Persons With Respect to Certain Foreign Corporations.
Form 5471 (SCH J)	Accumulated Earnings and Profits (E&P) of Controlled Foreign Corporation.
Form 5471 (SCH M)	Transactions Between Controlled Foreign Corporation and Shareholders or Other Related Persons.
Form 5471 (SCH O)	Organization or Reorganization of Foreign Corporation, and Acquisitions and Dispositions of Its Stock.
Form 5472	Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business.
Form 56	Notice Concerning Fiduciary Relationship.
Form 56A	Notice Concerning Fiduciary Relationship—Illinois Type Land Trust.
Form 56F	Notice Concerning Fiduciary Relationship of Financial Institution.
Form 5713	International Boycott Report.
Form 5713 (SCH A)	International Boycott Factor (Section 999(c)(1)).
Form 5713 (SCH B)	Specifically Attributable Taxes and Income (Section 999(c)(2)).
Form 5713 (SCH C)	Tax Effect of the International Boycott Provisions.
Form 5735	American Samoa Economic Development Credit.
Form 5884	Work Opportunity Credit.
Form 5884–B	New Hire Retention Credit.
Form 6198	At-Risk Limitations.
Form 6478	Alcohol and Cellulosic Biofuel Fuels Credit.
Form 6627	Environmental Taxes.
Form 6765	Credit for Increasing Research Activities.
Form 6781	Gains and Losses From Section 1256 Contracts and Straddles.
Form 7004	Application for Automatic Extension of Time To File Certain Business Income Tax, Information, and Other Returns.
Form 8023	Elections Under Section 338 for Corporations Making Qualified Stock Purchases.
Form 8050	Direct Deposit Corporate Tax Refund.
Form 8082	Notice of Inconsistent Treatment or Administrative Adjustment Request (AAR).
Form 8275	Disclosure Statement.
Form 8275R	Regulation Disclosure Statement.
Form 8283	Noncash Charitable Contributions.
Form 8288	U.S. Withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interests.
Form 8288B	Application for Withholding Certificate for Dispositions by Foreign Persons of U.S. Real Property Interests.
Form 8300	Report of Cash Payments Over $10,000 Received In a Trade or Business.
Form 8300 (SP)	Informe de Pagos en Efectivo en Exceso de $10,000 Recibos en una Ocupacion o Negocio.
Form 8302	Electronic Deposit of Tax Refund of $1 Million or More.
Form 8308	Report of a Sale or Exchange of Certain Partnership Interests.
Form 8329	Lender's Information Return for Mortgage Credit Certificates (MCCs).
Form 8404	Interest Charge on DISC-Related Deferred Tax Liability.
Form 8453–B	U.S. Electing Large Partnership Declaration for an IRS e-file Return.
Form 8453C	U.S. Corporation Income Tax Declaration for an IRS e-file Return.
Form 8453–I	Foreign Corporation Income Tax Declaration for an IRS e-file Return.
Form 8453–PE	U.S. Partnership Declaration for an IRS e-file Return.
Form 8453S	U.S. S Corporation Income Tax Declaration for an IRS e-file Return.
Form 8453X	Political Organization Declaration for Electronic Filing of Notice of Section 527 Status.
Form 851	Affiliations Schedule.
Form 8586	Low-Income Housing Credit.
Form 8594	Asset Acquisition Statement Under Section 1060.
Form 8609	Low-Income Housing Credit Allocation and Certification.
Form 8609–A	Annual Statement for Low-Income Housing Credit.
Form 8611	Recapture of Low-Income Housing Credit.
Form 8621	Return By Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund.
Form 8621–A	Return by a Shareholder Making Certain Late Elections to End Treatment as a Passive Foreign Investment Company.
Form 8655	Reporting Agent Authorization.
Form 8693	Low-Income Housing Credit Disposition Bond.
Form 8697	Interest Computation Under the Look-Back Method for Completed Long-Term Contracts.
Form 8703	Annual Certification of a Residential Rental Project.
Form 8716	Election To Have a Tax Year Other Than a Required Tax Year.
Form 8752	Required Payment or Refund Under Section 7519.
Form 8804	Annual Return for Partnership Withholding Tax (Section 1446).
Form 8804 (SCH A)	Penalty for Underpayment of Estimated Section 1446 Tax for Partnerships.
Form 8804–W	Installment Payments of Section 1446 Tax for Partnerships.
Form 8805	Foreign Partner's Information Statement of Section 1446 Withholding tax.
Form 8806	Information Return for Acquisition of Control or Substantial Change in Capital Structure.
Form 8810	Corporate Passive Activity Loss and Credit Limitations.
Form 8813	Partnership Withholding Tax Payment Voucher (Section 1446).
Form 8816	Special Loss Discount Account and Special Estimated Tax Payments for Insurance Companies.
Form 8819	Dollar Election Under Section 985.

Product	Title
Form 8820	Orphan Drug Credit.
Form 8822B	Change of Address—Business.
Form 8824	Like-Kind Exchanges.
Form 8825	Rental Real Estate Income and Expenses of a Partnership or an S Corporation.
Form 8826	Disabled Access Credit.
Form 8827	Credit for Prior Year Minimum Tax-Corporations.
Form 8832	Entity Classification Election.
Form 8833	Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b).
Form 8835	Renewable Electricity, Refined Coal, and Indian Coal Production Credit.
Form 8838	Consent to Extend the Time To Assess Tax Under Section 367—Gain Recognition Agreement.
Form 8842	Election to Use Different Annualization Periods for Corporate Estimated Tax.
Form 8844	Empowerment Zone and Renewal Community Employment Credit.
Form 8845	Indian Employment Credit.
Form 8845	Consent to Extend the Time to Assess the Branch Profits Tax Under Regulations Sections 1.884–2(a) and (c).
Form 8846	Credit for Employer Social Security and Medicare Taxes Paid on Certain Employee Tips.
Form 8858	Transactions Between Foreign Disregarded Entity of a Foreign Tax Owner and the Filer or Other Related Entities.
Form 8858 (SCH M)	Transactions Between Foreign Disregarded Entity of a Foreign Tax Owner and the Filer or Other Related Entities.
Form 8864	Biodiesel and Renewable Diesel Fuels Credit.
Form 8865	Return of U.S. Persons With Respect to Certain Foreign Partnerships.
Form 8865 (SCH K–1)	Partner's Share of Income, Credits, Deductions, etc.
Form 8865 (SCH O)	Transfer of Property to a Foreign Partnership.
Form 8865 (SCH P)	Acquisitions, Dispositions, and Changes of Interests in a Foreign Partnership.
Form 8866	Interest Computation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.
Form 8869	Qualified Subchapter S Subsidiary Election.
Form 8871	Political Organization Notice of Section 527 Status.
Form 8872	Political Organization Report of Contributions and Expenditures.
Form 8873	Extraterritorial Income Exclusion.
Form 8874	New Markets Credit.
Form 8875	Taxable REIT Subsidiary Election.
Form 8878–A	IRS e-file Electronic Funds Withdrawal Authorization for Form 7004.
Form 8879–B	IRS e-file Signature Authorization for Form 1065–B.
Form 8879C	IRS e-file Signature Authorization for Form 1120.
Form 8879–I	IRS e-file Signature Authorization for Form 1120–F.
Form 8879–PE	IRS e-file Signature Authorization for Form 1065.
Form 8879S	IRS e-file Signature Authorization for Form 1120S.
Form 8881	Credit for Small Employer Pension Plan Startup Costs.
Form 8882	Credit for Employer-Provided Childcare Facilities and Services.
Form 8883	Asset Allocation Statement Under Section 338.
Form 8886	Reportable Transaction Disclosure Statement.
Form 8893	Election of Partnership Level Tax Treatment.
Form 8894	Request to Revoke Partnership Level Tax Treatment Election.
Form 8896	Low Sulfur Diesel Fuel Production Credit.
Form 8900	Qualified Railroad Track Maintenance Credit.
Form 8902	Alternative Tax on Qualified Shipping Activities.
Form 8903	Domestic Production Activities Deduction.
Form 8906	Distilled Spirits Credit.
Form 8907	Nonconventional Source Fuel Credit.
Form 8908	Energy Efficient Home Credit.
Form 8909	Energy Efficient Appliance Credit.
Form 8910	Alternative Motor Vehicle Credit.
Form 8911	Alternative Fuel Vehicle Refueling Property Credit.
Form 8912	Credit to Holders of Tax Credit Bonds.
Form 8916	Reconciliation of Schedule M–3 Taxable Income with Tax Return Taxable Income for Mixed Groups.
Form 8916–A	Supplemental Attachment to Schedule M–3.
Form 8918	Material Advisor Disclosure Statement.
Form 8923	Mining Rescue Team Training Credit.
Form 8925	Report of Employer-Owned Life Insurance Contracts.
Form 8926	Disqualified Corporate Interest Expense Disallowed Under Section 163(j) and Related Information.
Form 8927	Determination Under Section 860(e)(4) by a Qualified Investment Entity.
Form 8931	Agricultural Chemicals Security Credit.
Form 8932	Credit for Employer Differential Wage Payments.
Form 8933	Carbon Dioxide Sequestration Credit.
Form 8935	Airline Payments Report.
Form 8935–T	Transmittal of Airline Payments Report.
Form 8936	Qualified Plug-In Electric Drive Motor Vehicle Credit.
Form 8937	Report of Organizational Actions Affecting Basis.
Form 8938	Statement of Foreign Financial Assets.
Form 8941	Credit for Small Employer Health Insurance Premiums.
Form 8942	Application for Certification of Qualified Investments Eligible for Credits and Grants Under the Qualifying Therapeutic Discovery Project.

Product	Title
Form 8947	Report of Branded Prescription Drug Information.
Form 8949	Sales and Other Dispositions of Capital Assets.
Form 926	Return by a U.S. Transferor of Property to a Foreign Corporation.
Form 966	Corporate Dissolution or Liquidation.
Form 970	Application to Use LIFO Inventory Method.
Form 972	Consent of Shareholder to Include Specific Amount in Gross Income.
Form 973	Corporation Claim for Deduction for Consent Dividends.
Form 976	Claim for Deficiency Dividends Deductions by a Personal Holding Company, Regulated Investment Company, or Real Estate Investment Trust.
Form 982	Reduction of Tax Attributes Due to Discharge of Indebtedness (and Section 1082 Basis Adjustment).
Form SS–4	Application for Employer Identification Number.
Form SS–4PR	Solicitud de Número de Identificación Patronal (EIN).
Form T (TIMBER)	Forest Activities Schedule.
Form W–8BEN	Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding.
Form W–8BEN(E)	Certificate of Entities Status of Beneficial Owner for United States Tax Withholding (Entities).
Form W–8ECI	Certificate of Foreign Person's Claim That Income is Effectively Connected With the Conduct of a Trade or Business in the United States.
Form W–8IMY	Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding.

[FR Doc. 2013–24333 Filed 10–24–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 19, 2013.

FOR FURTHER INFORMATION CONTACT: Linda Rivera at 1–888–912–1227 or (202) 622–8390.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Tuesday, November 19, 2013 at 11:00 a.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Linda Rivera. For more information please contact: Ms. Rivera at 1–888–912–1227 or (202) 622–8390, or write TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org*.

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: October 21, 2013.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2013–25115 Filed 10–24–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, November 21, 2013.

FOR FURTHER INFORMATION CONTACT: Ellen Smiley or Patti Robb at 1–888–912–1227 or 414–231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, November 21, 2013, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Ms. Ellen Smiley or Ms. Patti Robb. For more information please contact Ms. Smiley or Ms. Robb at 1–888–912–1227 or 414–231–2360, or write TAP Office Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or post comments to the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: October 21, 2013.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2013–25109 Filed 10–24–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 27, 2013.

FOR FURTHER INFORMATION CONTACT: Susan Gilbert at 1–888–912–1227 or (515) 564–6638.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, November 27, 2013 at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Notification of intent to participate must be made with Susan Gilbert. For more information please contact Ms. Gilbert at 1–888–912–1227 or (515) 564–6638 or write: TAP Office, 210 Walnut Street, Stop 5115, Des Moines, IA 50309 or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: October 21, 2013.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2013–25110 Filed 10–24–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 12, 2013.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–888–912–1227 or (954) 423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Tuesday, November 12, 2013, at 2:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information please contact Ms. Donna Powers at 1–888–912–1227 or (954) 423–7977, or write TAP Office, 1000 S. Pine Island Road, Plantation, FL 33324 or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: October 21, 2013.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2013–25111 Filed 10–24–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection (Principles of Excellence Complaint System Intake) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 25, 2013.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–NEW (Principles of Excellence Complaint System Intake) in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@.va.gov.* Please refer to ''OMB Control No. 2900–NEW (Principles of Excellence Complaint System Intake).''

SUPPLEMENTARY INFORMATION:

Title: Principles of Excellence Complaint System Intake.

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: The purpose of the complaint system is to provide a standardized method to submit a complaint against an educational institution alleging fraudulent and unduly aggressive recruiting techniques, misrepresentation, payment of incentive compensation, failure to meet state authorization requirements, or failure to adhere to the Principles of Excellence as outlined in the Executive Order 13607, Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members.

The VA's Principles of Excellence Complaint System (PoECS) will leverage DoD's complaint system to intake and manage complaints utilizing their systems architecture with each agency only having access to their data. The complainants will access the complaint system through the GI Bill Web site and eBenefits portal. Veterans, family members, or other members of the public will be able to open links at either VA Web site location and enter the requested information. Complainants will be offered the opportunity to review the information in their complaint prior to clicking on the submit button. Once a complaint is submitted, the complainant will receive an email verifying that the complaint was received. At this point, the complaint will be stored in the complaint system and be available to select VA employees for review. VA will review the complaint and on behalf of the complainant will share the complaint with the institution which is subject of the complaint. VA will request the institution to formally respond to the complaint within 90 days. If an institution fails to respond within 90 days, VA will contact the institution and request a status update. Once VA receives a response from the institution, VA will forward the response to the complainant. At this point, VA will close the case. Valid complaints received will be transmitted to the central repository at FTC Consumer Sentinel. The information in the central repository is the same information provided by the complainant. Authorized law enforcement officials who have been granted access to the FTC Consumer Sentinel database will have access to view all complaints. The information

gathered through the system can only be obtained from the individual respondent. Valid complaints will be accepted from third parties.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 45-day comment period soliciting comments on this collection of information was published on August 28, 2013, at pages 53196–53197.

Affected Public: Individuals or households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 1,200.

Dated: October 22, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2013–25141 Filed 10–24–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0222]

Agency Information Collection (Claim for Standard Government Headstone or Marker for Installation in a Private or State Veterans' Cemetery) Activities Under OMB Review

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the National Cemetery Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before *November 25, 2013.*

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0222'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0222.''

SUPPLEMENTARY INFORMATION:

Titles:

a. Claim for Standard Government Headstone or Marker for Installation in a Private or State Veterans' Cemetery, VA Form 40–1330.

b. Claim for Government Medallion for Installation in a Private Cemetery, VA Form 40–1330M.

OMB Control Number: 2900–0222.

Type of Review: Revision of a currently approved collection.

Abstracts:

a. The next of kin or other responsible parties of deceased Veterans complete VA Form 40–1330 to apply for Government provided headstones or markers for unmarked graves.

b. A family member complete VA Form 40–1330M to apply for a Government medallion to be affixed to privately purchased headstone or marker for a deceased Veteran buried in a private cemetery.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 7, 2013 at page 34429.

Affected Public: Individuals or Households.

Estimated Annual Burden: 88,643 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 354,573.

Dated: October 22, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–25136 Filed 10–24–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Discontinuance of Annual Financial Assessments

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This Notice informs the public that the Department of Veterans Affairs (VA) will no longer request that certain veterans enrolled in the VA health care system annually submit income and asset information. VA uses such information to verify a veteran's continuing eligibility for certain health care benefits; however, VA is now able to get similar information through a means less burdensome on veterans. Moreover, annual, routine collection of this information has not significantly impacted veteran enrollment, and places an unwarranted burden on affected veterans. Therefore, VA will discontinue requesting that veterans submit an annual financial assessment following initial enrollment.

FOR FURTHER INFORMATION CONTACT: Kristin J. Cunningham, Director Business Policy, Chief Business Office (10NB6), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; (202) 461–1599. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Veterans Health Care Eligibility Reform Act of 1996, Public Law 104–262, made major changes in the laws governing eligibility for VA health care benefits. This law added a new section 38 U.S.C. 1705, which established a patient enrollment system to manage the provision of health care services. This statute requires VA to place an enrolled veteran into a defined priority group. Veterans enrolled in the VA health care system are placed in priority groups based on criteria found in 38 U.S.C. 1705, 1710 and 38 CFR 17.36. Enrollment in three of these priority groups is based on the income of the veteran. Priority Group 5 includes, among others, veterans who are determined by VA to be unable to defray the expenses of necessary care. Priority Group 7 includes veterans with incomes below the geographic means test income thresholds and who agree to pay the applicable copayment. Priority Group 8 includes veterans with gross household incomes above the VA national income threshold and the geographically-adjusted income threshold for their resident location and who agree to pay copayments.

VA has established a means test program to determine when a veteran's income would meet the requirements for enrollment in one of the priority groups mentioned above. The means test developed by VA requires a veteran to submit a financial assessment (38 CFR 17.36(d)(3)(iv)) using the Application for Health Benefits, VA Form 10–10EZ. VA verifies that self-

reported financial information through a computer matching of income reported to the Internal Revenue Service (IRS) and Social Security Administration (SSA). VA has authority to obtain income information from IRS and SSA under 38 U.S.C. 5317. IRS and SSA have authority to share this information with VA under 26 U.S.C. 6103(l)(7)(D)(viii).

VA requires a veteran whose assignment to a priority group is based on income to submit a financial assessment when initially enrolled and then requests resubmission of this information each year thereafter on the enrollment anniversary. As a reminder of this requirement, VA mails a Health Benefits Renewal (VA Form 10–10EZR) to the veteran 60 days before the anniversary date, and a second notification 30 days before the anniversary date, if the veteran has not yet submitted the requested information. If the veteran's financial assessment information is not updated prior to the anniversary date, VA asks the veteran to update the financial assessment when they arrive for their next health care appointment.

To accurately complete the financial assessment portion of the VA Form 10–10EZR, the veteran must maintain and have ready access to information on gross household income, assets, and expenses for the previous year. The average time required for a veteran to complete the financial assessment renewal form is 24 minutes. Of the approximately 2.1 million veterans required to submit annual financial assessments, only about ten percent have a change in income or assets sufficient to affect the veteran's priority group placement. For the approximately 90 percent of veterans who have no change in income or assets, the annual reporting requirement is an unnecessary burden.

VA intends to eliminate this burden by changing the financial reporting practices. Veterans will be requested to submit financial assessment information using a VA Form 10–10EZ only during the initial enrollment process. VA will continue to receive income information from IRS and SSA, which will then be compared to the information initially provided by the veteran. A veteran will be asked to provide further income and asset information or to verify the data provided by IRS or SSA only in those cases where VA identifies a change to the veteran's income that would result in a change to the veteran's priority group status. However, any veteran who has information that he or she believes will affect his or her enrollment status may submit that information at any time using VA Form 10–10EZR.

Because this change in policy requires revision of current VA forms and processes, including updating existing information technology, it will be implemented in two phases. VA anticipates that Phase I, affecting current enrollees, will be implemented by December 31, 2013. During Phase I, we will eliminate the need for current enrollees to submit the annual financial assessment. VA will use the income matching process from IRS and SSA to determine a veteran's income. Prior to implementation VA will send correspondence to affected veterans notifying them of this change. Phase II, which will include new enrollees, is targeted after Phase I is completed. During Phase II, VA will discontinue the requirement that new enrollees placed in Priority Group 5, 7, or 8 provide an annual update of financial assessment information. Again, we will compare the financial assessment initially provided by the new enrollee against the IRS and SSA data to determine income information and priority group placement for new enrollees.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved this document on October 17, 2013, for publication.

Dated: October 21, 2013.

William F. Russo,

Deputy Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

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Part II

Department of Energy

10 CFR Parts 429 and 430

Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnace Fans; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket Number EERE–2010–BT–STD–0011]

RIN 1904–AC22

Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnace Fans

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking and announcement of public meeting.

SUMMARY: Pursuant to the Energy Policy and Conservation Act of 1975 (EPCA), as amended, the U.S. Department of Energy (DOE) must prescribe energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential furnace fans. EPCA requires DOE to determine whether such standards would be technologically feasible and economically justified, and would save a significant amount of energy. In this notice, DOE is proposing new energy conservation standards for residential furnace fans. The notice also announces a public meeting to receive comment on these proposed standards and associated analyses and results.

DATES: *Meeting:* DOE will hold a public meeting on Tuesday, December 3, 2013, from 9 a.m. to 4 p.m., in Washington, DC. The meeting will also be broadcast as a webinar. See section VII, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

Comments: DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NOPR) before and after the public meeting, but no later than December 24, 2013. See section VII, ''Public Participation,'' for details.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify Ms. Brenda Edwards at (202) 586–2945. Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise DOE as soon as possible by contacting Ms. Edwards at the phone number above to initiate the necessary procedures. Please also note that any person wishing to bring a laptop computer into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes. Persons may also attend the public meeting via webinar. For more information, refer to section VII, ''Public Participation,'' near the end of this notice.

Instructions: Any comments submitted must identify the NOPR for Energy Conservation Standards for Residential Furnace Fans, and provide docket number EE–2010–BT–STD–0011 and/or regulatory information number (RIN) 1904–AC22. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov*. Follow the instructions for submitting comments.

2. *Email: FurnFans-2010–STD–0011@ee.doe.gov*. Include the docket number and/or RIN in the subject line of the message. Submit electronic comments in Word Perfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

3. *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC, 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to Office of Energy Efficiency and Renewable Energy through the methods listed above and by email to *Chad_S._Whiteman@omb.eop.gov.*

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section VII of this document (Public Participation).

Docket: The docket is available for review at *www.regulations.gov*, including **Federal Register** notices, framework documents, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

A link to the docket Web page can be found at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/41*. This Web page contains a link to the docket for this notice on the *www.regulations.gov* site. The *www.regulations.gov* Web page contains simple instructions on how to access all documents, including public comments, in the docket. See section VII, ''Public Participation,'' for further information on how to submit comments through *www.regulations.gov*.

For further information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Majette, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC, 20585–0121. Telephone: (202) 586–7935. Email: *Ronald.Majette@ee.doe.gov*.

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC, 20585–0121. Telephone: (202) 586–9507. Email: *Eric.Stas@hq.doe.gov*.

For information on how to submit or review public comments, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Summary of the Proposed Rule
A. Benefits and Costs to Consumers
B. Impact on Manufacturers
C. National Benefits
II. Introduction
A. Authority
B. Background
1. Current Standards
2. History of Standards Rulemaking for Residential Furnace Fans
III. General Discussion
A. Test Procedure
B. Product Classes and Scope of Coverage
C. Technological Feasibility
1. General
2. Maximum Technologically Feasible Levels
D. Energy Savings
1. Determination of Savings
2. Significance of Savings
E. Economic Justification
1. Specific Criteria

a. Economic Impact on Manufacturers and Consumers
b. Life-Cycle Costs
c. Energy Savings
d. Lessening of Utility or Performance of Products
e. Impact of Any Lessening of Competition
f. Need for National Energy Conservation
g. Other Factors
2. Rebuttable Presumption
IV. Methodology and Discussion
A. Market and Technology Assessment
1. Definition and Scope of Coverage
2. Product Classes
3. Technology Options
a. Fan Housing and Airflow Path Design Improvements
b. Inverter Controls for PSC Motors
c. High-Efficiency Motors
d. Multi-Stage or Modulating Heating Controls
e. Backward-Inclined Impellers
B. Screening Analysis
1. Screened-Out Technologies
2. Remaining Technologies
a. High-Efficiency Motors
b. Backward-Inclined Impellers
C. Engineering Analysis
1. Efficiency Levels
a. Baseline
b. Percent Reduction in FER
2. Manufacturer Production Cost (MPC)
a. Production Volume Impacts on MPC
b. Inverter-Driven PSC Costs
c. Furnace Fan Motor MPC
d. Motor Control Costs
e. Backward-Inclined Impeller MPC
D. Markups Analysis
E. Energy Use Analysis
F. Life-Cycle Cost and Payback Period Analysis
1. Installed Cost
2. Operating Costs
3. Other Inputs
4. Base-Case Efficiency Distribution
5. Rebuttable Presumption Payback Period
G. Shipments Analysis
H. National Impact Analysis
1. National Energy Savings Analysis
2. Net Present Value Analysis
I. Consumer Subgroup Analysis
J. Manufacturer Impact Analysis
1. Overview
2. Government Regulatory Impact Model
a. Government Regulatory Impact Model Key Inputs
b. Government Regulatory Impact Model Scenarios
3. Discussion of Comments
a. Testing and Certification Burdens
b. Cumulative Regulatory Burden
c. Compliance Date and Implementation Period
d. Small Businesses
e. Conversion Costs
4. Manufacturer Interviews
a. Testing and Certification Burdens
b. Market Size
c. Cumulative Regulatory Burden
d. Consumer Confusion
e. Motors
K. Emissions Analysis
L. Monetizing Carbon Dioxide and Other Emissions Impacts
1. Social Cost of Carbon
a. Monetizing Carbon Dioxide Emissions
b. Social Cost of Carbon Values Used in Past Regulatory Analyses
c. Current Approach and Key Assumptions
2. Valuation of Other Emissions Reductions
M. Utility Impact Analysis
N. Employment Impact Analysis
V. Analytical Results and Conclusions
A. Trial Standard Levels
B. Economic Justification and Energy Savings
1. Economic Impacts on Consumers
a. Life-Cycle Cost and Payback Period
b. Consumer Subgroup Analysis
c. Rebuttable Presumption Payback
2. Economic Impact on Manufacturers
a. Industry Cash-Flow Analysis Results
b. Impacts on Employment
c. Impacts on Manufacturing Capacity
d. Impacts on Subgroups of Manufacturers
e. Cumulative Regulatory Burden
3. National Impact Analysis
a. Significance of Energy Savings
b. Net Present Value of Consumer Costs and Benefits
c. Indirect Impacts on Employment
4. Impact on Product Utility or Performance
5. Impact of Any Lessening of Competition
6. Need of the Nation to Conserve Energy
7. Other Factors
C. Proposed Standards
1. Benefits and Burdens of Trial Standard Levels Considered for Residential Furnace Fans
2. Summary of Benefits and Costs (Annualized) of the Proposed Standards
VI. Procedural Issues and Regulatory Review
A. Review Under Executive Orders 12866 and 13563
B. Review Under the Regulatory Flexibility Act
C. Review Under the Paperwork Reduction Act of 1995
D. Review Under the National Environmental Policy Act of 1969
E. Review Under Executive Order 13132
F. Review Under Executive Order 12988
G. Review Under the Unfunded Mandates Reform Act of 1995
H. Review Under the Treasury and General Government Appropriations Act, 1999
I. Review Under Executive Order 12630
J. Review Under the Treasury and General Government Appropriations Act, 2001
K. Review Under Executive Order 13211
L. Review Under the Information Quality Bulletin for Peer Review
VII. Public Participation
A. Attendance at the Public Meeting
B. Procedure for Submitting Requests to Speak and Prepared General Statements For Distribution
C. Conduct of the Public Meeting
D. Submission of Comments
E. Issues on Which DOE Seeks Comment
VIII. Approval of the Office of the Secretary

I. Summary of the Proposed Rule

Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163 (42 U.S.C. 6291–6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances, including the residential furnace fans that are the focus of this notice. Pursuant to EPCA, any new or amended energy conservation standard that DOE prescribes for certain products, such as residential furnace fans, shall be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) Furthermore, the new or amended standard must result in a significant conservation of energy. (42 U.S.C. 6295(o)(3)(B)) EPCA specifically provides that DOE must consider and prescribe energy conservation standards or energy use standards for electricity used for purposes of circulating air through duct work (products for which DOE has adopted the term ''furnace fans'' as shorthand) not later than December 31, 2013. (42 U.S.C. 6295(f)(4)(D))

In accordance with these and other statutory provisions discussed in this notice, DOE is proposing new energy conservation standards for residential furnace fans. Table I.1 below presents the proposed standards, which represent the ''estimated annual electrical energy consumption'' normalized by the estimated total number of annual operating hours (1870) and the airflow in the maximum airflow-control setting to produce a fan energy rating (FER). These proposed standards, if adopted, would apply to all products listed in Table I.1 and manufactured in, or imported into, the United States on or after the date five years from the publication of the final rule.

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

TABLE I.1—PROPOSED ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL FURNACE FANS

[Compliance Starting Five Years From Final Rule Publication]

Product class	Product class description	Proposed standard: FER * (W/1000 cfm)
1	Non-Weatherized, Non-Condensing Gas Furnace Fan (NWG–NC)	FER = 0.029 × Q_{Max} + 180.
2	Non-Weatherized, Condensing Gas Furnace Fan (NWG–C)	FER = 0.029 × Q_{Max} + 196.
3	Weatherized Non-Condensing Gas Furnace Fan (WG–NC)	FER = 0.029 × Q_{Max} + 135.
4	Non-Weatherized, Non-Condensing Oil Furnace Fan (NWO–NC)	FER = 0.051 × Q_{Max} + 301.
5	Non-Weatherized Electric Furnace/Modular Blower Fan (NWEF/NWMB)	FER = 0.029 × Q_{Max} + 165.
6	Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan (MH–NWGNC).	FER = 0.051 × Q_{Max} + 242.
7	Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan (MH–NWG–C).	FER = 0.051 × Q_{Max} + 262.
8	Manufactured Home Electric Furnace/Modular Blower Fan (MH–EF/MB)	FER = 0.029 × Q_{Max} + 105.
9	Manufactured Home Weatherized Gas Furnace Fan (MH–WG)	Reserved.
10	Manufactured Home Non-Weatherized Oil Furnace Fan (MH–NWO)	Reserved.

* Q_{Max} is the airflow, in cfm, at the maximum airflow-control setting measured using the proposed DOE test procedure. 78 FR 19606, 19627 (April 2, 2013).

A. Benefits and Costs to Consumers

Table I.2 presents DOE's evaluation of the economic impacts of the proposed standards on consumers of residential furnace fans, as measured by the average life-cycle cost (LCC) savings and the median payback period (PBP). In overview, the average LCC savings are positive for all product classes.

TABLE I.2—IMPACTS OF PROPOSED STANDARDS ON CONSUMERS OF RESIDENTIAL FURNACE FANS

Product class	Average LCC savings (2012$)	Median payback period (years)
Non-Weatherized, Non-Condensing Gas Furnace Fan (NWG–NC)	474	5.38
Non-Weatherized, Condensing Gas Furnace Fan (NWG–C)	371	5.39
Weatherized Non-Condensing Gas Furnace Fan (WG–NC)	247	6.39
Non-Weatherized, Non-Condensing Oil Furnace Fan (NWO–NC)	40	5.49
Non-Weatherized Electric Furnace/Modular Blower Fan (NWEF/NWMB)	185	3.55
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan (MH–NWGNC)	26	3.35
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan (MH–NWG–C)	27	2.73
Manufactured Home Electric Furnace/Modular Blower Fan (MH–EF/MB)	78	4.61

B. Impact on Manufacturers

The industry net present value (INPV) is the sum of the discounted cash flows to the industry from the base year through the end of the analysis period (2013 to 2048). Using a real discount rate of 7.8 percent, DOE estimates that the INPV for manufacturers of residential furnace fans is $252.2 million in 2012$. Under the proposed standards, DOE expects that manufacturers may lose up to 21.6 percent of their INPV, which is approximately $54.4 million. Total conversion costs incurred by industry prior to the compliance date are expected to reach $3.1 million.

C. National Benefits and Costs

DOE's analyses indicate that the proposed standards would save a significant amount of energy. The cumulative energy savings for residential furnace fan products purchased in the 30-year period that begins in the first full year of compliance with new standards (2019–2048) amount to 4.58 quads.[2] For comparison, the estimated annual energy savings in 2030 (0.074 quads) is equal to 0.3 percent of total projected residential energy use in 2030.[3]

The cumulative net present value (NPV) of total consumer costs and savings for the proposed residential furnace fan standards in 2012$ ranges from $8.51 billion (at a 7-percent discount rate) to $26.16 billion (at a 3-percent discount rate). This NPV expresses the estimated total value of future operating-cost savings minus the estimated increased product costs for residential furnace fans purchased in 2019–2048, discounted to 2013.

In addition, the proposed standards would have significant environmental benefits.[4] The energy savings would result in cumulative emission reductions of 429.8 million metric tons (Mt)[5] of carbon dioxide (CO_2), 230.9 thousand tons of nitrogen oxides (NO_X), 313.5 thousand tons of sulfur dioxide (SO_2), 1.77 tons of mercury (Hg), 913.7 thousand tons of methane (CH_4), and 5.12 thousand tons of nitrous oxide (N_2O).[6]

The value of the CO_2 reductions is calculated using a range of values per metric ton of CO_2 (otherwise known as the Social Cost of Carbon, or SCC) developed by an interagency process. For this NOPR, DOE used an updated set of SCC values[7] (the derivation of the

[2] A quad is equal to 10^{15} British thermal units (Btu).

[3] Projected residential energy use in 2030 in the *Annual Energy Outlook 2013* is 21.65 quads.

[4] DOE calculates emissions reductions relative to the *Annual Energy Outlook 2012* (*AEO 2012*) Reference case, which incorporated projected effects of all emissions regulations promulgated as of January 31, 2012.

[5] A metric ton is equivalent to 1.1 short tons. Results for emissions other than CO_2 are presented in short tons.

[6] DOE also estimated CO_2 and, for CH_4 and N_2O, CO_2 equivalent (CO_2eq) emissions that occur through 2030. The estimated emissions reductions through 2030 are 40 million metric tons CO_2, 2.3 million tons CO_2eq for CH_4, and 167 thousand tons CO_2eq for N_2O.

[7] *Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866,* Interagency Working Group on Social Cost of Carbon, United States Government (May 2013) (Available at: *http://www.whitehouse.gov/sites/default/files/omb/inforeg/social_cost_of_carbon_for_ria_2013_update.pdf*).

SCC values is discussed in section IV.L). DOE estimates that the present monetary value of the CO_2 emissions reduction is between $2.25 and $35.56 billion, expressed in 2012$ and discounted to 2013. DOE also estimates the net present monetary value of the NO_X emissions reduction, expressed in 2012$ and discounted to 2013, is $0.109 billion at a 7-percent discount rate and $0.314 billion at a 3-percent discount rate.[8]

Table I.3 summarizes the national economic benefits and costs expected to result from these proposed standards for residential furnace fans.

TABLE I.3—SUMMARY OF NATIONAL ECONOMIC BENEFITS AND COSTS OF PROPOSED RESIDENTIAL FURNACE FANS ENERGY CONSERVATION STANDARDS (TSL 4), IN BILLION 2012$ *

Category	Present value billion 2012$	Discount rate (%)
Benefits:		
Consumer Operating Cost Savings	11.6	7
	32.0	3
CO_2 Reduction Monetized Value ($12.9/t case)**	2.2	5
CO_2 Reduction Monetized Value ($40.8/t case)**	11.5	3
CO_2 Reduction Monetized Value ($62.2/t case)**	18.8	2.5
CO_2 Reduction Monetized Value ($117/t case)**	35.6	3
NO_X Reduction Monetized Value (at $2,639/ton)	0.1	7
	0.3	3
Total Benefits †	23.2	7
	43.8	3
Costs:		
Consumer Incremental Installed Costs	3.1	7
	5.8	3
Net Benefits:		
Including CO_2 and NO_X Reduction Monetized Value	20.1	7
	38.0	3

* This table presents the costs and benefits associated with residential furnace fans shipped in 2019–2048. These results include benefits to consumers which accrue after 2048 from the products purchased in 2019–2048. The results account for the incremental variable and fixed costs incurred by manufacturers due to the standard, some of which may be incurred in preparation for the rule.

** The CO_2 values represent global monetized values of the SCC, in 2012$, in 2015 under several scenarios of the updated SCC values. The first three cases use the averages of SCC distributions calculated using 5%, 3%, and 2.5% discount rates, respectively. The fourth case represents the 95th percentile of the SCC distribution calculated using a 3% discount rate. The SCC time series used by DOE incorporate an escalation factor. The value for NO_X is the average of the low and high values used in DOE's analysis.

† Total Benefits for both the 3% and 7% cases are derived using the series corresponding to SCC value in 2015 of $40.8/t.

Although combining the values of operating savings and CO_2 emission reductions provides a useful perspective, two issues should be considered. First, the national operating savings are domestic U.S. consumer monetary savings that occur as a result of market transactions, whereas the value of CO_2 reductions is based on a global value. Second, the assessments of operating cost savings and CO_2 savings are performed with different methods that use different time frames for analysis. The national operating cost savings is measured for the lifetime of residential furnace fans shipped in 2019–2048. The SCC values, on the other hand, reflect the present value of some future climate-related impacts resulting from the emission of one ton of carbon dioxide in each year. These impacts continue well beyond 2100.

The benefits and costs of these proposed standards, for products sold in 2019–2048, can also be expressed in terms of annualized values. The annualized monetary values are the sum of: (1) the annualized national economic value of the benefits from consumer operation of products that meet the proposed standards (consisting primarily of operating cost savings from using less energy, minus increases in equipment purchase and installation costs, which is another way of representing consumer NPV); and (2) the annualized monetary value of the benefits of emission reductions, including CO_2 emission reductions.[9]

Estimates of annualized benefits and costs of the proposed standards are shown in Table I.4. The results under the primary estimate are as follows. (All monetary values below are expressed in 2012$.) Using a 7-percent discount rate for benefits and costs other than CO_2 reduction (for which DOE used a 3-percent discount rate along with the SCC series corresponding to a value of $40.8/ton in 2015), the cost of the residential furnace fan standards proposed in this rule is $231 million per year in increased equipment costs, while the benefits are $872 million per year in reduced equipment operating costs, $571 million in CO_2 reductions, and $8.24 million in reduced NO_X emissions. In this case, the net benefit amounts to $1,220 million per year. Using a 3-percent discount rate for all benefits and costs and the SCC series corresponding to a value of $40.8/ton in 2015, the cost of the residential furnace fans standards proposed in this rule is $290 million per year in increased equipment costs, while the benefits are $1,585 million per year in reduced operating costs, $571 million in CO_2

[8] DOE did not monetize Hg or SO_2 emission reductions for this NOPR because it is currently evaluating appropriate valuation of reduction in these emissions.

[9] DOE used a two-step calculation process to convert the time-series of costs and benefits into annualized values. First, DOE calculated a present value in 2013, the present year used for discounting the NPV of total consumer costs and savings, for the time-series of costs and benefits using discount rates of three and seven percent for all costs and benefits except for the value of CO_2 reductions. For the latter, DOE used a range of discount rates, as shown in Table I.4. From the present value, DOE then calculated the fixed annual payment over a 30-year period (2019 through 2048) that yields the same present value. The fixed annual payment is the annualized value. Although DOE calculated annualized values, this does not imply that the time-series of cost and benefits from which the annualized values were determined is a steady stream of payments.

reductions, and $15.56 million in reduced NO_X emissions. In this case, the net benefit amounts to $1,882 million per year.

TABLE I.4—ANNUALIZED BENEFITS AND COSTS OF PROPOSED STANDARDS FOR RESIDENTIAL FURNACE FANS (TSL 4), IN MILLION 2012$

	Discount rate	Primary estimate *	Low net benefits estimate	High net benefits estimate
		million 2012$/year		
Benefits:				
Consumer Operating Cost Savings	7%	872	710	1082.
	3%	1585	1264	2011.
CO_2 Reduction Monetized Value ($12.9/t case) **	5%	139	117	171.
CO_2 Reduction Monetized Value ($40.8/t case) **	3%	571	477	702.
CO_2 Reduction Monetized Value ($62.2/t case) **	2.5%	877	732	1079.
CO_2 Reduction Monetized Value ($117/t case) **	3%	1761	1471	2167.
NO_X Reduction Monetized Value (at $2,639/ton) **	7%	8.24	6.97	9.99.
	3%	15.56	13.03	19.09.
Total Benefits †	7% plus CO_2 range	1,019 to 2,641	834 to 2,188	1,263 to 3,259.
	7%	1,451	1,194	1,794.
	3% plus CO_2 range	1,740 to 3,362	1,394 to 2,748	2,201 to 4,197.
	3%	2,172	1,754	2,732.
Costs:				
Consumer Incremental Installed Costs	7%	231	273	201.
	3%	290	346	250.
Net Benefits:				
Total †	7% plus CO_2 range	788 to 2,410	561 to 1,915	1,062 to 3,058.
	7%	1,220	921	1,593.
	3% plus CO_2 range	1,450 to 3,072	1,047 to 2,402	1,951 to 3,947.
	3%	1,882	1,407	2,482.

* This table presents the annualized costs and benefits associated with residential furnace fans shipped in 2019–2048. These results include benefits to consumers which accrue after 2048 from the products purchased in 2019–2048. The results account for the incremental variable and fixed costs incurred by manufacturers due to the standard, some of which may be incurred in preparation for the rule. The Primary, Low Benefits, and High Benefits Estimates utilize projections of energy prices and housing starts from the *AEO 2012* Reference case, Low Estimate, and High Estimate, respectively. Incremental product costs reflect a constant product price trend in the Primary Estimate, an increasing price trend in the Low Benefits Estimate, and a decreasing price trend in the High Benefits Estimate.

** The CO_2 values represent global values of the SCC, in 2012$, in 2015 under several scenarios. The first three cases use the averages of SCC distributions calculated using 5%, 3%, and 2.5% discount rates, respectively. The fourth case represents the 95th percentile of the SCC distribution calculated using a 3% discount rate. The SCC values increase over time. The value for NO_X (in 2012$) is the average of the low and high values used in DOE's analysis.

† Total Benefits for both the 3% and 7% cases are derived using the series corresponding to SCC value of $40.8/t in 2015. In the rows labeled "7% plus CO_2 range" and "3% plus CO_2 range," the operating cost and NO_X benefits are calculated using the labeled discount rate, and those values are added to the full range of CO_2 values.

DOE has tentatively concluded that the proposed standards represent the maximum improvement in energy efficiency that is technologically feasible and economically justified, and would result in the significant conservation of energy. DOE further notes that products achieving these standard levels are already commercially available for at least some, if not most, product classes covered by this proposal. Based on the analyses described above, DOE has tentatively concluded that the benefits of the proposed standards to the Nation (energy savings, positive NPV of consumer benefits, consumer LCC savings, and emission reductions) would outweigh the burdens (loss of INPV for manufacturers and LCC increases for some consumers).

DOE also considered more-stringent energy efficiency levels as trial standard levels, and is still considering them in this rulemaking. However, DOE has tentatively concluded that the potential burdens of the more-stringent energy efficiency levels would outweigh the projected benefits. Based on consideration of the public comments DOE receives in response to this notice and related information collected and analyzed during the course of this rulemaking effort, DOE may adopt energy efficiency levels presented in this notice that are either higher or lower than the proposed standards, or some combination of level(s) that incorporate the proposed standards in part.

II. Introduction

The following section briefly discusses the statutory authority underlying this proposal, as well as some of the relevant historical background related to the establishment of standards for residential furnace fans.

A. Authority

Title III, Part B [10] of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances (collectively referred to as "covered products").[11] These include products that use electricity for purposes of circulating air through duct work, hereafter referred to as "residential furnace fans" or simply "furnace fans," the subject of this rulemaking. (42 U.S.C. 6295(f)(4)(D))

[10] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[11] All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act, Public Law 112–210 (enacted December 18, 2012).

Pursuant to EPCA, DOE's energy conservation program for covered products consists essentially of four parts: (1) Testing; (2) labeling; (3) the establishment of Federal energy conservation standards; and (4) certification and enforcement procedures. The Federal Trade Commission (FTC) is primarily responsible for labeling, and DOE implements the remainder of the program. Subject to certain criteria and conditions, DOE is required by EPCA to consider and establish energy conservation standards for residential furnace fans by December 31, 2013. (42 U.S.C. 6295(f)(4)(D)) DOE is also required to develop test procedures to measure the energy efficiency, energy use, or estimated annual operating cost of each covered product prior to the adoption of an energy conservation standard. (42 U.S.C. 6295(o)(3)(A) and (r)) Manufacturers of covered products must use the prescribed DOE test procedure as the basis for certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA and when making representations to the public regarding the energy use or efficiency of those products. (42 U.S.C. 6293(c) and 6295(s)) Similarly, DOE must use these test procedures to determine whether the products comply with standards adopted pursuant to EPCA. (42 U.S.C. 6295(s)) DOE does not currently have a test procedure for furnace fans. Accordingly, to fulfill the statutory requirements, DOE is simultaneously conducting a test procedure rulemaking for residential furnace fans. DOE published a notice of proposed rulemaking (NOPR) in the **Federal Register** for a residential furnace fans test procedure on May 15, 2012. 77 FR 28674. After considering public comments, DOE subsequently published in the **Federal Register** a supplemental notice of proposed rulemaking (SNOPR) on April 2, 2013, which contained a revised test procedure proposal for furnace fans. 78 FR 19606. In accordance with the statutory requirements outlined in EPCA, DOE will establish a test procedure for residential furnace fans at or before the time it prescribes furnace fan energy conservation standards Details on the furnace fan test procedure rulemaking are available at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/40*.

DOE must follow specific statutory criteria for prescribing new or amended standards for covered products, including residential furnace fans. As indicated above, any new or amended standard for a covered product must be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A) and (3)(B)) Furthermore, DOE may not adopt any standard that would not result in the significant conservation of energy. (42 U.S.C. 6295(o)(3)) Moreover, DOE may not prescribe a standard: (1) For certain products, including residential furnace fans, if no test procedure has been established for the product, or (2) if DOE determines by rule that the proposed standard is not technologically feasible or economically justified. (42 U.S.C. 6295(o)(3)(A)–(B)) In deciding whether a proposed standard is economically justified, after receiving comments on the proposed standard, DOE must determine whether the benefits of the standard exceed its burdens by, to the greatest extent practicable, considering the following seven factors:

(1) The economic impact of the standard on manufacturers and consumers of the products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the covered products in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard;

(3) The total projected amount of energy (or as applicable, water) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the covered products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary of Energy (Secretary) considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

EPCA, as codified, also contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6295(o)(1)) Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6295(o)(4))

Further, EPCA, as codified, establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure. (*See* 42 U.S.C. 6295(o)(2)(B)(iii))

Additionally, under 42 U.S.C. 6295(q)(1), the statute specifies requirements when promulgating an energy conservation standard for a covered product that has two or more subcategories. DOE must specify a different standard level for a type or class of covered product that has the same function or intended use, if DOE determines that products within such group: (A) consume a different kind of energy from that consumed by other covered products within such type (or class); or (B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard. (42 U.S.C. 6295(q)(1)). In determining whether a performance-related feature justifies a different standard level, DOE must consider such factors as the utility to the consumer of the feature and other factors DOE deems appropriate. *Id.* Any rule prescribing such a standard must include an explanation of the basis on which such higher or lower level was established. (42 U.S.C. 6295(q)(2))

Federal energy conservation requirements generally supersede State laws or regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions set forth under 42 U.S.C. 6297(d)).

Finally, pursuant to the amendments contained in the Energy Independence and Security Act of 2007 (EISA 2007), Public Law 110–140, any final rule for new or amended energy conservation standards promulgated after July 1, 2010, is required to address standby mode and off mode energy use. (42 U.S.C. 6295(gg)(3)) Specifically, when DOE adopts a standard for a covered product after that date, it must, if justified by the criteria for adoption of standards under EPCA (42 U.S.C.

6295(o)), incorporate standby mode and off mode energy use into a single standard, or, if that is not feasible, adopt a separate standard for such energy use for that product. (42 U.S.C. 6295(gg)(3)(A)–(B)) The proposed furnace fan energy rating metric would not account for the electrical energy consumption in standby mode and off mode, because energy consumption in those modes is already fully accounted for in the DOE energy conservation standards rulemaking for residential furnaces and residential central air conditioners (CAC) and heat pumps (HP). 76 FR 37408 (June 27, 2011); 76 FR 67037 (Oct. 31, 2011). Manufacturers will be required to use the new metrics and methods adopted in those rulemakings for the purposes of certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA and for making representations about the efficiency of those products. (42 U.S.C. 6293(c); 42 U.S.C. 6295(s))

Background

1. Current Standards

Currently, no Federal energy conservation standards apply to residential furnace fans.

2. History of Standards Rulemaking for Residential Furnace Fans

Pursuant to 42 U.S.C. 6295(f)(4)(D), DOE must consider and prescribe new energy conservation standards or energy use standards for electricity used for purposes of circulating air through duct work. DOE has interpreted this statutory language to allow regulation of the electricity use of any electrically-powered device applied to residential central heating, ventilation, and air-conditioning (HVAC) systems for the purpose of circulating air through duct work.

DOE initiated the current rulemaking by issuing an analytical Framework Document, ''Rulemaking Framework for Furnace Fans'' (June 1, 2010). DOE then published the Notice of Public Meeting and Availability of the Framework Document for furnace fans in the **Federal Register** on June 3, 2010. 75 FR 31323. See *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/41.* The Framework Document explained the issues, analyses, and process that DOE anticipated using to develop energy conservation standards for residential furnace fans. DOE held a public meeting on June 18, 2010 to solicit comments from interested parties regarding DOE's analytical approach. DOE originally scheduled the comment period on the Framework Document to close on July 6, 2010, but due to the large number and broad scope of questions and issues raised, DOE subsequently published a notice in the **Federal Register** reopening the comment period from July 15, 2010 until July 27, 2010, to allow additional time for interested parties to submit comments. 75 FR 41102 (July 15, 2010).

As a concurrent effort to the residential furnace fan energy conservation standard rulemaking, DOE also initiated a test procedure rulemaking for residential furnace fans. On May 15, 2012, DOE published a notice of proposed rulemaking for the test procedure in the **Federal Register**. 77 FR 28674. In that NOPR, DOE proposed to establish methods to measure the performance of covered furnace fans and to obtain a value for the proposed metric, referred to as the ''fan efficiency rating'' (FER).[12] DOE held the test procedure NOPR public meeting on June 15, 2012, and the comment period closed on July 30, 2012. After receiving comments on the NOPR alleging significant manufacturer burden associated with the proposed test procedure, DOE determined that an alternative test method should be developed. DOE published in the **Federal Register** an SNOPR on April 2, 2013, which contained its revised test procedure proposal and an explanation of the changes intended to reduce burden. 78 FR 19606. DOE proposed to adopt a modified version of the alternative test method recommended by the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) and other furnace fan manufacturers to rate the electrical energy consumption of furnace fans. DOE has tentatively concluded that the AHRI-proposed method provides a framework for accurate and repeatable determinations of FER that is comparable to the test method previously proposed by DOE, but at a significantly reduced test burden. As required by EPCA, DOE will complete its final rule for residential furnace fan test procedures in advance of the final rule adopting energy conservation standards for those products. (42 U.S.C. 6295(o)(3)(A) and (r))

To further develop the energy conservation standards for residential furnace fans, DOE gathered additional information and performed a preliminary technical analysis. This process culminated in publication in the **Federal Register** of a Notice of Public Meeting and the Availability of the Preliminary Technical Support Document (TSD) on July 10, 2012. 77 FR 40530. In that document, DOE requested comment on the following matters discussed in the TSD: (1) the selected product classes; (2) the analytical framework, models, and tools that DOE is using to evaluate standards; and (3) the results of the preliminary analyses performed by DOE. *Id.* DOE also invited written comments on these subjects, as well as any other relevant issues, and announced the availability of the TSD on its Web site. *Id.* at 40530–31. A PDF copy of the preliminary TSD is available at *http://www.regulations.gov/#!documentDetail;D=EERE-2010-BT-STD-0011-0037.*

The preliminary TSD provided an overview of the activities DOE undertook in developing potential energy conservation standards for residential furnace fans, and discussed the comments DOE received in response to the Framework Document. It also described the analytical methodology that DOE used and each analysis DOE had performed up to that point. These analyses were as follows:

- A *market and technology assessment* addressed the scope of this rulemaking, identified the potential product classes of residential furnace fans, characterized the markets for these products, and reviewed techniques and approaches for improving their efficiency;
- A *screening analysis* reviewed technology options to improve the efficiency of furnace fans, and weighed these options against DOE's four prescribed screening criteria;
- An *engineering analysis* estimated the increase in manufacturer selling prices (MSPs) associated with more energy-efficient furnace fans;
- An *energy use analysis* estimated the annual energy use of furnace fans at various potential standard levels;
- A *markups analysis* converted estimated MSPs to consumer-installed prices.
- A *life-cycle cost (LCC) analysis* calculated, at the consumer level, the discounted savings in operating costs throughout the estimated average life of the product, compared to any increase in installed costs likely to result directly from the adoption of a given standard;
- A *payback period (PBP) analysis* estimated the amount of time it would take consumers to recover the higher expense of purchasing more-energy-efficient products through lower operating costs;

[12] In the May 15, 2012 NOPR for the test procedure, DOE referred to FER as ''fan efficiency rating.'' However, in the April 2, 2013 test procedure SNOPR, DOE proposed to rename the metric as ''fan energy rating,'' thereby keeping the same abbreviation (FER).

• A *shipments analysis* estimated shipments of residential furnace fans over the time period examined in the analysis (30 years), which were used in performing the national impact analysis;

• A *national impact analysis* assessed the aggregate impacts at the national level of potential energy conservation standards for residential furnace fans, as measured by the net present value of total consumer economic impacts and national energy savings; and

• A *preliminary manufacturer impact analysis* took the initial steps in evaluating the effects new energy conservation standards may have on furnace fan manufacturers.

The nature and function of the analyses in this rulemaking, including the engineering analysis, energy-use characterization, markups to determine installed prices, LCC and PBP analyses, and national impact analysis, are summarized in the July 2012 notice. 77 FR 40530, 40532–33 (July 10, 2012).

The preliminary analysis public meeting took place on July 27, 2012. At this meeting, DOE presented the methodologies and results of the analyses set forth in the preliminary TSD. The numerous comments received since publication of the July 2012 notice, including those received at the preliminary analysis public meeting, have contributed to DOE's proposed resolution of the issues noted by interested parties.

The submitted comments include a joint comment from the American Council for an Energy-Efficiency Economy (ACEEE), Adjuvant Consulting, on behalf of the Northwest Energy Efficiency Alliance (NEEA), the Appliance Standards Awareness Project (ASAP), the National Consumer Law Center (NCLC), and the Natural Resources Defense Council (NRDC); a comment from the Air-Conditioning, Heating, and Refrigeration Institute (AHRI); a second joint comment from California Investor-Owned Utilities (CA IOUs) including Pacific Gas and Electric Company (PG&E), Southern California Edison (SCE), Southern California Gas Company, and San Diego Gas and Electric (SDGE); a comment from Earthjustice; a comment from ebm-papst Inc. (ebm-papst); a comment from Edison Electric Institute (EEI); and a comment from the Northeast Energy Efficiency Partnership (NEEP). Manufacturers submitting written comments included: First Company, Goodman Global, Inc. (Goodman), Ingersoll Rand, Lennox International, Inc. (Lennox), Morrison Products, Inc. (Morrison), Mortex Product, Inc. (Mortex), National Motor Corporation (NMC), and Rheem Manufacturing Company (Rheem). Comments made during the public meeting by those not already listed include the U.S. Environmental Protection Agency (EPA), the motor manufacturer Regal Beloit, and Unico Incorporated. This NOPR summarizes and responds to the issues raised in these comments. A parenthetical reference at the end of a quotation or paraphrase provides the location of the item in the public record.

III. General Discussion

A. Test Procedure

In the SNOPR for the residential furnace fan test procedure published in the **Federal Register** on April 2, 2013 (78 FR 19606), DOE proposed to adopt a modified version of a test method recommended by AHRI and supported by other furnace fan manufacturers in the written comments on the May 2012 Test Procedure NOPR. (Docket No. EERE–2010–BT–TP–0010, AHRI, No. 16 at p. 3) DOE agrees with AHRI's assessment that its method provides a framework for accurate and repeatable determinations of FER that is comparable to the test method previously proposed by DOE, but at a significantly reduced test burden. In general, the test burden of the AHRI method is reduced relative to the test procedure originally proposed in the NOPR because it: (1) Does not require airflow to be measured directly; (2) avoids the need to make multiple determinations in each airflow-control setting because outlet restrictions to achieve the specified reference system external static pressure (ESP) would be set in the maximum airflow-control setting and maintained for measurements in subsequent airflow-control settings; and (3) can be conducted using the test setup currently required to rate furnace annual fuel utilization efficiency (AFUE) for compliance with residential furnace standards.

In the April 2, 2013 test procedure SNOPR, DOE proposed to incorporate by reference the definitions, test setup and equipment, and procedures for measuring steady-state combustion efficiency provisions of American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 103–2007, *Method of Testing for Annual Fuel Utilization Efficiency of Residential Central Furnaces and Boilers* (ASHRAE Standard 103). In addition to these provisions, DOE proposed additional provisions for apparatuses and procedures for measuring throughput temperature, external static pressure, and furnace fan electrical input power. DOE also proposed calculations to derive FER based on the results of testing for each basic model. 78 FR 19606, 19608–09 (April 2, 2013).

In the SNOPR, DOE proposed to define ''fan energy rating'' (FER) as the estimated annual electrical energy consumption of the furnace fan normalized by: (a) the estimated total number of annual fan operating hours (1,870); [13] and (b) the airflow in the maximum airflow-control setting. *Id.* at 19608. The estimated annual electrical energy consumption, as proposed, is a weighted average of the furnace fan electrical input power (in Watts) measured separately for multiple airflow-control settings at different external static pressures (ESPs). These ESPs are determined by a reference system that represents national average duct work system characteristics. *Id.* Table III.1 below includes the proposed reference system ESP values by installation type.

TABLE III.1—PROPOSED REFERENCE SYSTEM ESP VALUES BY FURNACE FAN INSTALLATION TYPE

Installation type	Weighted average ESP (in. w.c.)
Units with an internal evaporator coil	0.50
Units designed to be paired with an evaporator coil	0.65
Units installed in a manufactured homes [14]	0.30

The proposed rated airflow-control settings correspond to operation in cooling mode (which DOE finds is predominantly associated with the maximum airflow-control setting), heating mode, and constant-circulation mode. Table III.2 illustrates the airflow-control settings that would be rated for various product types.

[13] Details about the derivation of operating hours used to calculate FER are found in the test procedure NOPR. 77 FR 28674, 28680 (May 15, 2012).

[14] Manufactured home external static pressure is much lower than non-manufactured home installations because there is no return air duct work in manufactured homes. Also, the United States Department of Housing and Urban Development (HUD) requirements for manufactured homes stipulate that the duct work for cooling should be set at 0.3 in. w.c.

TABLE III.2—PROPOSED RATED AIRFLOW-CONTROL SETTINGS BY PRODUCT TYPE

Product type	Rated airflow-control setting 1	Rated airflow-control setting 2	Rated airflow-control setting 3
Single-stage Heating	Default constant-circulation	Default heat	Absolute maximum.
Multi-stage or Modulating Heating	Default constant-circulation	Default low heat	Absolute maximum.

As shown in Table III.2, for products with single-stage heating, the three proposed rated airflow-control settings are the default constant-circulation setting, the default heating setting, and the absolute maximum setting. 78 FR 19606, 19609 (April 2, 2013). For products with multi-stage heating or modulating heating, the proposed rated airflow-control settings are the default constant-circulation setting, the default low heating setting, and the absolute maximum setting. The absolute lowest default airflow-control setting is used to represent constant circulation if a default constant-circulation setting is not specified. DOE proposed to define ''default airflow-control settings'' as the airflow-control settings specified for installed use by the manufacturer in the product literature shipped with the product in which the furnace fan is integrated. *Id.* Manufacturers typically provide detailed instructions for setting the default heating airflow-control setting to ensure that the product in which the furnace fan is integrated operates safely. Manufacturer installation guides also provide detailed instructions regarding compatible thermostats and how to wire them to achieve the specified default settings.

In the SNOPR, DOE proposed to weight the Watt measurements using designated annual operating hours for each function (*i.e.,* cooling, heating, and constant circulation) that are intended to represent national average operation. Table III.3 shows the proposed estimated national average operating hours for each function to be used to calculate FER.

TABLE III.3—ESTIMATED NATIONAL AVERAGE OPERATING HOUR VALUES FOR CALCULATING FER

Operating mode	Variable	Single-stage (hours)	Multi-stage or modulating (hours)
Heating	HH (heating hours)	830	830/HCR (heat capacity ratio).
Cooling	CH (cooling hours)	640	640.
Constant Circulation	CCH (constant-circulation hours)	400	400.
Total		1,870	(830/HCR) + 1,040.

The specified operating hours for the heating mode for multi-stage heating or modulating heating products are divided by the heat capacity ratio (HCR) to account for variation in time spent in this mode associated with turndown of heating output. The HCR is the ratio of the reduced heat output capacity to maximum heat output capacity. The proposed FER equation is:

$$FER = \frac{(CH \times E_{Max}) + (HH \times E_{Heat}) + (CCH \times E_{Circ})}{(CH + 830 + CCH) \times Q_{Max}} \times 1000$$

Where:

CH = annual furnace fan cooling operating hours;

E_{Max} = furnace fan electrical consumption at maximum airflow-control setting operating point;

HH = annual furnace fan heating operating hours;

E_{Heat} = furnace fan electrical consumption at the default heating airflow-control setting operating point for units with single-stage heating or the default low-heating airflow control setting operating point for units with multi-stage heating;

CHH = annual furnace fan constant circulation hours;

E_{Circ} = furnace fan electrical consumption at the default constant-circulation airflow-control setting operating point (or minimum airflow-control setting operating point if a default constant-circulation airflow-control setting is not specified);

Q_{Max} = airflow at maximum airflow-control setting operating point; and

1000 = constant to put metric in terms of watts/1000cfm, which is consistent with industry practice.

The public meeting for the energy conservation standards preliminary analysis occurred only two months after the public meeting for the test procedure NOPR. At the time of the preliminary analysis meeting, the comment period for the test procedure NOPR was still open. Consequently, many of the written comments and oral comments made during the preliminary analysis public meeting focused on test procedure issues and echoed comments in the test procedure rulemaking proceeding. While these test procedure issues are germane to the regulation of residential furnace fans more broadly, they are beyond the scope of the present energy conservation standards rulemaking. Accordingly, DOE addressed these test procedure-related comments, with detailed responses, in the April 2, 2013 test procedure SNOPR. Any additional comments made during the preliminary analysis relating to the test procedure that were not discussed in the test procedure SNOPR (*i.e.,* did not result in changes to DOE's proposed test procedure) will be addressed in the test procedure final rule.

B. Product Classes and Scope of Coverage

Although the title of 42 U.S.C. 6295(f) refers to ''furnaces and boilers,'' DOE notes that 42 U.S.C. 6295(f)(4)(D) was written using notably broader language than the other provisions within the

same section. Specifically, that statutory provision directs DOE to ''consider and prescribe energy conservation standards or energy use standards for electricity used for purposes of circulating air through duct work.'' Such language could be interpreted as encompassing electrically-powered devices used in any residential HVAC product to circulate air through duct work, not just furnaces, and DOE has received numerous comments on both sides of this issue. At the present time, however, DOE is only proposing to cover those circulation fans that are used in furnaces and modular blowers. DOE is using the term ''modular blower'' to refer to HVAC products powered by single-phase electricity that comprise an encased circulation blower that is intended to be the principal air-circulation source for the living space of a residence. A modular blower is not contained within the same cabinet as a residential furnace, CAC, or heat pump. Instead, modular blowers are designed to be paired with separate residential HVAC products that provide heating and cooling, typically a separate CAC/HP coil-only unit. DOE finds that modular blowers and electric furnaces are very similar in design. In many cases, the only difference between a modular blower and electric furnace is the presence of an electric resistance heating kit. DOE is aware that some modular blower manufacturers offer electric resistance heating kits to be installed in their modular blower models so that the modular blowers can be converted to stand-alone electric furnaces. In addition, FER values for modular blowers can be easily calculated using the proposed test procedure. DOE proposes to address the furnace fans used in modular blowers in this rulemaking for these reasons. As a result of the extent of the current rulemaking, DOE is not addressing public comments that pertain to fans in other types of HVAC products.

When evaluating and establishing energy conservation standards, DOE divides covered products into product classes by the type of energy used or by capacity or other performance-related features that justify a different standard. In making a determination whether a performance-related feature justifies a different standard, DOE must consider such factors as the utility to the consumer of the feature and other factors DOE determines are appropriate. (42 U.S.C. 6295(q)) For this rulemaking, DOE proposes to differentiate between product classes based on internal structure and application-specific design differences that impact furnace fan energy consumption. Details regarding how internal structure and application-specific design differences that impact furnace fan energy consumption are included in chapter 3 of the NOPR technical support document (TSD). DOE proposes the following product classes for this rulemaking.

- Non-Weatherized, Non-Condensing Gas Furnace Fan (NWG–NC)
- Non-Weatherized, Condensing Gas Furnace Fan (NWG–C)
- Weatherized Non-Condensing Gas Furnace Fan (WG–NC)
- Non-Weatherized, Non-Condensing Oil Furnace Fan (NWO–NC)
- Non-Weatherized Electric Furnace/Modular Blower Fan (NWEF/NWMB)
- Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan (MH–NWG–NC)
- Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan (MH–NWG–C)
- Manufactured Home Electric Furnace/Modular Blower Fan (MH–EF/MB)
- Manufactured Home Weatherized Gas Furnace Fan (MH–WG)
- Manufactured Home Non-Weatherized Oil Furnace Fan (MH–NWO).

Each product class title includes descriptors that indicate the application-specific design and internal structure of its included products. ''Weatherized'' and ''non-weatherized'' are descriptors that indicate whether the HVAC product is installed outdoors or indoors, respectively. Weatherized products also include an internal evaporator coil, while non-weatherized products are not shipped with an evaporator coil but may be designed to be paired with one. ''Condensing'' refers to the presence of a secondary, condensing heat exchanger in addition to the primary combustion heat exchanger in certain furnaces. The presence of an evaporator coil or secondary heat exchanger significantly impacts the internal structure of an HVAC product, and in turn, the energy performance of the furnace fan integrated in that HVAC product. ''Manufactured home'' products meet certain design requirements that allow them to be installed in manufactured homes (*e.g.,* a more compact cabinet size). Descriptors for ''gas,'' ''oil,'' or ''electric'' indicate the type of fuel that the HVAC product uses to produce heat, which determines the type and geometry of the primary heat exchanger used in the HVAC product.

C. Technological Feasibility

1. General

In each energy conservation standards rulemaking, DOE conducts a screening analysis based on information gathered on all current technology options and prototype designs that could improve the efficiency of the products or equipment that are the subject of the rulemaking. As the first step in such an analysis, DOE develops a list of technology options for consideration in consultation with manufacturers, design engineers, and other interested parties. DOE then determines which of those means for improving efficiency are technologically feasible. DOE considers technologies incorporated in commercially-available products or in working prototypes to be technologically feasible. 10 CFR part 430, subpart C, appendix A, section 4(a)(4)(i).

After DOE has determined that particular technology options are technologically feasible, it further evaluates each technology option in light of the following additional screening criteria: (1) Practicability to manufacture, install, and service; (2) adverse impacts on product utility or availability; and (3) adverse impacts on health or safety. 10 CFR part 430, subpart C, appendix A, section 4(a)(4)(ii)–(iv). Additionally, it is DOE policy not to include in its analysis any proprietary technology that is a unique pathway to achieving a certain efficiency level. Section IV.B of this notice discusses the results of the screening analysis for residential furnace fans, particularly the designs DOE considered, those it screened out, and those that are the basis for the trial standard levels (TSLs) in this rulemaking. For further details on the screening analysis for this rulemaking, see chapter 4 of the NOPR TSD.

2. Maximum Technologically Feasible Levels

When DOE proposes to adopt a new standard for a type or class of covered product, it must determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for such product. (42 U.S.C. 6295(p)(1)) Accordingly, in the engineering analysis, DOE determined the maximum technologically feasible (''max-tech'') improvements in energy efficiency for residential furnace fans, using the design parameters for the most-efficient products available on the market or in working prototypes. The max-tech levels that DOE determined for this rulemaking are described in

section IV.C of this proposed rule and in chapter 5 of the NOPR TSD.

D. Energy Savings

1. Determination of Savings

For each TSL, DOE projected energy savings from the products that are the subject of this rulemaking purchased in the 30-year period that begins in the anticipated year of compliance with new standards (2019–2048). These savings are measured over the entire lifetime of products purchased in the 30-year analysis period.[15] DOE quantified the energy savings attributable to each TSL as the difference in energy consumption between each standards case and the base case. The base case represents a projection of energy consumption in the absence of mandatory energy conservation standards, and it considers market forces and policies that affect demand for more-efficient products.

DOE used its national impact analysis (NIA) spreadsheet model to estimate energy savings from potential standards for the products that are the subject of this rulemaking. The NIA spreadsheet model (described in section IV.H of this notice) calculates energy savings in site energy, which is the energy directly consumed by products at the locations where they are used. DOE reports national energy savings on an annual basis in terms of the primary (source) energy savings, which is the savings in the energy that is used to generate and transmit the site energy. To convert site energy to primary energy, DOE derived annual conversion factors from the model used to prepare the Energy Information Administration's (EIA's) *Annual Energy Outlook 2012* (*AEO 2012*).

DOE has begun to also estimate energy savings using full-fuel-cycle metrics. 76 FR 51282 (Aug. 18, 2011), as amended at 77 FR 49701 (August 17, 2012). The full-fuel-cycle (FFC) metric includes the energy consumed in extracting, processing, and transporting primary fuels (i.e., coal, natural gas, petroleum fuels), and thus presents a more complete picture of the impacts of efficiency standards. DOE's approach is based on calculation of an FFC multiplier for each of the primary fuels used by covered products and equipment. For more information on FFC energy savings, see section IV.H.1.

2. Significance of Savings

As noted above, 42 U.S.C. 6295(o)(3)(B) prevents DOE from adopting a standard for a covered product unless such standard would result in ''significant'' energy savings. Although the term ''significant'' is not defined in the Act, the U.S. Court of Appeals for the District of Columbia Circuit, in *Natural Resources Defense Council* v. *Herrington,* 768 F.2d 1355, 1373 (D.C. Cir. 1985), opined that Congress intended ''significant'' energy savings in this context to be savings that were not ''genuinely trivial.'' The energy savings for all of the TSLs considered in this rulemaking are nontrivial, and, therefore, DOE considers them ''significant'' within the meaning of section 325 of EPCA.

E. Economic Justification

1. Specific Criteria

As discussed above, EPCA provides seven factors to be evaluated in determining whether a potential energy conservation standard is economically justified. (42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII)) The following sections discuss how DOE has addressed each of those seven factors in this rulemaking.

a. Economic Impact on Manufacturers and Consumers

In determining the impacts of a potential new or amended standard on manufacturers, DOE conducts a manufacturer impact analysis (MIA), as discussed in section IV.J. DOE first uses an annual cash-flow approach to determine the quantitative impacts. This step includes both a short-term assessment—based on the cost and capital requirements during the period between when a regulation is issued and when entities must comply with the regulation—and a long-term assessment over a 30-year period. The industry-wide impacts analyzed include: (1) Industry net present value (INPV), which values the industry on the basis of expected future cash flows; (2) cash flows by year; (3) changes in revenue and income; and (4) other measures of impact, as appropriate. Second, DOE analyzes and reports the impacts on different types of manufacturers, including impacts on small manufacturers. Third, DOE considers the impact of standards on domestic manufacturer employment and manufacturing capacity, as well as the potential for standards to result in plant closures and loss of capital investment, as discussed in section IV.N. Finally, DOE takes into account cumulative impacts of various DOE regulations and other regulatory requirements on manufacturers.

For individual consumers, measures of economic impact include the changes in life-cycle cost (LCC) and payback period (PBP) associated with new or amended standards. The LCC, which is specified separately in EPCA as one of the seven factors to be considered in determining the economic justification for a new or amended standard, 42 U.S.C. 6295(o)(2)(B)(i)(II), is discussed in the following section. For consumers in the aggregate, DOE also calculates the national net present value of the economic impacts applicable to a particular rulemaking.

b. Life-Cycle Costs

The LCC is the sum of the purchase price of a product (including its installation) and the operating expense (including energy, maintenance, and repair expenditures) discounted over the lifetime of the product. The LCC savings for the considered efficiency levels are calculated relative to a base case that reflects projected market trends in the absence of standards. The LCC analysis requires a variety of inputs, such as product prices, product energy consumption, energy prices, maintenance and repair costs, product lifetime, and consumer discount rates. For its analysis, DOE assumes that consumers will purchase the considered products in the first year of compliance with new standards.

To account for uncertainty and variability in specific inputs, such as product lifetime and discount rate, DOE uses a distribution of values, with probabilities attached to each value. DOE identifies the percentage of consumers estimated to receive LCC savings or experience an LCC increase, in addition to the average LCC savings associated with a particular standard level. DOE also evaluates the LCC impacts of potential standards on identifiable subgroups of consumers that may be affected disproportionately by a national standard. DOE's LCC analysis is discussed in further detail in section IV.F.

c. Energy Savings

Although significant conservation of energy is a separate statutory requirement for adopting an energy conservation standard, EPCA requires DOE, in determining the economic justification of a standard, to consider the total projected energy savings that are expected to result directly from the standard. (42 U.S.C. 6295(o)(2)(B)(i)(III)) As discussed in section IV.H, DOE uses

[15] In the past, DOE presented energy savings results for only the 30-year period that begins in the year of compliance. In the calculation of economic impacts, however, DOE considered operating cost savings measured over the entire lifetime of products purchased in the 30-year period. DOE has chosen to modify its presentation of national energy savings to be consistent with the approach used for its national economic analysis.

the NIA spreadsheet to project national energy savings.

d. Lessening of Utility or Performance of Products

In establishing classes of products, and in evaluating design options and the impact of potential standard levels, DOE evaluates potential standards that would not lessen the utility or performance of the considered products. (42 U.S.C. 6295(o)(2)(B)(i)(IV)) The standards proposed in this notice will not reduce the utility or performance of the products under consideration in this rulemaking.

e. Impact of Any Lessening of Competition

EPCA directs DOE to consider any lessening of competition that is likely to result from standards. It also directs the Attorney General of the United States (Attorney General) to determine the impact, if any, of any lessening of competition likely to result from a proposed standard and to transmit such determination to the Secretary within 60 days of the publication of a proposed rule, together with an analysis of the nature and extent of the impact. (42 U.S.C. 6295(o)(2)(B)(i)(V) and (ii)) DOE will transmit a copy of this proposed rule to the Attorney General with a request that the Department of Justice (DOJ) provide its determination on this issue. DOE will publish and respond to the Attorney General's determination in the final rule.

f. Need for National Energy Conservation

In evaluating the need for national energy conservation, DOE notes that the energy savings from the proposed standards are likely to provide improvements to the security and reliability of the nation's energy system. (42 U.S.C. 6295(o)(2)(B)(i)(VI)) Reductions in the demand for electricity also may result in reduced costs for maintaining the reliability of the nation's electricity system. DOE conducts a utility impact analysis to estimate how standards may affect the nation's needed power generation capacity, as discussed in section IV.M.

The proposed standards also are likely to result in environmental benefits in the form of reduced emissions of air pollutants and greenhouse gases associated with energy production. DOE reports the emissions impacts from each TSL it considered in section IV.K of this notice. DOE also reports estimates of the economic value of emissions reductions resulting from the considered TSLs, as discussed in section IV.L.

g. Other Factors

EPCA allows the Secretary of Energy, in determining whether a standard is economically justified, to consider any other factors that the Secretary deems to be relevant. (42 U.S.C. 6295(o)(2)(B)(i)(VII)) To the extent interested parties submit any relevant information regarding economic justification that does not fit into the other categories described above, DOE could consider such information under ''other factors.''

2. Rebuttable Presumption

As set forth in 42 U.S.C. 6295(o)(2)(B)(iii), EPCA creates a rebuttable presumption that an energy conservation standard is economically justified if the additional cost to the consumer of a product that meets the standard is less than three times the value of the first year's energy savings resulting from the standard, as calculated under the applicable DOE test procedure. DOE's LCC and PBP analysis generates values used to determine which of the considered standard levels meet the three-year payback period contemplated under the rebuttable presumption test. The rebuttable presumption payback calculation is discussed in section V.B.1 of this notice. In addition, DOE routinely conducts an economic analysis that considers the full range of impacts to consumers, manufacturers, the Nation, and the environment, as required under 42 U.S.C. 6295(o)(2)(B)(i). The results of this analysis serve as the basis for DOE's evaluation of the economic justification for a potential standard level (thereby supporting or rebutting the results of any preliminary determination of economic justification).

IV. Methodology and Discussion

This section addresses the analyses DOE has performed for this rulemaking with regard to residential furnace fans. After a brief discussion of the spreadsheet tools and models used, separate subsections will address each component of DOE's analysis.

DOE used three spreadsheet tools to estimate the impact of this proposed standards. The first spreadsheet calculates LCCs and payback periods of potential standards. The second provides shipments forecasts, and then calculates national energy savings and net present value impacts of potential standards. Finally, DOE assessed manufacturer impacts, largely through use of the Government Regulatory Impact Model (GRIM). All three spreadsheet tools are available online at the rulemaking portion of DOE's Web site: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/41*.

Additionally, DOE estimated the impacts on utilities and the environment that would be likely to result from potential standards for residential furnace fans. DOE used a version of EIA's National Energy Modeling System (NEMS) for the utility and environmental analyses.[16] The NEMS simulates the energy sector of the U.S. economy. EIA uses NEMS to prepare its *Annual Energy Outlook,* a widely-known energy forecast for the United States. NEMS offers a sophisticated picture of the effect of standards because it accounts for the interactions between the various energy supply and demand sectors and the economy as a whole.

A. Market and Technology Assessment

DOE develops information that provides an overall picture of the market for the products concerned, including the purpose of the products, the industry structure, manufacturers, market characteristics, and technologies used in the products. This activity includes both quantitative and qualitative assessments, based primarily on publicly-available information. The subjects addressed in the market and technology assessment for this residential furnace fans rulemaking include: (1) A determination of the scope of this rulemaking; (2) product classes and manufacturers; (3) quantities and types of products sold and offered for sale; (4) retail market trends; (5) regulatory and non-regulatory programs; and (6) technologies or design options that could improve the energy efficiency of the product(s) under examination. The key findings of DOE's market assessment are summarized below. See chapter 3 of the NOPR TSD for further discussion of the market and technology assessment.

1. Definition and Scope of Coverage

EPCA provides DOE with the authority to consider and prescribe new energy conservation standards for electricity used to circulate air through duct work. (42 U.S.C. 6295(f)(4)(D)) In the preliminary analysis, DOE defined a ''furnace fan'' as ''any electrically-powered device used in residential, central heating, ventilation, and air-conditioning (HVAC) systems for the purpose of circulating air through duct

[16] For more information on NEMS, refer to the U.S. Department of Energy, Energy Information Administration documentation. A useful summary is *National Energy Modeling System: An Overview 2003,* DOE/EIA–0581(2003) (March, 2003).

work.'' 77 FR 40530, 40532 (July 10, 2012). DOE considered a typical furnace fan as consisting of a fan motor and its controls, an impeller, and a housing, all of which are components of an HVAC product that includes additional components, including the cabinet.

Interested parties disagreed with DOE's approach to set component-level regulations, which they warned would ignore system effects that could impact both fan and system energy consumption. CA IOUs suggested that ''furnace fan'' be defined as a unit consisting of a fan motor, its controls, an impeller, shroud, and cabinet that houses all of the heat exchange material for the furnace. According to CA IOUs, their suggested definition would reduce ambiguity and ensure that the components in HVAC products that affect furnace fan energy consumption are considered in this rulemaking. (CA IOUs, No. 56 at p. 1) Ingersoll Rand went further and suggested a system-level regulatory approach, where the entire duct and furnace system would be regulated, maintaining that such approach would produce a more useful metric to consumers when evaluating performance. (Ingersoll Rand, No. 43 at p. 42) Conversely, NEEP observed that by regulating fan energy use separately, the individual efficiency of the component is considered when it would otherwise be ignored by manufacturers. (NEEP, No. 51 at p. 3) Rheem commented that some designs require higher air velocity to improve heat transfer but also require more electrical consumption to drive the blower at the higher velocity. (Rheem, No. 43 at p. 63) Rheem commented that turbulent flow is considerably more efficient for heat transfer than laminar flow, but more energy is required to move turbulent air. (Rheem, No. 54 at p. 10) Similarly, Lennox and Morrison commented that in order to improve heating and cooling efficiency, often a second heating coil is added, but this also leads to higher electrical consumption by the furnace fan. (Lennox, No. 43 at p. 64; Morrison, No. 43 at p. 64) Ingersoll Rand argued that as the efficiency of the furnace fan motor increases, it dissipates less heat and a furnace consumes more gas to compensate and meet house heat load. (Ingersoll Rand, No. 43 at p. 66)

In response, DOE is required by EPCA to consider and prescribe new energy conservation standards or energy use standards for electricity used for purposes of circulating air through duct work. (42 U.S.C. 6295(f)(4)(D)) Pursuant to this statutory mandate, DOE plans to establish energy conservation standards for circulation fans used in residential central HVAC systems. DOE does not interpret its authority as including the duct work itself. DOE is aware that component-level regulations could have system-level impacts. Accordingly, DOE plans to conduct its analyses and set standards in such a way that meets the statutory requirements set forth by EPCA without ignoring system effects, which otherwise might compromise the thermal performance of the HVAC products that incorporate furnace fans. For example, the proposed test procedure outlined in the April 2, 2013 SNOPR specifies that the furnace fan be tested as factory-installed in the HVAC product, thereby enabling the rating metric to account for system effects on airflow delivery and, ultimately, energy performance. 78 FR 19606, 19612–13. In addition, the product class structure allows for differentiation of products with designs that achieve higher thermal efficiency but may have lower fan performance, such as condensing furnaces.

The scope of the preliminary analysis included furnace fans used in furnaces, modular blowers, and hydronic air handlers. Even though DOE has interpreted its authority as encompassing any electrically-powered device used in residential HVAC products to circulate air through duct work, the preliminary analysis scope excluded single package central air conditioners (CAC) and heat pumps (HP) and split-system CAC/HP blower-coil units. At the time of the preliminary analysis, DOE determined that it may consider these and other such products in a future rulemaking as data and information to develop credible analyses becomes available.

Efficiency advocates expressed concern at the exclusion of packaged and split-system CAC products because they believe current standards for these products do not maximize the technologically feasible and economically justified energy savings for the circulation fans integrated in these products. ASAP and Adjuvant stated that the metric used for CAC products does not accurately represent field conditions and requested that they be added to the scope. (ASAP, No. 43 at p. 17; Adjuvant, No. 43 at p. 39) Specifically, efficiency advocates found that the reference external static pressures (ESPs) used to determine the seasonal energy efficiency ratio (SEER) and heating seasonal performance factor (HSPF), which already rate these products, did not reflect field-installed conditions. (ASAP, No. 43 at p. 38; Earthjustice, No. 49 at p. 1) In a joint comment from ACEEE, ASAP, NCLC, NEEA, and NRDC (hereafter referred to as ACEEE, *et al.*), in addition to a comment from CA IOU, efficiency advocates and utilities stated that the reference ESP of 0.1–0.2 in. w.c. was too low when compared to the average field ESP of 0.73 in. w.c. identified in the TSD. (ACEEE, *et al.,* No. 55 at p. 1; CA IOU, No. 56 at p. 2) ACEEE, *et al.* also noted that SEER and HSPF do not account for continuous-circulation operation which is expected to increase as stricter building codes call for tighter building envelopes. (ACEEE, *et al.,* No. 55 at p. 2; CA IOU, No. 56 at p. 3) NEEP commented that SEER and HSPF do not reward for any efficiency gains made by the furnace fan. (NEEP, No. 51 at p. 3) By excluding these products from the analysis, ACEEE, *et al.* argued that DOE is ignoring a significant fraction of the furnace fan market. (ACEEE, *et al.,* No. 55 at p. 1)

In contrast, many manufacturers believe that the scope of coverage presented in the preliminary analysis exceeds the statutory authority granted to DOE because the statutory language for this rulemaking is found in 42 U.S.C 6295(f) under the title ''Standards for furnaces and boilers.'' Consequently, manufacturers stated that DOE should not include any non-furnace products such as central air conditioners, heat pumps, or condensing unit-blower-coil combinations. Lennox, Mortex, and First Co. explicitly stated that no equipment other than residential furnaces and boilers should be included, as doing so is beyond DOE's statutory authority. (Lennox, No. 47 at p. 4; Mortex, No. 59 at p. 1; First Co., No. 53 at p. 1) Mortex further stated that the electricity used to circulate air through duct work is already adequately accounted for in existing energy efficiency metrics, and that if DOE insists on proceeding on new energy conservation standards for furnace fans, DOE should limit it to residential warm air furnaces until there is a change made by Congress to include additional products. (Mortex, No. 59 at p. 1) Goodman and Ingersoll Rand argued that packaged equipment and air handlers should not be included in the scope because the electrical energy consumed by these products to circulate air through duct work is already accounted for in SEER and HSPF. (Goodman, No. 50 at p. 7; Ingersoll Rand, No. 57 at pp. A–1) Rheem and Morrison recommended that hydronic air handlers and modular blowers be excluded from the scope because these products have not been previously covered by an energy conservation standard and cannot be defined as furnaces. (Morrison, No. 43 at p. 94;

Morrison, No. 58 at p. 9; Rheem, No. 54 at p. 2)

Manufacturers also argued that the electricity used to circulate air through duct work for warm air furnaces with cooling capabilities is already covered by SEER. (Goodman, No. 50 at p. 7; Mortex, No. 59 at p. 1) Additionally, for a residential warm air furnace, Mortex stated that E_{ae} already accounts for heating-mode-related energy consumption, including energy consumed by the fan. (Mortex, No. 59 at p. 2) Additionally, by including annual furnace fan cooling and heating electricity consumption in the FER metric, central air conditioner and heat pumps products will be covered by multiple metrics. (Goodman, No. 50 at p. 6; Mortex, No. 59 at p. 2)

As discussed in the furnace fan test procedure April 2, 2013 SNOPR, DOE notes that, although the title of this statutory section refers to ''furnaces and boilers,'' the applicable provision at 42 U.S.C. 6295(f)(4)(D) was written using notably broader language than the other provisions within the same section. 78 FR 19606, 19611. Specifically, that statutory provision directs DOE to ''consider and prescribe energy conservation standards or energy use standards for electricity used for purposes of circulating air through duct work.'' Such language could be interpreted as encompassing electrically-powered devices used in any residential HVAC product to circulate air through duct work, not just furnaces, and DOE has received numerous comments on both sides of this issue. At the present time, however, DOE is only proposing energy conservation standards for those circulation fans that are used in residential furnaces and modular blowers (see discussion below). As a result, DOE is not addressing public comments that pertain to fans in other types of HVAC products. The following list describes the furnace fans which DOE proposes to address in this rulemaking.

- *Products addressed in this rulemaking:* furnace fans used in weatherized and non-weatherized gas furnaces, oil furnaces, electric furnaces, and modular blowers.
- *Products not addressed in this rulemaking:* furnace fans used in other products, such as split-system CAC and heat pump air handlers, through-the-wall air handlers, small-duct, high-velocity (SDHV) air handlers, energy recovery ventilators (ERVs), heat recovery ventilators (HRVs), draft inducer fans, exhaust fans, or hydronic air handlers.

DOE is using the term ''modular blower'' to refer to HVAC products powered by single-phase electricity that comprise an encased circulation blower that is intended to be the principal air circulation source for the living space of a residence. A modular blower is not contained within the same cabinet as a residential furnace, CAC, or heat pump. Instead, modular blowers are designed to be paired with separate residential HVAC products that provide heating and cooling, typically a separate CAC/HP coil-only unit. DOE finds that modular blowers and electric furnaces are very similar in design. In many cases, the only difference between a modular blower and electric furnace is the presence of an electric resistance heating kit. DOE is aware that some modular blower manufacturers offer electric resistance heating kits to be installed in their modular blower models so that the modular blowers can be converted to stand-alone electric furnaces. In addition, FER values for modular blowers can be easily calculated using the proposed test procedure. DOE proposes to address the furnace fans used in modular blowers in this rulemaking for these reasons.

After considering available information and public comments regarding fan operation in cooling mode, DOE maintains its proposal to account for the electrical consumption of furnace fans while performing all active mode functions (*i.e.,* heating, cooling, and constant circulation). DOE recognizes that furnace fans are used not just for circulating air through duct work during heating operation, but also for circulating air during cooling and constant-circulation operation. DOE anticipates that higher airflow-control settings are factory set for cooling operation. Therefore, DOE expects that the electrical energy consumption of a furnace fan is generally higher while performing the cooling function. Additionally, the design of the fan as well as its typical operating characteristics (*i.e.,* ESP levels during operation in different modes) is directly related to the performance requirements in cooling mode. DOE is also concerned that excluding some functions from consideration in rating furnace fan performance would incentivize manufacturers to design fans that are optimized to perform efficiently at the selected rating airflow-control settings but that are not efficient over the broad range of field operating conditions. In DOE's view, in order to obtain a complete assessment of overall performance and a metric that reflects the product's electrical energy consumption during a representative average use cycle, the metric must account for electrical consumption in a set of airflow-control settings that spans all active mode functions. This would ensure a more accurate accounting of the benefits of improved furnace fans.

DOE is aware that fan electrical consumption is accounted for in the SEER and HSPF metrics that DOE uses for CAC and heat pump products. However, DOE does not agree with manufacturers' comments suggesting that the electricity used to circulate air through duct work is already adequately accounted for in existing energy efficiency metrics of other covered products, particularly the SEER and HSPF metrics of CAC/HP. This is because SEER and HSPF are used to test cooling and heating performance of a CAC or heat pump product, whereas FER rates airflow performance of a furnace fan product. While furnace fan airflow performance contributes to cooling and heating performance, manufacturers can improve SEER and HSPF without improving fan performance. In short, SEER and HSPF-based standards do not directly regulate the efficiency of furnace fans, as required by 42 U.S.C. 6295(f)(4)(D). DOE recognizes that the energy savings in cooling mode from higher-efficiency furnace fans used in some higher-efficiency CAC and heat pumps is already accounted for in the analysis of energy conservation standards for those products. As a result, DOE conducted its analysis in this current rulemaking in such a way as to avoid double-counting these benefits by excluding furnace fan electricity savings that were already included in DOE's analyses for CAC and heat pump products. Chapter 7 of the NOPR TSD provides a more detailed discussion of this issue.

2. Product Classes

DOE identified nine key product classes in the preliminary analysis, each of which was assigned its own candidate energy conservation standard and baseline FER. DOE identified twelve additional product classes that represent significantly fewer shipments and significantly less overall energy use. DOE grouped each non-key product class with a key product class to which it is closely related in application-specific design and internal structure (*i.e.,* the primary criteria used to differentiate between product classes). DOE assigned the analytical results of each key product class to the non-key product classes with which it is grouped because DOE expected the energy use and incremental manufacturer production costs (MPCs) of improving

efficiency to be similar within each grouping. Table IV.1 lists the 21 preliminary analysis product classes.

TABLE IV.1—PRELIMINARY ANALYSIS PRODUCT CLASSES

Key product class	Additional product classes
Non-Weatherized, Non-Condensing Gas Furnace Fan (NWG–NC).	
Non-weatherized, Condensing Gas Furnace Fan (NWG–C).	
Weatherized Non-Condensing Gas Furnace Fan (WG–NC)	Weatherized, Non-Condensing Oil Furnace Fan (WO–NC).
	Weatherized Electric Furnace/Modular Blower Fan (WEF/WMB).
	Manufactured Home Weatherized Gas Furnace Fan (MH–WG).
	Manufactured Home Weatherized Oil Furnace Fan (MH–WO).
	Manufactured Home Weatherized Electric Furnace/Modular Blower Fan (MH–WEF/WMB).
Non-weatherized, Non-Condensing Oil Furnace Fan (NWO–NC)	Non-Weatherized, Condensing Oil Furnace Fan (NWO–C).
	Manufactured Home Non-Weatherized Oil Furnace Fan (MH–NWO).
Non-weatherized Electric Furnace/Modular Blower Fan (NWEF/NWMB)	
Heat/Cool Hydronic Air Handler Fan (HAH–HC)	Heat-Only Hydronic Air Handler Fan (HAH–H).
	Hydronic Air Handler Fan with Coil (HAH–C).
	Manufactured Home Heat/Cool Hydronic Air Handler Fan (MH–HAH–HC).
	Manufactured Home Heat-Only Hydronic Air Handler Fan (MH–HAH–H).
	Manufactured Home Hydronic Air Handler Fan with Coil (MH–HAH–C).
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan (MH–NWG–NC).	
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan (MH–NWG–C).	
Manufactured Home Electric Furnace/Modular Blower Fan (MH–EF/MB).	

Goodman and Rheem agreed that the selected key product classes are an accurate representation of the market, with Rheem commenting that it manufactures six of the nine proposed key product classes. (Goodman, No. 50 at p. 1; Rheem, No. 54 at p. 4) NEEP found that the proposed key product class structure appropriately allows for differentiation of products with higher thermal efficiency. (NEEP, No. 51 at p. 2) Goodman, Rheem, and Ingersoll Rand disagreed with DOE's approach to specify additional product classes within a key product class, stating that shipment data indicates that the additional product classes are too small to be covered. (Goodman, No. 50 at p. 1; Ingersoll Rand, No. 57 at pp. A–1; Rheem, No. 54 at p. 4)

Mortex expressed concern that the key product classes only represent furnace fan products with the most shipments and, if the energy conservation standards are set inappropriately high for these key product classes, the additional products classes (some of which serve unique applications) may also have trouble meeting any scaled standards levels based thereon. (Mortex, No. 43 at p. 53)

DOE agrees with Goodman, Rheem, and Ingersoll Rand that the additional product classes represent products with few and in many cases, no shipments. Individual discussions with manufacturers for the MIA confirm DOE's assumption. Additionally, review of the AHRI appliance directory reveals that only two of the additional product classes have active models listed: (1) Manufactured home weatherized gas furnace fans (MH–WG) and (2) manufactured home non-weatherized oil furnace fans (MH–NWO). The number of active basic models for MH–WG and MH–NWO are 4 and 16, respectively. For this reason, DOE proposes to eliminate the additional product classes except for MH–WG and MH–NWO. Due to the limited number of basic models for MH–WG and MH–NWO, DOE did not have data to directly analyze and establish standards for these additional product classes. As a result, DOE proposes to reserve space to establish standards for MH–WG and MH–NWO furnace fans in the future as sufficient data become available.

As discussed previously in section IV.A.1, DOE proposes to also exclude hydronic air handlers from consideration in this rulemaking, thereby further reducing the number of product classes addressed by this rulemaking to eight. Table IV.2 includes a list of the revised set of product classes for residential furnace fans.

TABLE IV.2—PROPOSED PRODUCT CLASSES FOR RESIDENTIAL FURNACE FANS

Product class
Non-Weatherized, Non-Condensing Gas Furnace Fan (NWG–NC).
Non-Weatherized, Condensing Gas Furnace Fan (NWG–C).
Weatherized Non-Condensing Gas Furnace Fan (WG–NC).
Non-Weatherized, Non-Condensing Oil Furnace Fan (NWO–NC).
Non-Weatherized Electric Furnace/Modular Blower Fan (NWEF/NWMB).
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan (MH–NWG–NC).
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan (MH–NWG–C).
Manufactured Home Electric Furnace/Modular Blower Fan (MH–EF/MB).
Manufactured Home Weatherized Gas Furnace Fan (MH–WG).
Manufactured Home Non-Weatherized Oil Furnace Fan (MH–NWO).

3. Technology Options

In the preliminary analysis, DOE considered seven technology options that would be expected to improve the efficiency of furnace fans: (1) Fan housing and airflow path design modifications; (2) high-efficiency fan motors (in some cases paired with multi-stage or modulating heating controls); (3) inverter-driven permanent-split capacitor (PSC) fan motors; (4) backward-inclined impellers; (5) constant-airflow brushless permanent magnet (BPM) motor control relays; (6) toroidal transformers; and (7) switching mode power supplies. Since that time, DOE notes that its proposed scope of coverage no longer includes hydronic air handlers, the only furnace fan product class for which standby mode and off mode energy consumption is not accounted for in a separate DOE rulemaking. Consequently, the standby mode and off mode technology options (options 5 through 7 in the list above) are no longer applicable, because energy consumption in those modes is already fully accounted for in the DOE energy conservation standards rulemaking for residential furnaces and residential CAC and HP for the remaining proposed product classes. 76 FR 37408 (June 27, 2011); 76 FR 67037 (Oct. 31, 2011). In addition, DOE found that multi-staging and modulating heating controls can also improve FER, so hence DOE evaluated multi-staging and modulating heating controls as a separate technology option for the NOPR. Thus, the resultant list of potential technology options identified for the NOPR include: (1) Fan housing and airflow path design modifications; (2) inverter-driven PSC fan motors; (3) high-efficiency fan motors; (4) multi-staging and modulating heating controls; and (5) backward-inclined impellers. Each identified technology option is discussed below and in more detail in chapter 3 of the NOPR TSD.

a. Fan Housing and Airflow Path Design Improvements

The preliminary analysis identified fan housing and airflow path design modifications as potential technology options for improving the energy efficiency of furnace fans. Optimizing the shape of the inlet cone [17] of the fan housing, minimizing gaps between the impeller and fan housing inlet, and optimizing cut-off location and manufacturing tolerances were identified as enhancements to a fan housing that could improve efficiency. Separately, modification of elements in the airflow path, such as the heat exchanger, could reduce internal static pressure and as a result, reduce energy consumption. Manufacturer input was requested to determine the use and practicability of these potential technology options.

ASAP expressed support for DOE's consideration of the aerodynamics of furnace fan cabinets in its initial analysis of technology options. (ASAP, No. 43 at p. 16) In particular, ASAP cited a 2003 GE study [18] that quantified energy savings produced by modifying fan housing as justification for its inclusion as an option. (ASAP, No. 43 at p. 71) ACEEE, *et al.* also cited a Lawrence Berkeley National Laboratory (LBNL) study [19] that linked changes in efficiency to modifying the clearance between fan housing and an air handler cabinet wall. (ACEEE, *et al.,* No. 55 at p. 2) According to Ingersoll Rand, there are proprietary fan housing designs on the market that already improve mechanical efficiency by 10–20 percent at a cost much lower than the cost to implement high-efficiency motors or make changes to the impeller and its tolerances. (Ingersoll Rand, No. 57 at pp. A–3)

DOE is aware of the studies cited by ASAP and ACEEE, as well as the proprietary housing design mentioned by Ingersoll Rand. For the NOPR, DOE decided to include fan housing design modifications as a technology to be evaluated further in the screening analysis because of these indications that each could improve fan efficiency.

Many interested parties requested that DOE keep airflow path design as a technology option. (Unico, No. 43 at p. 72; EPA, No. 43 at p. 76; ASAP, No. 43 at p. 77; CA IOU, No. 56 at p. 3; ACEEE, *et al.,* No. 55 at p. 2) Manufacturers stated that improving airflow path design, like modifying fan housing, is highly cost-effective when compared to other enhancements. (Rheem, No. 43 at p. 74; Lennox, No. 43 at p. 74; Adjuvant, No. 43 at p. 74) Lennox noted a 10–20 percent improvement in efficiency could be achieved by changing the airflow path when evaluated against a baseline design coupled with a PSC motor. (Lennox, No. 47 at p. 9; Morrison, No. 58 at p. 5) However, the EPA questioned whether considering modified airflow path as a technology option was appropriate when DOE plans to only regulate the fan itself and not the entire air handler. (EPA, No. 43 at p. 62)

While Morrison agreed that airflow path and fan housing design affect performance and efficiency, it argued that establishing a baseline design (over which to determine improvement) might be difficult because parameters used to select an individual manufacturer's design may have taken into account considerations outside the scope of the furnace fan rulemaking. (Morrison, No. 43 at p. 75) Rheem suggested that AHRI should present airflow path and fan housing design data to the DOE in order to help establish the two technology options. (Rheem, No. 43 at p. 79)

Similar to the fan housing design modifications, DOE decided to include airflow path design as a technology option to be evaluated further in the screening analysis as a result of these claims of potential fan efficiency improvement. In response to the comment received from the EPA, DOE believes including airflow path design is appropriate because of its potential to impact fan efficiency. Airflow path design will impact the proposed rating metric, FER, because DOE is proposing to test the furnace fan as it is factory installed in the HVAC product. As discussed previously in section IV.A.1, DOE has conducted its NOPR analyses in such a way as to meet the statutory requirements set forth by EPCA without ignoring system effects. Chapter 3 of the NOPR TSD provides more technical detail regarding fan housing and airflow path design modifications and how these measures could reduce furnace fan energy consumption.

b. Inverter Controls for PSC Motors

In the preliminary analysis, DOE identified inverter-driven PSC motors as a technology option. DOE is aware of a series of non-weatherized gas furnaces with inverter-driven PSC furnace fan motors that was once commercially available. DOE has determined that inverter controls provide efficiency improvement by offering additional intermediate airflow-control settings and a wider range of airflow-control settings (*i.e.,* lower turndown ratio) than conventional PSC controls. The additional airflow-control settings and range enable the furnace fan to better match demand. Publically-available performance data for the series of furnaces using inverter-driven PSCs demonstrate that the use of this technology results in reduced FER

[17] The inlet cone is the opening of the furnace fan housing through which return air enters the housing. The inlet cone is typically curved inward, forming a cone-like shape around the perimeter of the opening, to provide a smooth surface to direct air from outside the housing to inside the housing and into the impeller.

[18] Wiegman, Herman, Final Report for the Variable Speed Integrated Intelligent HVAC Blower (2003) (Available at: *http://www.osti.gov/bridge/servlets/purl/835010-GyvYDi/native/835010.pdf*).

[19] Walker, I.S, State-of-the-art in Residential and Small Commercial Air Handler Performance (2005) LBNL 57330 (Available at: *http://epb.lbl.gov/publications/pdf/lbnl-57330plus.pdf*).

values compared to baseline PSC furnace fans. Consequently, DOE considered inverter-driven PSCs as a technologically feasible option for reducing furnace fan energy consumption.

Manufacturers were opposed to listing inverter-driven PSCs as a viable technology option. Goodman commented that there are alternate, more cost-effective solutions to reduce energy consumption for air-moving systems, such as airflow path design. (Goodman, No. 50 at p. 2) Ingersoll Rand and Morrison commented that the small energy savings provided by inverter-driven PSCs are not worth the added cost and complexity when ECM (referred to herein by DOE as a ''constant-airflow BPM motor'') technology is available at a comparable cost and greater efficiency. (Ingersoll Rand, No. 57 at pp. A–1; Morrison, No. 58 at p. 2; Rheem, No. 54 at p. 6) Morrison suggested that the motor industry was seeking lower-cost alternatives to ECM motors, such as fractional horsepower switched reluctance motors or inverter-driven PSCs, but that no low-cost alternative currently exists. (Morrison, No. 58 at p. 2) NMC, a motor manufacturer, went further, stating that inverter-driven PSC motors using wave chopper controls are not typically more efficient than multi-tap PSC motors and that they are not a practical alternative to brushless permanent magnet technology. (NMC, No. 60 at p. 2)

DOE recognizes manufacturers' concerns with the cost-effectiveness of inverter-driven PSC fan motors. However, DOE decided to include inverter-driven PSC motors as a technology option to be evaluated further in the screening analysis due to their potential to reduce furnace fan energy consumption. DOE evaluates in the engineering analysis the cost-effectiveness of all energy-saving technology options that are not screened out. Chapter 3 of the NOPR TSD provides a more detailed discussion of inverter-driven PSC furnace fan motors.

c. High-Efficiency Motors

In the preliminary analysis, DOE identified four motor types that are typically used in furnace fan assemblies: (1) PSC motors; (2) PSC motors that have more than 3 airflow-control settings and sometimes improved materials (hereinafter referred to as ''improved PSC'' motors); (3) constant-torque BPM motors (often referred to as ''X13 motors''); and (4) constant-airflow BPM motors (often referred to as ''ECMs'').[20] DOE finds that furnace fans using high-efficiency motor technology options operate more efficiently than furnace fans using baseline PSC motors by:

- Functioning more efficiently at a given operating condition;
- Maintaining efficiency throughout the expected operating range; and
- Achieving a lower turndown ratio[21] (*i.e.,* ratio of airflow in lowest setting to airflow in highest setting).

Ingersoll Rand commented that a PSC motor will use less energy at higher static pressures, while an ECM increases energy use as static pressure rises. Ingersoll Rand stated that as a result, understanding the impact of switching to an ECM at higher static pressures may confuse the consumer. (Ingersoll Rand, No. 43 at p. 67)

DOE is aware that consumers may be confused when BPM motors (referred to as ECMs by Ingersoll Rand above) consume more energy than PSC motors at higher static pressures, because consumers expect BPM motors to consume less energy than PSC motors under the same operating conditions. In general, input power to the fan motor increases as static pressure increases to provide a given airflow (*i.e.,* the fan motor has to work harder in the face of increased resistance to provide a desired amount of air).[22] DOE agrees with Ingersoll Rand that as static pressure increases, input power to a PSC-driven furnace fan will decrease, which is seemingly contradictory to the principle described above. DOE finds that input power to a PSC-driven furnace fan decreases because the airflow provided by the fan decreases as static pressure rises (*i.e.,* the fan does not have to work as hard in the face of increased resistance because the fan is not providing as much air). Input power to a constant-airflow BPM motor-driven furnace fan, on the other hand, will increase as static pressure rises because the BPM motor-driven fan is designed to maintain the desired level of airflow. Recognizing that this behavior could complicate comparing the relative performance of these motor technologies, DOE's proposed rating metric, FER, is normalized by airflow to result in ratings that are in units of watts/cfm. DOE believes that a comparison using a watts/cfm metric will mitigate confusion by accurately reflecting that even though a constant-airflow BPM motor is consuming more power at higher statics, it is also providing more airflow, which is useful to the consumer.

Interested parties recognized the benefits provided by constant-torque and constant-airflow BPM motors. NMC agreed that variable-speed technology is useful in furnace fan applications, because the airflow settings can be adjusted and optimized for a range of static pressure levels. (NMC, No. 60 at p. 1) NEEP supported DOE's proposal for an efficiency level based on a constant-torque ECM as part of the furnace fan analysis, given that these motors are widely available and less expensive than ''full blown'' ECM motors. (NEEP, No. 51 at p. 3) Morrison commented that ECM technology offers the best cost for performance value. (Morrison, No. 58 at p. 2)

Interested parties agreed that the BPM motor variations (*i.e.,* constant-torque and constant-airflow) and inverter-driven PSC motors generally have lower turndown ratios than a three-speed PSC motor. Table IV.3 contains the turndown ratio estimates supplied publicly by interested parties. Manufacturers generally provided similar feedback during interviews. NMC stated that the turndown ratios achieved by ECM technology allow for continuous circulation at optimal CFM levels, unlike PSC options, which cannot achieve low enough CFM. (NMC, No. 60 at p. 1) Lennox commented that including constant circulation as part of FER will penalize PSCs and artificially inflate the performance of ECMs. (Lennox, No. 47 at p. 9) Ingersoll Rand stated that furnace fan turndown ability is limited by the physical characteristics of the impeller and bearings. (Ingersoll Rand, No. 57 at pp. A–2)

[20] ''ECM'' and ''X13'' refer to the constant-airflow and constant torque (respectively) BPM offerings of a specific motor manufacturer. Throughout this notice, DOE will refer to these technologies using generic terms, which are introduced in the list above. However, DOE's summaries of interested-party submitted comments include the terminology used by the interested party when referring to motor technologies.

[21] A lower turndown ratio can significantly improve furnace fan efficiency because fan input power has a cubic relationship with airflow.

[22] See chapter 3 of the TSD for more details regarding fan operation.

TABLE IV.3—STAKEHOLDER ESTIMATED FAN MOTOR TURNDOWN RATIOS

Stakeholder	PSC	Wave chopper controller PSC	Constant-torque ECM	Constant-airflow ECM
NMC (NMC, No. 60 at p. 1)	0.45	0.36	0.45	0.20
Goodman (Goodman, No. 50 at p. 2)	0.70–0.75		0.40–0.50	0.25–0.35
Rheem (Rheem, No. 54 at p. 6)	0.60		0.30	0.20

Overall, comments regarding high-efficiency motor turndown ratio validated DOE's expectation that lower turndowns are associated with improved PSCs, inverter-driven PSCs, and BPM motor variations. These motors consume significantly less energy over a typical residential furnace fan operating range. DOE disagrees with Lennox that including constant circulation as part of FER would ''artificially'' inflate the performance of BPM motors compared to PSC motors, because DOE concludes that there is non-trivial use of this mode by consumers. As part of the test procedure rulemaking, DOE estimates that on average, consumers operate furnace fans in constant-circulation mode 400 hours annually. This estimate is used to weight fan constant-circulation electrical energy consumption in FER. Excluding this mode from the rating metric would underestimate the potential efficiency improvements of technology options, such as BPM motors, that could reduce fan electrical consumption while performing this function. A detailed discussion of DOE's estimate for national average constant-circulation furnace fan operating hours can be found in the test procedure NOPR. 77 FR 28674, 28682 (May 15, 2012). DOE did not revise these estimates in the test procedure SNOPR published on April 2, 2013. 78 FR 19606.

d. Multi-Stage or Modulating Heating Controls

In the preliminary analysis (77 FR 40530 (July 10, 2012)), DOE identified two-stage and modulating heating controls (hereinafter collectively referred to as ''multi-stage'' controls) as a method of reducing residential furnace fan energy consumption. Multi-stage furnaces typically operate at lower heat input rates and, in turn, a lower airflow-control setting for extended periods of time compared to single-stage furnaces to heat a residence.[23] Due to the cubic relationship between fan input power and airflow, operating at the reduced airflow-control setting reduces overall fan electrical energy consumption for heating despite the extended hours. In the preliminary analysis, DOE analyzed multi-staging controls paired with use of a constant-airflow BPM fan motor as one technology option, because DOE found the two to be almost exclusively used together in commercially-available products.

ASAP, ACEEE, NCLC, NRDC, and NEEA encouraged DOE to consider X13-level motors applied with multi-stage furnace controls as a technology option. ACEEE *et al.* added that they expect an X13-level motor paired with multi-stage furnace controls to operate at a lower speed (corresponding to the lower burner output) in heating mode for a greater number of hours compared to an X13-level motor applied with single-stage furnace controls. According to ACEEE *et al.,* the net effect of operating at a lower speed for a greater number of hours could be electricity savings, because motor power decreases with the cube of the speed. (ACEEE *et al.,* No. 55 at p. 3) Rheem commented that it does use modulating furnace controls with PSC and X13 motors, not just ECM motors. (Rheem, No. 43 at p. 81) During interviews, other manufacturers also commented that multi-stage heating controls can be and are used regardless of motor type.

Based on comments from Rheem and other manufacturers, DOE recognizes that multi-stage controls can be paired with other motor types, not just constant-airflow BPM motors. DOE agrees with ACEEE *et al.* that implementing multi-stage heating controls independent of motor type could result in residential furnace fan efficiency improvements. Consequently, DOE has decided to de-couple multi-staging controls from the constant-airflow BPM motor technology option. Accordingly, DOE has evaluated multi-staging controls as a separate technology option for the NOPR.

e. Backward-Inclined Impellers

DOE determined in the preliminary analysis that using backward-inclined impellers could lead to possible residential furnace fan energy savings. Although limited commercial data regarding backward-inclined impeller performance were available, DOE cited research by General Electric that showed large improvements in efficiency were achievable under certain operating conditions.[24]

Morrison disagreed with the DOE's findings, stating that literature indicates there are varying degrees of performance improvement when backward-inclined impellers are used in place of forward-curved impellers. (Morrison, No. 43 at p. 132) Specifically, Morrison cited an LBNL study[25] where a furnace with a backward-inclined impeller exhibited no efficiency gains compared to a low efficiency forward-curved impeller. (Morrison, No. 58 at p. 3) According to Morrison, limitations on operating speed also make it necessary to couple backward-inclined impellers with high-efficiency motors. (Morrison, No. 58 at p. 2) Other commenters asserted that the optimal range of operation for backward-inclined impellers may fall outside that of typical residential furnace fan use. (SCE, No. 43 at p. 59; Ingersoll Rand, No. 57 at p. A–3; EEI, No. 60 at p. 2; CA IOU, No. 56 at p. 4) CA IOU testing showed that backward-inclined impellers are more sensitive to external static pressures, which could also limit their use. (CA IOU, No. 56 at p. 4) Rheem stated that improved efficiency of backward-inclined impellers is often achieved at mid-flow rates and high static levels. (Rheem, No. 54 at p. 7) Rheem commented that research by the replacement part manufacturer (Lau) reveals that backward-inclined impellers, at diameters typically used in residential applications, offer no significant efficiency improvements. (Rheem, No. 43 at p. 132)

Ebm-papst, a company that provides custom air-movement products, offered a diverging opinion from most manufacturers regarding the energy-saving potential of backward-inclined impellers. That company retrofitted

[23] A further discussion of multi-stage heating controls is found in chapter 3 of the preliminary analysis TSD, which can be found at the following web address: *http://www.regulations.gov/#!documentDetail;D=EERE-2010-BT-STD-0011-0037.*

[24] Wiegman, Herman, Final Report for the Variable Speed Integrated Intelligent HVAC Blower (2003) (Available at: *http://www.osti.gov/bridge/servlets/purl/835010-GyvYDi/native/835010.pdf*).

[25] Walker, I.S., Laboratory Evaluation of Residential Furnace Blower Performance (2005) (Available at: *http://www.escholarship.org/uc/item/7tx9c86s#page-1*).

several HVAC products with furnace fan assemblies that incorporated backward-inclined impellers without increasing cabinet size and tested them. Depending on the application and the external static pressure load (typically 0.5 in.w.c. to 1 in.w.c.), ebm-papst found that the backward-inclined impeller achieved input power reductions from 15–30 percent. (ebm-papst Inc., No. 52 at p. 1) Ebm-papst did note that for backward-inclined impellers to match the performance of forward-curved impellers without increasing impeller dimensions, fan speed must increase. However, ebm-papst did not anticipate that this would be an obstacle to implementation using available motor technologies. (ebm-papst Inc., No. 52 at p. 1)

DOE recognizes that backward-inclined impellers may not be more efficient than forward-curved impellers under all operating conditions and that there may be considerable constraints to implementation. However, the GE prototype and ebm-papst prototype both demonstrate that significant energy consumption reduction is achievable at some points within the range of residential furnace fan operation. For this reason, DOE has included backward-inclined impellers as a technology option to be evaluated further in the screening analysis, where DOE investigates any other concerns regarding the use of a technology option, such as the practicability to manufacture or impacts on reliability, utility, and safety in the screening analysis.

B. Screening Analysis

DOE uses the following four screening criteria to determine which technology options are suitable for further consideration in an energy conservation standards rulemaking:

1. *Technological feasibility.* Technologies that are not incorporated in commercial products or in working prototypes will not be considered further.

2. *Practicability to manufacture, install, and service.* If it is determined that mass production and reliable installation and servicing of a technology in commercial products could not be achieved on the scale necessary to serve the relevant market at the time of the compliance date of the standard, then that technology will not be considered further.

3. *Impacts on product utility or product availability.* If it is determined that a technology would have significant adverse impact on the utility of the product to significant subgroups of consumers or would result in the unavailability of any covered product type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as products generally available in the United States at the time, it will not be considered further.

4. *Adverse impacts on health or safety.* If it is determined that a technology would have significant adverse impacts on health or safety, it will not be considered further.

(10 CFR part 430, subpart C, appendix A, 4(a)(4) and 5(b))

In sum, if DOE determines that a technology, or a combination of technologies, fails to meet one or more of the above four criteria, it will be screened out from further consideration in the engineering analysis. The reasons for eliminating any technology are discussed below.

The subsequent sections include comments from interested parties pertinent to the screening criteria, DOE's evaluation of each technology option against the screening analysis criteria, and whether DOE determined that a technology option should be excluded (''screened out'') based on the screening criteria.

1. Screened-Out Technologies

DOE screened out fan housing and airflow path design improvements in the preliminary analysis. DOE had little quantitative data to correlate specific fan housing alterations with efficiency improvements. Additionally, DOE anticipated that any improvements to airflow path design that would result in fan efficiency improvement would require an increase in furnace fan cabinet size or negatively impact heat exchanger performance, thereby compromising the practicability to manufacture or reducing utility to consumers.

Interested parties stated many concerns associated with modifying airflow path designs to reduce residential furnace fan electrical energy consumption. Morrison provided an example illustrating the tradeoffs in thermal performance of selecting an airflow path that enhances fan performance. Specifically, Morrison stated that, ''a 90%+ efficient furnace will have higher pressure drop through the furnace than a similarly sized 80%+ efficient furnace because of the added heat transfer surface area.'' (Morrison, No. 58 at p. 5) Conversely, manufacturers noted that higher SEER requirements call for increased central air conditioner or heat pump indoor coil size, leaving reduced space for other HVAC system components. Having to decrease the size of the fan due to these additional regulations could also make the furnace fan less efficient. (Morrison, No. 43 at p. 62) Mortex and Morrison also commented that the primary concern when selecting an airflow path design is usually safety or impact on heat transfer, not efficiency. (Mortex, No. 43 at p. 135; Morrison, No. 58 at p. 5) AHRI and Rheem outlined all of the possible housing design modifications that would affect airflow path design, including housing shape, distance between components, size of duct openings, and motor mounting. (AHRI, No. 48 at p. 3; Rheem, No. 54 at p. 9) AHRI emphasized that some modifications could improve or decrease efficiency, but all would require an increase in product size and, thus, manufacturing costs. (AHRI, No. 48 at p. 3) During manufacturer interviews, many manufacturers reiterated or echoed that airflow path design modifications would likely require increasing HVAC product size. Manufacturers explained that increasing HVAC products size would have adverse impacts on practicability to install and consumer utility, because the furnace fan market is predominantly a replacement market. Installing HVAC products that are larger in size compared to the products they are purchased to replace would likely present issues, mainly significant increases in installation costs or minimizing product availability to consumers.

DOE did not receive or find additional quantitative data that shows a measurable increase in fan efficiency as a result of a specific fan housing or airflow path design modification. Even after individual discussion with manufacturers, DOE was not able to identify a case where fan housing or airflow path design modifications could lead to potential fan energy savings without increasing the size of the HVAC product in which the furnace fan is used or compromising thermal performance or safety. In response to Morrison's comment, DOE assumes that the ''added heat transfer surface area'' in the 90%+ efficient furnace that Morrison refers to is the secondary heat exchanger typically used in condensing furnaces. DOE is aware of the impacts on thermal efficiency and furnace fan performance of the additional heat exchanger in condensing furnaces. As discussed in section III.B, DOE accounted for these impacts in its criteria for differentiating product classes. The 90%+ furnace (condensing) and 80%+ furnace (non-condensing) that Morrison refers to would not be in the same product class

according to DOE's proposed product classes. In addition, DOE concurs with manufacturers' observations that an increase in envelope size would adversely impact practicability to manufacture and install, as well as product utility. Accordingly, DOE has decided to screen out fan housing and airflow path design modifications until quantitative data become available to show that a fan housing or airflow path design modification results in improved fan efficiency without increasing HVAC product size or compromising thermal performance or safety.

2. Remaining Technologies

Through a review of each technology, DOE found that all of the other identified technologies met all four screening criteria to be examined further in DOE's analysis. In summary, DOE did not screen out the following technology options: (1) Inverter-driven PSC fan motors; (2) high-efficiency fan motors; (3) multi-stage heating controls; and (4) backward-inclined impellers. DOE understands that all of these technology options are technologically feasible, given that the evaluated technologies are being used (or have been used) in commercially-available products or working prototypes. These technologies all incorporate materials and components that are commercially available in today's supply markets for the residential furnace fans that are the subject of this NOPR. Therefore, DOE believes all of the efficiency levels evaluated in this notice are technologically feasible. For additional details, please see chapter 4 of the NOPR TSD.

DOE finds that all of the remaining technology options also meet the other screening criteria (*i.e.,* practicable to manufacture, install, and service and do not result in adverse impacts on consumer utility, product availability, health, or safety). Interested parties, however, voiced concerns regarding these screening criteria as they apply to BPM fan motors and backward-inclined impellers. DOE addresses these concerns in the sections immediately below. DOE did not receive public comments relevant to the screening analysis criteria for the other remaining technology options.

a. High-Efficiency Motors

AHRI stated that there are a limited number of ECM motor suppliers to furnace fan manufacturers. (AHRI, No. 48 at p. 2) Lennox commented that the technology is proprietary and dominated by a single motor manufacturer. Lennox added that industry competition is adversely affected as a result. (Lennox, No. 47 at p. 6) AHRI and Lennox noted that furnace fan manufacturers already have difficulties securing an adequate supply, so mandating ECM use would impact product availability. (Lennox, No. 47 at p. 8; AHRI, No. 48 at p. 2) AHRI and Mortex stated that no alternative ECM exists at the scale of Regal Beloit ECMs and that limiting PSC applicability would reduce product flexibility. (AHRI, No. 48 at p. 2; Mortex, No. 43 at p. 129) Both Goodman and Ingersoll Rand do not expect that a technology with better or equivalent performance to brushless permanent magnet motors will be available at a reasonable cost in the next decade. (Goodman, No. 50 at p. 2; Ingersoll Rand, No. 57 at pp. A–2)

Regal Beloit disagreed with residential furnace fan manufacturers, claiming that there is more than just a single motor manufacturer offering ECM technology. (Regal Beloit, No. 43 at p. 130) NMC concurred with Regal Beloit, stating that it too sells brushless permanent magnet motors in high volumes to furnace fan manufacturers. (NMC, No. 60 at p. 2) NMC supported DOE's assumption that after implementation of furnace fan efficiency standards, brushless permanent magnet motor technologies will become increasingly available over time. (NMC, No. 60 at p. 2) Ingersoll Rand confirmed that brushless DC motors are an ECM alternative available from several suppliers, although prices vary. (Ingersoll Rand, No. 57 at pp. A–2) Although Rheem commented that they have applied brushless DC motors produced by more than just a single vendor, their current designs and production processes have been developed to be specifically paired with Regal Beloit products. (Rheem, No. 54 at p. 7) DOE discovered during interviews with manufacturers that there are multiple suppliers of BPM motors. DOE also found further evidence that some manufacturers purchase BPM motors from multiple suppliers. EEI stated that the expiration of Regal Beloit ECM patents around 2020 may increase the availability of this motor type while decreasing cost. (EEI, No. 43 at p. 127)

In the preliminary analysis, DOE requested comment as to whether manufacturers could alternatively develop BPM motor controls in-house when using high-efficiency motors from other, non-Regal Beloit, suppliers. Currently, Regal Beloit offers BPM motors packaged with controls. Manufacturers may buy BPM motors that are not pre-packaged with controls from a supplier other than Regal Beloit, and develop their own controls. DOE anticipated that if furnace fan manufacturers had the ability to develop controls independently of Regal Beloit, this might drive down costs as well as dependency on a single manufacturer.

Most furnace fan manufacturers claimed that development of in-house controls for BPM motors is not an option. For example, Rheem uses General Electric and Regal Beloit software tools to program motors and does not currently have the capability to design motor controls without this tool. (Rheem, No. 54 at p. 6) Lennox and Morrison noted that having to design, build, and test motor controls would increase burden for large manufacturers and be prohibitively expensive to small manufacturers, neither of which have the expertise to develop these types of complex controls internally. (Lennox, No. 47 at p. 6; Morrison, No. 58 at p. 2) Lennox was also fearful that ECM suppliers might find motor control development an attempt to develop a replacement product and cut ties with furnace fan manufacturers. (Lennox, No. 47 at p. 7)

NMC confirmed that many U.S. motor suppliers bring in equipment from a fan manufacturer and develop unique ECM controls tailored to the manufacturer. (NMC, No. 43 at p. 128)

While DOE recognizes that Regal Beloit possesses a number of patents in the BPM motor space, other motor manufacturers (*e.g.,* Broad Ocean or NMC) also offer BPM models. Additionally, DOE is aware that in years past, residential furnace fans paired with constant-airflow BPM motors accounted for 30 percent of the market. While DOE estimates that constant-airflow BPM motors represent only 10–15 percent of the current furnace fan market, the manufacturing capability to meet BPM motor demand exists. Thus, DOE has tentatively concluded that BPM motor technology is currently available from more than one source and will become increasingly available to residential furnace fan manufacturers.

Some fan manufacturers expressed concern that high-efficiency motor reliance on rare earth metals would impact supply. However, DOE is aware of high-efficiency motors that do not contain rare earth materials. DOE is also confident, after manufacturer discussions, that if BPM motors are adopted as a means to meet a future residential furnace fan energy conservation standard, manufacturers would have a number of cost- and performance-competitive suppliers from which to choose who have available, or could rapidly develop, control systems independently of the motor manufacturer.

b. Backward-Inclined Impellers

According to Rheem, backward-inclined impellers must have larger diameter and operate at higher speed than forward-curve impellors in order to attain equivalent performance (*i.e.,* flow and pressure rise). (Rheem, No. 54 at p. 7) Goodman asserted that a 40–50 percent increase in diameter would be necessary for backward-inclined impellers to outperform their forward-curved counterparts. (Goodman, No. 50 at p. 2) According to AHRI, an impeller diameter increase would lead to an increase in overall product size, a change which may not be possible without redesigning the product. (AHRI, No. 48 p. 2) Morrison and Rheem argued that the larger evaporator coil size required to meet higher SEER requirements already limits the space available for furnaces, so an increase in product size due to backward-inclined impellers would severely restrict product application. (Morrison, No. 58 at p. 3; Rheem, No. 54 at p. 7) Ingersoll Rand stated that when used with backward-inclined impellers, motors typically operate at twice the RPM of forward-curved impellers for the same air delivery and static pressure. (Ingersoll Rand, No. 57 at pp. A–3) However, ebm-papst stated that they retrofitted existing equipment with backward-curved impellers, which only required making minor changes to the airflow path within the equipment. Ebm-papst also stated that it tested the retrofitted products, which achieved reductions of input power to the furnace fan in the range of 15–30 percent, depending on the specific equipment and the external static pressure (typically tested at 0.5 in.w.c. and 1.0 in.w.c.). (ebm-papst, No. 52 at p. 1)

AHRI and Rheem were also concerned with the potential impacts that backward-inclined impellers could have on heat exchanger temperatures. AHRI and Rheem stated that the air distribution out of a blower housing with a forward-curved wheel is maximum at the outside edges of the wheel and decreases at the center of the wheel. The air distribution out of a blower housing with a backward-inclined wheel is maximum at the center of the wheel and tapers off at the outside edges. The modified air distribution out of the blower housing would require assessment of heat exchanger temperatures for reliability and safety, as temperature limits operation. (AHRI, No. 48 at p. 2; Rheem, No. 54 at p. 8)

Some commenters also argued that backward-inclined impellers may affect furnace fan utility, because the noise produced by this impeller type may limit product application. Utilities have claimed that a backward-inclined impeller, in combination with increased fan motor speeds to achieve higher efficiency, leads to amplified noise levels. (EEI, No. 60 at p. 3; SCE, No. 43 at p. 59) However, during its testing of HVAC products retrofitted with a backward-inclined impeller, ebm-papst expressed a contrary view, observing that noise levels produced by the backward-inclined impeller were not significantly different from forward-curved impellers. (ebm-papst Inc., No. 52 at p. 1)

DOE finds that there are multiple approaches to implementing backward-inclined impellers to reduce furnace fan energy consumption. DOE recognizes that one approach is to use a backward-inclined impeller that is larger than a standard forward-curved impeller, which may lead to larger HVAC products. Another approach is to pair the backward-inclined impeller with a motor that operates at increased RPM. Ebm-papst tests show a significant potential to reduce fan electrical energy consumption for a backward-inclined impeller assembly that uses existing motor technology at higher RPMs and is implemented in existing HVAC products (*i.e.,* no increase in product size required). Ebm-papst does not believe that achieving higher RPMs with existing motor technology is an obstacle for implementing this technology. DOE believes that this prototype represents a backward-inclined implementation approach that could achieve fan energy savings while avoiding the negative impacts listed by manufacturers. Consequently, DOE decided not to screen out the backward-inclined impeller technology option.

C. Engineering Analysis

In the engineering analysis (corresponding to chapter 5 of the NOPR TSD), DOE establishes the relationship between the manufacturer selling price (MSP) and improved residential furnace fan efficiency. This relationship serves as the basis for cost-benefit calculations for individual consumers, manufacturers, and the Nation. DOE typically structures the engineering analysis using one of three approaches: (1) Design option; (2) efficiency level; or (3) reverse engineering (or cost-assessment). The design-option approach involves adding the estimated cost and efficiency of various efficiency-improving design changes to the baseline to model different levels of efficiency. The efficiency-level approach uses estimates of cost and efficiency at discrete levels of efficiency from publicly-available information, and information gathered in manufacturer interviews that is supplemented and verified through technology reviews. The reverse engineering approach involves testing products for efficiency and determining cost from a detailed bill of materials derived from reverse engineering representative products. The efficiency values range from that of a least-efficient furnace fan sold today (*i.e.,* the baseline) to the maximum technologically feasible efficiency level. For each efficiency level examined, DOE determines the MSP; this relationship is referred to as a cost-efficiency curve.

1. Efficiency Levels

In this rulemaking, DOE used an efficiency-level approach in conjunction with a design-option approach to identify incremental improvements in efficiency for each product class. An efficiency-level approach enabled DOE to identify incremental improvements in efficiency for efficiency-improving technologies that furnace fan manufacturers already incorporate in commercially-available models. A design-option approach enabled DOE to model incremental improvements in efficiency for technologies that are not commercially available in residential furnace fan applications. In combination with these approaches, DOE used a cost-assessment approach to determine the manufacturing production cost (MPC) at each efficiency level identified for analysis. This methodology estimates the incremental cost of increasing product efficiency. When analyzing the cost of each efficiency level, the MPC is not for the entire HVAC product, because furnace fans are a component of the HVAC product in which they are integrated. The MPC includes costs only for the components of the HVAC product that impact FER.

a. Baseline

During the preliminary analysis, DOE selected baseline units typical of the least-efficient furnace fans used in commercially-available, residential HVAC models that have a large number of annual shipments. This sets the starting point for analyzing potential technologies that provide energy efficiency improvements. Additional details on the selection of baseline units may be found in chapter 5 of the NOPR TSD. DOE compared the FER at higher energy efficiency levels to the FER of the baseline unit and compared baseline MPCs to the MPCs at higher efficiency levels.

DOE reviewed FER values that it calculated using test data and

performance information from publicly-available product literature to determine baseline FER ratings. Table IV.4 presents the baseline FER values identified in the preliminary analysis for each product class.

TABLE IV.4—PRELIMINARY ANALYSIS BASELINE FER

Product class	FER (W/1000 cfm)
Non-Weatherized, Non-condensing Gas Furnace Fan	380
Non-Weatherized, Condensing Gas Furnace Fan	393
Weatherized, Non-Condensing Gas Furnace Fan	333
Non-Weatherized, Non-Condensing Oil Furnace Fan	333
Electric Furnace/Modular Blower Fan	312
Manufactured Home Non-weatherized, Non-condensing Gas Furnace Fan	295
Manufactured Home Non-weatherized, Condensing Gas Furnace Fan	319
Manufactured Home Electric Furnace/Modular Blower Fan	243

Manufacturers asserted that the baseline FER values presented in the preliminary analysis were not representative of the furnace fans in the least-efficient residential HVAC models offered for sale today. Specifically, manufacturers stated that non-weatherized, non-condensing gas furnaces should be assigned a baseline FER of 451 instead of 380 and that non-weatherized, condensing gas furnaces should have an FER of 494 rather than 393. (AHRI, No. 48 at p. 5; Morrison, No. 58 at p. 6; Goodman, No. 50 at p. 5) Rheem also doubted that the difference in efficiency between non-condensing and condensing gas furnaces was only 13 points, a FER of 380 versus 393, as presented in the DOE's preliminary analysis. (Rheem, No. 43 at p. 96) Mortex calculated that their manufactured home, non-weatherized, non-condensing gas furnace had an FER of 420, not 295 as suggested by the DOE. Mortex also stated that published data used to calculate FER values were generated using ASHRAE Standard 103, not AMCA Standard 210, and that calculating FER based on published data may not be the best approach. (Mortex, No. 59 at p. 3; Mortex, No. 43 at p. 25) In contrast, Ingersoll Rand stated that the baseline FER presented in the preliminary analysis was consistent with the figures presented in AHRI Standard 210/240. (Ingersoll Rand, No. 57 at pp. A–7) Unico emphasized that the DOE should consider the broad range of designs fitting the ''baseline'' definition, lest the selected FER only be achievable by one manufacturer's design. (Unico, No. 43 at p. 79) Mortex disagreed with the DOE's key product approach, arguing that the selected product classes will have huge variation in efficiency (*i.e.,* baseline FER). (Mortex, No. 43 at p. 50) Manufacturers also provided additional baseline FER estimates during manufacturer interviews.

Some manufacturers also requested that DOE alter FER to better reflect unit capacity. Goodman suggested that DOE should consider using only one metric for all furnace fan capacities falling within the residential range (< 130 kBtuh) after making adjustments to the metric to include higher capacity units. (Goodman, No. 50 at p. 2) Alternatively, Mortex recommended that DOE should set maximum FER values for sub-product classes based on cooling capacity and cabinet size. (Mortex, No. 59 at p. 3) Similarly, AHRI stated that residential furnace fans having a 5-ton capacity also have higher FERs and recommended that DOE adjust baseline FER values to include the largest-capacity fan within a product class. (AHRI, No. 48 at p. 2) Rheem calculated FER for 19 models of gas-fired furnaces that used the same blower housing design, and it found that FER was generally not dependent on capacity. A graphic summary of Rheem's results are available in the written comment that Rheem submitted.[26] (Rheem, No. 54 at p. 5).

DOE evaluated the feedback it received and used the data provided by interested parties to generate new FER values and to revise its baseline, intermediate efficiency levels, and max-tech FER estimates. DOE's revisions included FER results for furnace fan models that span the capacity range of residential products. After reviewing all of the available FER values based on new data, DOE concluded that FER can best be represented as a linear function of airflow capacity (*i.e.,* a first constant added to airflow multiplied by a second constant). The slope characterizes the change in FER for each unit of airflow capacity increase, and the y-intercept represents where the FER line intersects the y-axis (where airflow capacity is theoretically zero). DOE proposes to use such linear functions to represent FER for the different efficiency levels of the different product classes. A more detailed description of the analysis and the methodology DOE used to generate FER equations for each efficiency level can be found in chapter 5 of the NOPR TSD.

Table IV.5 shows the revised FER baseline efficiency levels estimates that DOE used for the NOPR.

TABLE IV.5—NOPR BASELINE FER ESTIMATES

Product class	FER* (W/1000 cfm)
Non-Weatherized, Non-condensing Gas Furnace Fan	$FER = 0.057 \times Q_{Max} + 362$.
Non-Weatherized, Condensing Gas Furnace Fan	$FER = 0.057 \times Q_{Max} + 395$.
Weatherized Non-Condensing Gas Furnace Fan	$FER = 0.057 \times Q_{Max} + 271$.
Non-Weatherized, Non-Condensing Oil Furnace Fan	$FER = 0.057 \times Q_{Max} + 336$.
Electric Furnace/Modular Blower Fan	$FER = 0.057 \times Q_{Max} + 331$.
Manufactured Home Non-weatherized, Non-condensing Gas Furnace Fan	$FER = 0.057 \times Q_{Max} + 271$.

[26] Publically available at: *http://www.regulations.gov/#!documentDetail;D=EERE-2010-BT-STD-0011-0054.*

TABLE IV.5—NOPR BASELINE FER ESTIMATES—Continued

Product class	FER* (W/1000 cfm)
Manufactured Home Non-weatherized, Condensing Gas Furnace Fan	FER = 0.057 × Q_{Max} + 293.
Manufactured Home Electric Furnace/Modular Blower Fan	FER = 0.057 × Q_{Max} + 211.
Manufactured Home Weatherized Gas Furnace Fan	Reserved.
Manufactured Home Non-Weatherized Oil Furnace Fan	Reserved.

* Q_{Max} is the airflow, in cfm, at the maximum airflow-control setting measured using the proposed DOE test procedure. 78 FR 19606, 19627 (April 2, 2013).

b. Percent Reduction in FER

For the preliminary analysis, DOE determined average FER reductions for each efficiency level for a subset of key product classes and applied these reductions to all product classes. DOE found from manufacturer feedback and its review of publically-available product literature that manufacturers use similar furnace fan components and follow a similar technology path to improving efficiency across all product classes. DOE does not expect the percent reduction in FER associated with each design option, whether commercially available or prototype, to differ across product classes as a result. Table IV.6 includes DOE's preliminary analysis estimates for the percent reduction in FER from baseline for each efficiency level.

TABLE IV.6—PRELIMINARY ANALYSIS ESTIMATES FOR PERCENT REDUCTION IN FER FROM BASELINE FOR EACH EFFICIENCY LEVEL

Efficiency level (EL)	Design option	Percent reduction in FER from baseline
1	Improved PSC	2
2	Inverter-Driven PSC	10
3	Constant-Torque BPM Motor	45
4	Constant-Airflow BPM Motor + Multi-Staging	59
5	Premium Constant-Airflow BPM Motor + Multi-Staging + Backward-Inclined Impeller	*63

* DOE estimates that implementing a backward-inclined impeller at EL 5 results in a 10% reduction in FER from EL 4. This is equivalent to a reduction of 4% percent of the baseline FER. The total percent reduction in FER from baseline for EL 5 includes the 59% reduction from EL 4 and the 4% net reduction of the backward-inclined impeller for a total percent reduction of 63% from baseline.

Interested parties questioned DOE's estimates for the FER reduction for high-efficiency motors. NMC commented that the company offers a special high-efficiency PSC motor line called PEP® that can achieve 10 points of efficiency improvement over standard PSC motors rather than 1.6-percent improvement shown in the preliminary analysis. (NMC, No. 60 at p. 1) Other interested parties provided similar estimates for improved PSC motors during manufacturer interviews. Unico noted that the high-efficiency BPM motor technology options in the Engineering Analysis (constant-torque or constant-air-flow BPM) do not improve fan efficiency as much as DOE's percent reduction in FER estimates suggest. (Unico, No. 43 at p. 109) Lennox suggested that a more accurate estimate of reduction in FER resulting from PSC to X13 motor conversions would be 30 percent as opposed to the 45 percent presented in the preliminary analysis. (Lennox, No. 47 at p. 2) Goodman provided a reference to a report from Advanced Energy of North Carolina [27] that stated that replacing PSC motors with full-ECM motors results in a 51-percent reduction in full-load efficiency. (Goodman, No. 50 at p. 3) Goodman would expect that the reduction in FER for X13 and ECM conversions be lower than presented in the preliminary analysis such as 35–50 percent for X13s and 45–50 percent for ECM. (Goodman, No. 50 at p. 5)

DOE reviewed its estimates of percent reduction in FER from baseline for each efficiency level based on interested party feedback. In addition to the comments presented above, interested parties also provided FER values for higher-efficiency products in manufacturer interviews. DOE used these data to revise its percent reduction estimates. Table IV.7 shows DOE's revised estimates for the percent reduction in FER for each efficiency level that DOE used in the NOPR analyses. For a given product class, DOE applied the percent reductions below to both the slope and y-intercept of the baseline FER equation to generate FER equations to represent each efficiency level above baseline.

[27] Fitzpatrick and Murray, *Residential HVAC Electronically Commutated Motor Retrofit Report* (2012) (Available at: *http://www.advancedenergy.org/ci/services/testing/files/Residential%20HVAC%20Electronically%20Commutated%20Motor%20Retrofit%20Final%20Report.pdf*).

TABLE IV.7—NOPR ESTIMATES FOR PERCENT REDUCTION IN FER FROM BASELINE FOR EACH EFFICIENCY LEVEL

Efficiency level (EL)	Design option	Percent reduction in FER from baseline
1	Improved PSC	10
2	Inverter-Driven PSC	25
3	Constant-Torque BPM Motor	42
4	Constant-Torque BPM Motor and Multi-Staging	50
5	Constant-Airflow BPM Motor and Multi-Staging	53
6	Premium Constant-Airflow BPM Motor and Multi-Staging + Backward-Inclined Impeller	*57

*DOE estimates that implementing a backward-inclined impeller at EL 6 results in a 10% reduction in FER from EL 5. This is equivalent to a 4% percent reduction in FER from baseline. The total percent reduction in FER from baseline for EL 6 includes the 53% reduction from EL 5 and the 4% net reduction from the backward-inclined impeller for a total percent reduction of 57% from baseline.

DOE believes that these revised estimates are consistent with the comments received from interested parties. Note that EL 4 in the table above is a newly proposed efficiency level. As discussed in section IV.A.3, DOE analyzed multi-staging as a separate technology option. For the NOPR, DOE also has evaluated a separate efficiency level representing applying multi-staging to a furnace fans with a constant-torque BPM motor. DOE recognizes that the percent reduction in FER for inverter-driven PSC increased considerably. However, since the baseline FER values increased for the NOPR, DOE believes that the percent reductions cannot directly be compared to those proposed in the preliminary analysis. DOE notes that the cited reductions may not appear to be fully consistent with stakeholder comments in part because they are FER reductions rather than reductions in full-load electrical efficiency. DOE expects that FER reductions may be significantly higher than full-load input power reductions, especially for efficiency levels based on use of BPM motors, because FER includes electrical energy consumption at reduced operating modes, for which these motors achieve much greater power reduction than PSC designs.

2. Manufacturer Production Cost (MPC)

In the preliminary analysis, DOE estimated the manufacturer production cost associated with each efficiency level to characterize the cost-efficiency relationship of improving furnace fan performance. The MPC estimates are not for the entire HVAC product because furnace fans are a component of the HVAC product in which they are integrated. The MPC estimates includes costs only for the components of the HVAC product that impact FER, which DOE considered to be the:

- Fan motor and integrated controls;
- Primary control board (PCB);
- Multi-staging components;
- Impeller;
- Fan housing; and
- Components used to direct or guide airflow.

DOE separated the proposed product classes into high-volume and low-volume product classes and generated high-volume and low-volume MPC estimates to account for the increased purchasing power of high-volume manufacturers.[28]

a. Production Volume Impacts on MPC

Morrison stated that DOE's assumption that large manufacturers have the same purchasing power across product types, even when those products are low volume, may or may not be true, because low-volume products may run through different processes. (Morrison, No. 43 at p. 118) Rheem stated that, in some cases, it uses the same blower system in low-volume products that it uses in high-volume products. (Rheem, No. 43 at p. 118) Unico commented that it uses different manufacturing processes than those presented in DOE's analysis and recommended that a different metric should be used to evaluate technologies that differ by process. (Unico, No. 43 at p. 122) Mortex stated that the motor costs for smaller manufacturers can be 15–20 percent greater than for large manufacturers because they do not, as stated by NEMA, benefit from economies of scale. (Mortex, No. 59 at p. 3; NEMA, No. 43 at p. 113)

DOE recognizes that high-volume manufacturers may use different processes to manufacture low-volume products than to manufacture high-volume products. However, DOE finds that 94 percent of the MPC for furnace fans is attributed to materials (including purchased parts like fan motors), which are not impacted by process differences. DOE's estimates also already account for process differences between manufacturers for high-volume and low-volume products. The products that DOE evaluated to support calculation of MPC included furnace fans from various manufacturers, including both high-volume and low-volume models. Observed process differences are reflected in the bills of materials for those products. DOE agrees with Mortex that low-volume manufacturers experience higher costs for materials, such as motors. DOE believes that its approach to distinguish between high-volume and low-volume product classes accounts for the expected difference in MPC between high-volume and low-volume product classes.[29]

b. Inverter-Driven PSC Costs

In the preliminary analysis, DOE estimated that the MPC of inverter control for a PSC motor is $10–$12, depending on production volume. Ingersoll Rand stated that an inverter cannot be added to a PSC for only $10–$12. (Ingersoll Rand, No. 57 at pp. A–7) NMC also questioned the validity of the inverter controller cost estimate, stating that the cost of an inverter driven controller is significantly higher than $12, unless DOE is erroneously equating inverters to wave chopper technology, which is far less efficient. (NMC, No. 60 at p. 1)

DOE's preliminary analysis estimate for the MPC of an inverter-driven PSC was indeed based on a wave chopper drive. DOE finds that more sophisticated and costly inverters are required to achieve the efficiencies reflected in DOE's analysis. Consequently, DOE has adjusted its cost estimate for PSC inverter technology. DOE gathered more information about the cost of inverters that are suited for improving furnace fan efficiency. In addition to receiving cost estimates during manufacturer interviews, DOE also reviewed its cost estimates for inverter drives used in other residential applications, such as clothes washers. DOE finds that $30 for high-volume

[28] High-volume and low-volume product classes are discussed further in chapter 5 of the NOPR TSD.

[29] High-volume and low-volume product classes are discussed further in chapter 5 of the NOPR TSD.

products and $42.29 for low-volume products are better estimates of the MPC for inverters used to drive PSC furnace fan motors. Accordingly, DOE has updated these values for the NOPR.

c. Furnace Fan Motor MPC

Manufacturers stated that DOE underestimated the incremental MPC to implement high-efficiency motors in HVAC products, other than oil furnaces. (Rheem, No. 54 at p. 10) Most manufacturers stated that the cost increase to switch from PSCs to more-efficient motor technologies was at least twice that of the DOE's estimate. (Lennox, No. 43 at p. 23, 113 and No. 47 at p. 1; Mortex, No. 43 at p. 25; Rheem, No. 43 at p. 112; Goodman, No. 50 at p. 3) AHRI and Morrison claimed incremental costs associated with an X13 motor should be $60, instead of the $22.73 reported by DOE and in the case of ECMs, $133 instead of the $91.95 reported by DOE. (AHRI, No. 48 at p. 6; Morrison, No. 58 at p. 6) Nidec, a motor manufacturer, commented that DOE should directly contact motor suppliers to confirm motor prices. (NMC, No. 43 at p. 112) Regal Beloit requested DOE review its assumption on motor horsepower range to explain why Rheem and other manufacturers claim their motors cost twice what is shown in DOE's preliminary analysis. (Regal Beloit, No. 52 at p. 242) DOE received additional feedback regarding its estimated motor prices during NOPR-phase manufacturer interviews.

Based upon the input received from interested parties, DOE adjusted its motor cost estimates. In general, DOE increased its estimates by approximately 10 to 15 percent, which is consistent with the feedback DOE received. Details regarding DOE's revised motor MPC estimates are provided in chapter 5 of the NOPR TSD.

d. Motor Control Costs

In the preliminary analysis, DOE estimated that the MPC of the primary control board (PCB) increases with each conversion to a more-efficient motor type (*i.e.,* from PSC to constant-torque BPM motor and from constant-torque to constant-airflow BPM motor). Both Lennox and Goodman confirmed that higher-efficiency motors require more sophisticated and costly controls. These manufacturers stated that control costs for an X13 motor application increase from 50–100 percent, as compared to controls for PSC motors. (Lennox, No. 47 at p. 8; Goodman, No. 50 at p. 2) Rheem stated that the controls of one of its modulating furnace models that uses a variable speed furnace fan are costly, although no quantified estimate was provided. (Rheem, No. 54 at p. 7) Rheem also responded that Regal Beloit's Evergreen [30] motors, which are designed as replacements for PSCs, may be used with the same primary controls developed for the original PSC motor.[31] (Rheem, No. 54 at p. 7) Ingersoll Rand stated that boards supporting modulating motors and communication are the most costly. (Ingersoll Rand, No. 57 at pp. A–2) DOE also received feedback regarding the cost of the PCBs associated with each motor type during manufacturer interviews. In general, manufacturers commented that the PCBs used with constant-torque BPM motors are more costly. However, other manufacturer interview participants stated that the MPC of the PCB used with these motors should be equivalent or even less expensive than the PCBs used with PSC motors.

DOE agrees with interested parties that the MPC of the PCB needed for a constant-airflow BPM motor is higher than for the PCB paired with a PSC motor. DOE maintained this assumption for the NOPR. DOE estimates that the MPC of a PCB paired with a constant-airflow BPM motor is roughly twice as much as for a PCB paired with a constant-torque BPM motor or PSC. DOE also agrees with the interested parties that stated that the MPC for a PCB paired with a constant-torque BPM motor is equivalent to that of a PCB needed for a PSC motor. DOE revised its analysis to reflect this assumption in the NOPR as a result.

e. Backward-Inclined Impeller MPC

Interested parties commented that DOE's preliminary analysis estimate for the incremental MPC associated with implementing a backward-inclined impeller, in combination with a premium constant-airflow BPM motor and multi-staging, is too low. (AHRI, No. 48 at p. 2; Ingersoll Rand, No. 57 at p. 2) Morrison and AHRI commented that tighter tolerances and increased impeller diameter lead to increased material costs, as well as increased costs associated with motor mount structure and reverse forming fabrication processes. (AHRI, No. 48 at p. 3; Morrison, No. 43 at p. 120) Rheem and Morrison stated that the dimensional clearance for a backward-inclined impeller would be 0.04–0.05 inches instead of 0.24–0.5 for a forward-curved impeller. (Rheem, No. 54 at p. 8; Morrison, No. 58 at p. 3) This increase in product size and tolerance could lead to increased production costs. Ingersoll Rand, Morrison, and Rheem all cited increased material, assembly controls, reverse forming processes, and the strengthening of motor mounting systems (necessary at increased motor speeds) as potential costs associated with backward-inclined impellers. (Ingersoll Rand, No. 57 at pp. A–3; Morrison, No. 58 at p. 4; Rheem, No. 54 at p. 8)

DOE reviewed its manufacturer production cost estimates for the backward-inclined impeller technology option based on interested party comments. During manufacturer interviews, some manufacturers reiterated or echoed that DOE's estimated MPC for backward-inclined impellers is too low, but they did not provide quantification of the total MPC of backward-inclined impellers or the incremental MPC associated with the changes needed to implement them. Other manufacturers did quantify the MPC of backward-inclined impeller solutions and their estimates were consistent with DOE's preliminary analysis estimate. Consequently, DOE did not modify its preliminary analysis estimated MPC for backward-inclined impellers.

D. Markups Analysis

DOE uses manufacturer-to-consumer markups to convert the manufacturer selling price estimates from the engineering analysis to consumer prices, which are then used in the LCC and PBP analysis and in the manufacturer impact analysis. Before developing markups, DOE defines key market participants and identifies distribution channels. Generally, the furnace distribution chain (which is relevant to the residential furnace fan distribution chain) includes distributors, dealers, general contractors, mechanical contractors, installers, and builders. For the markups analysis, DOE combined mechanical contractors, dealers, and installers in a single category labeled ''mechanical contractors,'' because these terms are used interchangeably by the industry. Because builders serve the same function in the HVAC market as general contractors, DOE included builders in the ''general contractors'' category.

In the preliminary analysis, DOE used the same distribution channels for furnace fans as it used for furnaces in the recent energy conservation standards rulemaking for those products. 76 FR 37408, 37464 (June 27, 2011). DOE believes that this is an appropriate approach, because the vast

[30] Evergreen is a constant-airflow BPM motor that is meant to be installed as an on-site replacement of outdated PSC motors.

[31] The constant-airflow BPM motors that DOE analyzed for EL 5 and EL 6 cannot be used with the same primary controls for a PSC motor. See chapter 3 and chapter 5 of the NOPR TSD.

majority of the furnace fans covered in this rulemaking is a component of a furnace. Manufactured housing furnace fans in new construction have a separate distribution channel in which the furnace (and fan) go directly from the furnace manufacturer to the producer of manufactured homes.

In the preliminary analysis, DOE requested comment on whether the market for replacement fans is large enough to merit a separate distribution channel, and, if so, what would be an appropriate assumption for its market share. Goodman expressed their belief that there is no market for replacing and/or upgrading only the furnace fan component of the furnace. (Goodman, No. 50 at p. 3) Goodman and AHRI commented that they are opposed to field replacements and retrofits of motors and blowers because such practices could have product safety implications. (Goodman, No. 50 at p. 3; AHRI, No. 48 at p. 4) In contrast, Nidec recommended that DOE should consider a distribution channel for replacing furnace fans in already installed equipment. (Nidec, No. 60 at pp. 2–3)

DOE has tentatively concluded that there is insufficient evidence of a replacement market for furnace fans.

DOE develops baseline and incremental markups to transform the manufacturer selling price into a consumer product price. DOE uses the baseline markups, which cover all of a distributor's or contractor's costs, to determine the sales price of baseline models. Incremental markups are separate coefficients that DOE applies to reflect the incremental cost of higher-efficiency models.

AHRI and Morrison voiced concerns with DOE's approach to incremental markups. (AHRI, No. 48 at p. 6; Morrison, No. 58, at p. 7) These commenters stated that while the concept of profits constrained to the long-run cost of capital is a basic tenet of microeconomics, it has not been validated empirically and that there are enough exceptions and alternative concepts to question the use of that concept in a normative manner. AHRI also stated that DOE's basic theoretical framework requires that the relevant industry must be highly competitive, and AHRI believes that there are reasons to question this assumption in the context of residential furnace fans. Goodman concurred with the concerns noted by AHRI in regards to the markups analysis. (Goodman, No. 50 at p. 5)

DOE acknowledges that detailed information on actual distributor and contractor practices would be helpful in evaluating their markups on furnaces. However, DOE finds it implausible that profit per unit would increase in the medium and long run if the cost of goods sold increases due to efficiency standards. Thus, in the absence of evidence to the contrary, DOE continues to assume that markups would decline slightly, leaving profit unchanged, and, thus, it uses lower markups on incremental costs of higher-efficiency products. Regarding the competitiveness of the HVAC distribution industry and the HVAC contractor industry, DOE does not have any empirical measures of competitiveness, but its impression, based on experience with these industries, is that there is sufficient competition to validate DOE's assumptions with respect to the difficulty of distributors and contractors increasing profits as a result of standards.

AHRI and Morrison disagreed with DOE's prediction that margins should be going up over time as equipment prices decrease. (AHRI, No. 48 at p. 6; Morrison, No. 58, at p. 7) DOE did not project a decrease in furnace fan prices in the preliminary analysis, and the markups are assumed to remain the same over time.

Lennox believes that DOE's claim that incremental costs will be discounted on markups through the distribution chain by approximately 50 percent understates the amount of increased costs that manufacturers will seek to pass through to consumers. (Lennox, No. 47 at p. 1) DOE does not apply a separate markup on the incremental manufacturer selling price. DOE assumes that manufacturers will be able to pass on the full incremental costs of higher-efficiency furnace fans.

Morrison stated that the markups analysis does not accurately calculate the costs for installers/contractors. Morrison noted that with increase in efficiency standards, there will be added labor and an associated cost to assure the buyer of the efficiency gains; the added labor of installation and commissioning is not included in the markups analysis, and, thus, the final markup is too small. (Morrison, No. 58, at p. 6) In response, the labor for installation and commissioning, including specific costs for higher-efficiency furnace fans, is included in the LCC and PBP analysis, as DOE assumes that this cost is not part of the consumer cost of the furnace itself.

E. Energy Use Analysis

The purpose of the energy use analysis is to determine the annual energy consumption of residential furnace fans in representative U.S. homes and to assess the energy savings potential of increased furnace fan efficiency. In general, DOE estimated the annual energy consumption of furnace fans at specified energy efficiency levels across a range of climate zones. The annual energy consumption includes the electricity use by the fan, as well as the change in natural gas, liquid petroleum gas (LPG), electricity, or oil use for heat production as result of the change in the amount of useful heat provided to the conditioned space as a result of the furnace fan. The annual energy consumption of furnace fans is used in subsequent analyses, including the LCC and PBP analysis and the national impact analysis.

DOE used the existing DOE test procedures for furnaces and air conditioners to estimate heating and cooling mode operating hours for the furnace fan. The power consumption of the furnace fan is determined using the individual sample housing unit operating conditions (the pressure and airflow) at which a particular furnace fan will operate when performing heating, cooling, and constant-circulation functions. The methodology and the data are fully described in chapter 7 of the NOPR TSD.

DOE used the Energy Information Administration's (EIA) Residential Energy Consumption Survey (RECS) [32] to establish a sample of households using furnace fans for each furnace fan product class. RECS data provide information on the age of furnaces with furnace fans, as well as heating and cooling energy use in each household. The survey also includes household characteristics such as the physical characteristics of housing units, household demographics, information about other heating and cooling products, fuels used, energy consumption and expenditures, and other relevant data. DOE uses the household samples not only to determine furnace fan annual energy consumption, but also as the basis for conducting the LCC and PBP analysis.

For the NOPR, DOE used RECS 2009 [33] heating and cooling energy use data to determine heating and cooling operating hours. DOE used data from RECS 2009, American Housing Survey (AHS) 2011,[34] and the Census Bureau [35] to project household weights in 2019, which is the anticipated compliance date of any new energy efficiency

[32] Energy Information Administration, 2009 Residential Energy Consumption Survey (Available at: *http://www.eia.doe.gov/emeu/recs*).

[33] *See http://www.eia.gov/consumption/residential/data/2009/.*

[34] *See http://www.census.gov/housing/ahs/data/national.html.*

[35] *See http://www.census.gov/popest/.*

standard for residential furnace fans. These adjustments account for housing market changes since 2009, as well as for projected product and demographic changes.

The power consumption (and overall efficiency) of a furnace fan depends on the speed at which the motor operates, the external static pressure difference across the fan, and the airflow through the fan. To calculate furnace fan electricity consumption, DOE determined the operating conditions (the pressure and airflow) at which a particular furnace fan will operate in each RECS housing unit when performing heating, cooling, and constant-circulation functions.

DOE gathered field data from available studies and research reports to determine an appropriate distribution of external static pressure (ESP) values. DOE compiled over 1,300 field ESP measurements from several studies that included furnace fans in single-family and manufactured homes in different regions of the country. The average ESP value in the cooling operating mode from these studies results in an average 0.65 in. wc for single-family households and 0.30 in. wc for manufactured homes.

DOE determined furnace fan operating hours in heating mode by calculating the furnace burner operating hours and adjusting them for delay times between burner and fan operation. Burner operating hours are a function of annual house heating load, furnace efficiency, and furnace input capacity.

EEI stated that DOE should take into consideration the impact of more-stringent building energy codes when estimating energy use baselines and projected energy savings. (EEI, No. 65 at p. 4) In response, DOE's analysis accounts for the likelihood that, compared to recently-built homes in the RECS sample, new homes in the year of compliance will have both a lower heating load per square foot and more square footage using the building shell efficiency index from *AEO 2012.*

In the preliminary analysis, to estimate use of constant circulation in the sample homes, DOE evaluated the available studies, which include a 2010 survey in Minnesota [36] and a 2003 Wisconsin field monitoring of residential furnaces.[37] DOE did not use these data directly, however, because it believes they are not representative of consumer practices for the U.S. as a whole. In these northern States, many homes have low air infiltration, and there is a high awareness of indoor air quality issues, which could lead to significant use of constant circulation. To develop appropriate assumptions for other regions, DOE modified the data from these States using information from manufacturer product literature (which suggests very little use in humid climates) and consideration of climate conditions in other regions.

Several parties stated that DOE overestimated the use of constant-circulation mode, thereby overcounting the energy savings from higher-efficiency furnace fans. AHRI commented that continuous circulation is used significantly less than estimated in DOE's technical support document. In particular, AHRI pointed out that DOE's estimate of constant-circulation hours is based on surveys taken in only two States—Wisconsin and Minnesota—where there is high occurrence of indoor air quality issues that make use of the continuous fan feature more likely. To overcome this perceived deficiency, AHRI recommended a study of constant-circulation hours in areas of the country that do not have high occurrences of indoor air quality issues, leading to an allocation that is more representative of behavior in the U.S. (AHRI, No. 48 at p. 4) Ingersoll Rand also stated that Wisconsin is not a good representation of the full national population, noting that DOE partially acknowledges this by assuming that the North is different from the South in terms of the use of constant circulation. (Ingersoll Rand Residential Solutions, No. 57, at p. 8) Goodman concurred that the values proposed for constant-circulation hours are unrealistically high. Based on Goodman's experience, the commenter stated that a more typical value for the percentage of U.S. households that use the fan in constant-circulation mode would likely be in the low single digits. (Goodman, No. 50 at p. 3) Morrison also stated that allocation of a large percentage of furnace fan time in the circulatory mode (21 percent of total time) is excessive. (Morrison, No. 58, at p. 7)

In contrast, CA IOUs stated that constant-circulation mode on the air handler is a primary means for mechanical ventilation of homes. CA IOUs argued that as States increasingly adopt building codes that call for more airtight building envelopes, the need for mechanical ventilation increases as natural ventilation decreases. Based upon this reasoning, CA IOUs stated that 400 hours per year in constant-circulation mode (approximately the average that DOE estimated for non-weatherized gas furnace fans) would be a conservative estimate. (CA IOU's, No. 56, at p. 3) NEEA stated that based on recent trends in ventilation and in the sales of filtration systems, there is a substantial increase in the use of constant circulation, especially in new home construction. (Transcript, No. 43 at p. 193)

DOE acknowledges that it would be desirable to have additional data on the use of constant circulation in other parts of the country, but DOE was not able to conduct a study as suggested by AHRI for the NOPR analysis, nor did any commenter provide such data. DOE concurs with the CA IOUs that the use of constant circulation may increase in new homes. For the NOPR, DOE used the same assumptions for use of constant circulation as it did in the preliminary analysis, which are also used in the proposed DOE test procedure for furnace fans. 77 FR 28674 (May 15, 2012). The shares of homes using the various constant-circulation modes are presented in Table IV.8. However, DOE also performed a sensitivity analysis to estimate the effect on the LCC results if it assumed half as much use of constant circulation. These results are discussed in section V.B.1 of this notice.

TABLE IV.8—CONSTANT-CIRCULATION PROPOSED TEST PROCEDURE ASSUMPTIONS USED FOR NOPR ANALYSIS

Constant-circulation fan use	Assumed average number of hours	Estimated share of homes in north and south-hot dry regions (percent)	Estimated share of homes in south-hot humid region (percent)
No constant fan	0	84	97
Year-round	7290	7	1

[36] Provided in CEE, No. 22 at pp. 1–2.

[37] Pigg, S., ''Electricity Use by New Furnaces: A Wisconsin Field Study'' (October 2003) (Available at *http://www.doa.state.wi.us/docview.asp?docid=1812*).

TABLE IV.8—CONSTANT-CIRCULATION PROPOSED TEST PROCEDURE ASSUMPTIONS USED FOR NOPR ANALYSIS—Continued

Constant-circulation fan use	Assumed average number of hours	Estimated share of homes in north and south-hot dry regions (percent)	Estimated share of homes in south-hot humid region (percent)
During heating season	1097	2	0.4
During cooling season	541	2	0.4
Other (some constant fan)	365	5	1
Total		100	100

Commenting on the preliminary analysis, EEI stated that DOE should balance fan energy savings with the potential for additional fuel use of the HVAC product. (EEI, No. 65 at p. 3) With improved fan efficiency, there may be less heat from the motor, which means that the heating system needs to operate more and the cooling system needs to operate less. In response, DOE did account for the effect of improved furnace fan efficiency on the heating and cooling load of the sample homes. Goodman noted that DOE's assumptions are technically correct with regard to the effect on heating or cooling requirements from the change in fan energy consumption, and the adjustments appear to be appropriate. (Goodman, No. 50 at p. 4)

In the preliminary analysis, DOE recognized that the energy savings in cooling mode from higher-efficiency furnace fans used in some higher-efficiency CAC and heat pumps was already accounted for in the analysis related to the energy conservation standards for those products. To avoid double-counting, the analysis for furnace fans does not include furnace fan electricity savings that were counted in DOE's analysis for CAC and heat pump products.

AHRI and Morrison commented that the LCC analysis includes furnace fan operating hours and furnace fan power operation in the cooling mode in the total energy consumption calculation. AHRI and Morrison noted that regulated metrics such as SEER and Heating Seasonal Performance Factor (HSPF) already address fan energy consumption in air conditioners and heat pumps respectively. (AHRI, No. 48 at p. 6; Morrison, No. 58, at p. 8) Morrison commented that including this energy savings for this standard would result in the savings being counted under two regulatory standards. Mortex commented that: (1) The electricity used to circulate air in the summer is already being accounted for as part of the SEER metric for central air conditioners and heat pumps; (2) in the winter, the E_{AE} metric for furnaces accounts for all electricity being used, including by the furnace fan; and (3) for heat pumps, the electricity used to circulate air is accounted for in the winter heating mode by the HSPF metric. (Mortex, No. 59, at pp. 1–2) Ingersoll Rand stated that heating and cooling should not be combined, as it does not accurately portray the cooling performance for all possible capacities and duplicates the furnace fan inclusion in the SEER determination. (Ingersoll Rand Residential Solutions, No. 57, at p. 1)

The standards for CAC and heat pump products that will be effective in 2015 do not require a furnace with BPM motor-driven fan. However, DOE's rulemaking analysis for CAC and heat pump products included savings from those households purchasing a CAC or heat pump at SEER 15 or above, that would need to have an BPM motor-driven fan in their furnace to achieve that efficiency level. The base-case efficiency distribution of fans used in the current analysis includes the presence of those BMP motor-driven fans in homes with the higher-efficiency CAC or heat pumps. Because the energy savings from the considered fan efficiency levels are measured relative to the base-case efficiencies, any savings reported here for furnace fans are over and above those counted in the CAC and heat pump rulemaking.

Recognizing the possibility of consumers using higher-efficiency furnace fans more than baseline furnace fans, DOE included a rebound effect in its preliminary analysis. DOE used a 2009 program evaluation report from Wisconsin [38] to estimate the extent to which increased use of constant circulation under a standard requiring ECM furnace fans is likely to cancel out some of the savings from such a fan.

Commenters presented differing views on the likelihood of a rebound effect for furnace fans. Rheem believes that the Wisconsin study is reasonable in its estimate of the fraction of households that may switch to continuous circulation use under a standard requiring ECM furnace fans. (Rheem, No. 54, at p. 13) Goodman does not believe there has been a significant shift in terms of increased usage of continuous fan with customers that have an ECM product versus an X13 product versus a PSC product. (Goodman, No. 50 at p. 4) Ingersoll Rand commented that if there were any comfort basis for the use of continuous fan mode, more use might lead to a lower heating set-point and a higher cooling set-point, offsetting the added energy consumption for continuous fan. Ingersoll Rand commented that the rebound effect, if it exists, is uncertain in direction and magnitude and should be deleted from the analysis. (Ingersoll Rand Residential Solutions, No. 57, at p. 8)

DOE acknowledges that the magnitude of a rebound effect for furnace fans across the country is uncertain. However, because there is some evidence for the existence of a rebound effect, DOE prefers to include such an effect rather than risk overstating the energy savings from higher-efficiency furnace fans. The specific assumptions are described in chapter 7 of the NOPR TSD.

F. Life-Cycle Cost and Payback Period Analysis

In determining whether an energy conservation standard is economically justified, DOE considers the economic impact of potential standards on consumers. The effect of new or amended energy conservation standards on individual consumers usually involves a reduction in operating cost and an increase in purchase cost. DOE

[38] State of Wisconsin, Public Service Commission of Wisconsin, Focus on Energy Evaluation Semiannual Report, Final (April 8, 2009) (Available at: *http://www.focusonenergy.com/files/document_management_system/evaluation/emcfurnaceimpactassessment_evaluationreport.pdf*).

uses the following two metrics to measure consumer impacts:

• *Life-cycle cost* (LCC) is the total consumer cost of an appliance or product, generally over the life of the appliance or product. The LCC calculation includes total installed cost (equipment manufacturer selling price, distribution chain markups, sales tax and installation cost), operating costs (energy, repair, and maintenance costs), equipment lifetime, and discount rate. Future operating costs are discounted to the time of purchase and summed over the lifetime of the product.

• *Payback period* (PBP) measures the amount of time it takes consumers to recover the assumed higher purchase price of a more energy-efficient product through reduced operating costs. Inputs to the payback period calculation include the installed cost to the consumer and first-year operating costs.

DOE analyzed the net effect of potential residential furnace fan standards on consumers by calculating the LCC and PBP for each efficiency level for each sample household. DOE performed the LCC and PBP analyses using a spreadsheet model combined with Crystal Ball (a commercially-available software program used to conduct stochastic analysis using Monte Carlo simulation and probability distributions) to account for uncertainty and variability among the input variables (*e.g.,* energy prices, installation costs, and repair and maintenance costs). It uses weighting factors to account for distributions of shipments to different building types and States to generate LCC savings by efficiency level. Each Monte Carlo simulation consists of 10,000 LCC and PBP calculations. The model performs each calculation using input values that are either sampled from probability distributions and household samples or characterized with single-point values. The analytical results include a distribution of points showing the range of LCC savings and PBPs for a given efficiency level relative to the base-case efficiency forecast. The results of DOE's LCC and PBP analysis are summarized in section IV.F and described in detail in chapter 8 of the NOPR TSD.

1. Installed Cost

The installed cost at each efficiency level is based on the MSP, distribution chain markups, sales tax, and installation cost.

In the preliminary analysis, DOE found that the historic real (*i.e.,* adjusted for inflation) producer price index (PPI) for integral horsepower electric motors has been relatively flat except for the last few years, and elected to use prices held constant at the 2011 level as the default price assumption to project future motor (and furnace fan) prices. Goodman commented that specifically looking at fractional motor (*i.e.,* the type used in furnace fans) instead of integral horsepower motors would provide a better comparison for furnace fans, and that prices of such motors will not remain flat, but will continue to grow in the trend from the last five years. (Goodman, No. 50 at p. 5)

For the NOPR, DOE evaluated the historic real PPI of fractional horsepower electric motors instead of integral horsepower electric motors. DOE found that this index has been decreasing except for the last few years, when it started to increase. Given the uncertainty about whether the recent trend will continue or instead revert to the historical mean, for the NOPR, DOE elected to continue using constant prices at the most recent level as the default price assumption to project future prices of furnace fans. Appendix 10–C of the NOPR TSD describes the historic PPI data.

In the preliminary analysis, DOE assumed that a fraction of ECM furnace fan installations will require up to an hour of extra labor. Goodman commented that based on its experience, at least two hours of extra labor will be required in the majority of ECM furnace fan installations. It notes this is particularly true in light of the fact that many regulatory authorities, such as California Energy Commission via Title 24, are requiring more verification of proper airflow, which may be more challenging with advanced technologies such as ECM motors. (Goodman, No. 50 at p. 5)

For the NOPR, DOE modified its approach and assumed that up to two hours of extra labor will be required for all ECM furnace fan installations. Details of the updated approach are available in chapter 8 of the NOPR TSD.

2. Operating Costs

In the preliminary analysis, DOE used the same maintenance costs for furnace fans at different efficiency levels. To estimate rates of fan motor failure, DOE developed a distribution of fan motor lifetime (expressed in operating hours) by motor size using data developed for DOE's small electric motors final rule (75 FR 10874 (March 9, 2010)).[39] DOE then paired these data with the calculated number of annual operating hours for each sample furnace, including constant circulation for some of the homes. Replacement motor costs were based on costs developed in the engineering analysis, and the labor time and costs were based on RS Means data.[40] [41] DOE had no information indicating the extent to which consumers would replace a fan PSC motor with an ECM, so it assumed that when replacement is necessary, consumers replace the failed motor with the same type of motor.

Nidec estimated that three percent of the motors operating the furnace fan fail each year. (Nidec, No. 60 at pp. 2–3) DOE agrees that the fan motor may fail and included motor replacement in the LCC and PBP analysis.

AHRI, Goodman, and Rheem commented that higher-efficiency motors have increased failure rates. AHRI and Rheem noted that the failure rate for a high-efficiency motor is typically higher than the failure rate of a PSC motor, because the electronics added to a high-efficiency motor introduce new failure modes associated with the life of electronic controls in damp, very cold, and very hot conditions. (AHRI, No. 48 at p. 6; Rheem, No. 54, at p. 14) Goodman commented that generally, more complex motors contain more components that can potentially break, which is true of the additional controls in X13 and ECM technologies. The commenter recommended that DOE estimate that service requirements will be 20 to 50 percent greater for higher-efficiency motors and related controls, and that the cost of such service will be more for X13 and ECM than for PSC motors. Goodman also suggested that DOE should use a reduced lifetime (by five to ten percent) for X13 and ECM furnace fan motors, as PSC motor technologies are very mature and X13 and ECM are relatively young. (Goodman, No. 50 at p. 6)

DOE agrees that the electronics of higher-efficiency motors are likely to have increased failure rates. For the NOPR, DOE included repair to electronics for PSC motors with controls, constant-torque BPM motors, and especially constant-airflow BPM motors. DOE added an extra cost for the cases that require control updates for these efficiency levels. DOE also applied an additional labor hour to account for cases when it is necessary to replace the motors for the constant-torque BPM and constant-airflow BPM efficiency levels. See chapter 8 of the NOPR TSD for further details.

[39] *See: http://www1.eere.energy.gov/buildings/appliance_standards/commercial/sem_finalrule_tsd.html.*

[40] RS Means Company Inc., *RS Means Residential Cost Data* (2012).

[41] RS Means Company Inc., *Facilities Maintenance & Repair Cost Data* (2012).

DOE did not have a firm basis for quantifying the degree to which constant-torque BPM motors and constant-airflow BPM motors have a shorter lifetime than PSC motors. Although DOE used the same motor lifetime for each fan efficiency level in terms of total operating hours, the lifetime in terms of years is lower for constant-torque BPM and constant-airflow BPM motors, because they are more frequently used in multi-stage heating mode. In addition, DOE included additional labor hours to repair constant-torque BPM and constant-airflow BPM motors, as well as higher equipment cost for the BPM motors. Thus, on average, consumers with constant-torque BPM motors or constant-airflow BPM motors have higher life-cycle repair costs.

Goodman commented that DOE excluded annual repair and maintenance costs from its payback analyses, and it believes those annualized costs should be included. (Goodman, No. 50 at p. 6) In response, DOE's rulemaking analysis, and this NOPR, use a simple payback period, which does not account for changes in operating expense over time. This payback period is the amount of time it takes the consumer to recover the additional installed cost of more-efficient products, compared to baseline products, through energy cost savings. Repair costs are generally most significant in the later years of a product's lifetime. Thus, they are not necessarily relevant to the payback periods that consumers actually experience.

3. Other Inputs

DOE modeled furnace fan lifetime based on the distribution of furnace lifetimes developed for the recent energy conservation standards rulemaking for furnaces.[42] 76 FR 37408, 37476–77 (June 27, 2011). DOE used the same lifetime for furnace fans at different efficiency levels because there are no data that indicate variation of lifetime with efficiency. However, DOE modeled fan motor failure and replacement as a repair cost that affects a certain percentage of furnace fans, as discussed above. Ingersoll Rand commented that there should be no reason for an electric furnace to have a shorter lifetime than a fossil-fueled furnace. (Ingersoll Rand Residential Solutions, No. 57, at p. 9) For the NOPR analysis, DOE assumed that the lifetime for the fans installed in electric furnaces and gas furnaces is the same.

DOE used the same distribution of discount rates for furnace fans as it used in the recent energy conservation standards rulemaking for furnaces. For replacement furnaces, the average rate is 5.0 percent.

4. Base-Case Efficiency Distribution

To estimate the share of consumers that would be affected by an energy conservation standard at a particular efficiency level, DOE's LCC and PBP analysis considers the projected distribution (*i.e.,* market shares) of product efficiencies in the first compliance year under the base case (*i.e.,* the case without new or amended energy conservation standards). For the preliminary analysis, DOE found very limited data with which to estimate either current shares or recent trends. DOE requested comments on its estimate of the base-case efficiency distribution of furnace fans in 2019, as well as data that might support use of different assumptions.

Several parties commented that DOE's estimates of constant-torque BPM motor and constant-airflow BPM motor market growth seem overly optimistic. Ingersoll Rand commented that DOE overestimated the future market share of these motors. (Ingersoll Rand Residential Solutions, No. 57, at p. 2) Lennox stated that the preliminary TSD's market growth assumptions are overstated for both constant-torque and variable-speed (ECM) motors. Lennox believes other factors increased adoption of higher-efficiency products between 2009 and 2011, namely, that was the period when a $1,500 Federal tax credit was available for furnaces with an AFUE rate of 95 percent or more. (Lennox, No. 47 at p. 2) Morrison commented that the projections for ECM market penetration are based on information from 2010 that presents an overly positive picture for the growth absent incentives. It stated that the market share of ECM motors has fallen in 2012 and will likely remain around that level without additional incentives, although it noted that regional furnace and air conditioner standards would likely increase market penetration of ECM and X13 motors. (Morrison, No. 58 at p. 8) AHRI and Morrison conceded that DOE's regional standards for central air conditioners, heat pumps and furnaces may slightly increase the usage of ECM and X13 motors, but such an increase would still not match DOE's projected ECM market share. (AHRI, No. 48 at p. 4; Morrison, No. 58 at p. 8) Rheem presented a forecast from its procurement group that shows the share of variable-speed motors declining to the 20–25 percent range in 2012 and remaining at that level in 2013. (Rheem, No. 54, at p. 13) EEI stated that DOE should take into consideration the impact of tax incentives for the purchase of energy-efficient heating and cooling equipment when estimating energy use baselines and projected energy savings. (EEI, No. 65 at p. 4) AHRI included a chart showing a declining trend in the usage of ECM and X13 motors after the expiration of the Federal tax credits. (AHRI, No. 48 at p. 4)

AHRI commented that current trends suggest that the ECM and X13 market shares will be 25–30 percent and 10–15 percent respectively by 2019, assuming there are no further tax credit incentives in coming years. (AHRI, No. 48 at p. 4) Goodman commented that DOE's assumed market shares for X13 and ECM fans are significantly higher than Goodman's estimates, and that recent values are probably skewed as a result of Federal tax credits. Goodman estimates that about 70 percent of shipments in 2019 are expected to be PSC, and ECM motors are likely to be twice the volume of X13 motors (*i.e.,* 20 percent ECM and 10 percent X13). (Goodman, No. 50 at p. 4)

For the NOPR, DOE reviewed the information provided by the manufacturers and modified its estimate of market shares in 2019. The NOPR analysis assumes that the combined market share of constant-torque BPM fans and constant-airflow BPM fans will be 35 percent in 2019. The shares are 13 percent for constant-torque BPM fans and 22 percent for constant-airflow BPM fans. DOE estimated separate shares for replacement and new home applications.

The market shares of efficiency levels within the constant-torque BPM motor and constant-airflow BPM motor categories were derived from AHRI data on number of models.[43] No such data were available for the PSC fan efficiency levels, so DOE used the number of models it tested or could measure using product literature to estimate that 40 percent of shipments are at the baseline level and 60 percent are improved PSC fans. There are currently no models of PSC with a controls design, so DOE assumed zero market share for such units. The details of DOE's approach are described in chapter 8 of the NOPR TSD.

[42] Available at: *http://www1.eere.energy.gov/buildings/appliance_standards/residential/residential_furnaces_central_ac_hp_direct_final_rule_tsd.html.*

[43] DOE used the AHRI Directory of Certified Furnace Equipment (Available at: *http://www.ahridirectory.org/ahridirectory/pages/home.aspx*) as well as manufacturer product literature.

5. Rebuttable Presumption Payback Period

As discussed in section III.E.2, EPCA provides that a rebuttable presumption is established that an energy conservation standard is economically justified if the additional cost to the consumer of a product that meets the standard is less than three times the value of the first year's energy savings resulting from the standard, as calculated under the applicable DOE test procedure. (42 U.S.C. 6295(o)(2)(B)(i)) The calculation of this so-called rebuttable presumption payback period uses the same inputs as the calculation of the regular PBP for each sample household, but it uses average values instead of distributions, and the derivation of energy consumption and savings only uses the parameters specified by the proposed DOE test procedure for furnace fans rather than the method applied in the energy use analysis (described in section IV.E), which considers the characteristics of each sample household.

DOE's LCC and PBP analyses generate values that calculate the payback period for consumers of potential energy conservation standards, which includes, but is not limited to, the three-year payback period contemplated under the rebuttable presumption test discussed above. However, DOE routinely conducts a full economic analysis that considers the full range of impacts, including those to the consumer, manufacturer, Nation, and environment, as required under 42 U.S.C. 6295(o)(2)(B)(i). The results of this analysis serve as the basis for DOE to definitively evaluate the economic justification for a potential standard level (thereby supporting or rebutting the results of any preliminary determination of economic justification).

G. Shipments Analysis

DOE uses forecasts of product shipments to calculate the national impacts of standards on energy use, NPV, and future manufacturer cash flows. DOE develops shipment projections based on historical data and an analysis of key market drivers for each product.

The vast majority of furnace fans are shipped installed in furnaces, so DOE estimated furnace fan shipments by projecting furnace shipments in three market segments: (1) Replacements; (2) new housing; and (3) new owners in buildings that did not previously have a central furnace.

To project furnace replacement shipments, DOE developed retirement functions for furnaces from the lifetime estimates and applied them to the existing products in the housing stock. The existing stock of products is tracked by vintage and developed from historical shipments data. The shipments analysis uses a distribution of furnace lifetimes to estimate furnace replacement shipments.

To project shipments to the new housing market, DOE utilized projected new housing construction and historic saturation rates of various furnace and cooling product types in new housing. DOE used *AEO 2012* for projections of new housing. Furnace saturation rates in new housing are provided by the U.S. Census Bureau's *Characteristics of New Housing.*[44]

DOE also included a small market segment consisting of households that become ''new owners'' of a gas furnace. This segment consists of households that have central air conditioning and non-central heating or central air conditioning and electric heating and choose to install a gas furnace.

Several parties stated that DOE's shipments estimates appear to be too high. (AHRI, No. 48 at p. 5; Goodman, No. 50 at p. 6; Rheem, No. 54, at p. 15; Ingersoll Rand Residential Solutions, No. 57, at p. 2; Morrison, No. 58 at p. 6) Goodman stated that DOE projects growth from approximately 3 million units in 2011 to more than 4 million in 2020, whereas Goodman estimates about 3.7 million units in 2020, or less if new energy conservation standards affect sales. (Goodman, No. 50 at p. 6) AHRI, Morrison, and Rheem stated that prior to 2006, the demand for large homes with multiple furnace systems was more common than it is today, and it is not clear that the demand for homes with multiple furnace systems can be projected into the future. These commenters also argued that the shipment projections do not show an echo effect loss in replacement sales for the drop in furnace sales in 2009–2013. (AHRI, No. 48 at p. 5; Morrison, No. 58 at p. 6; Rheem, No. 54 at p. 15) EEI stated that DOE's projected shipments of furnace fans do not appear consistent with other estimates of furnace shipments that EEI has observed. (EEI, No. 65 at p. 4) Lennox noted that DOE has projected significant market growth starting in 2012 and continuing forward, which does not appear to be supported by recent sales figures. (Lennox, No. 47 at p. 2)

For the NOPR, DOE utilized more recent historical shipments data for gas-fired and oil-fired furnaces, which show a decline in 2012. DOE also reviewed and modified its projection of furnace shipments. The new projection (depicted in chapter 9 of the NOPR TSD) shows a lower level of replacement shipments in the 2025–30 period, which is a consequence (*i.e.,* an echo) of the decline in historical shipments in 2007–2009. The NOPR projection for 2020 shows total shipments of 3.7 million, which is the same as the 3.7 million estimated by Goodman.

Regarding the comment from AHRI, Morrison, and Rheem, DOE's methodology does not presume that past demand for homes with multiple furnace systems will continue in the future. However, it does assume that furnaces installed in the past will be replaced, so the installation of multiple furnaces in the past would contribute to future growth in shipments.

In the preliminary analysis, DOE considered whether standards that require more-efficient furnace fans would have an impact on furnace shipments. Lennox stated that an overly-stringent standard for furnace fans would bring further increased costs to consumers, beyond the added product cost from tightened AFUE standards for furnaces, venting and drainage for condensing furnaces (required in northern States by regional standards), and standby mode and off mode power regulations. Lennox stated that higher purchase prices cause consumers to defer purchases, repair existing furnaces, and/or find less-efficient, higher-polluting alternate sources of heat. (Lennox, No. 47 at p. 3) Goodman commented that it would expect reduction in furnace sales after implementation of a new furnace fan standard, since many consumers will choose to repair instead of replacing products currently in their home, thereby avoiding the need to pay the initial cost of a more expensive, higher-efficiency product. (Goodman, No. 50 at p. 6) Morrison also commented that higher upfront costs could lead to consumer switching to less-efficient products and push consumers to repair rather than replace units. (Morrison, No. 58, at p. 9)

DOE agrees that it is reasonable to expect that energy conservation standards for residential furnace fans that result in higher furnace prices would have some dampening effect on sales. Some consumers might choose to repair their existing furnace rather than purchase a new one, or perhaps install an alternative space heating product. To

[44] Available at: *http://www.census.gov/const/www/charindex.html.*

estimate the impact on shipments of the price increase for the considered efficiency levels, DOE used the relative price elasticity approach that was applied in the 2011 furnace standards rulemaking.[45] 76 FR 37408, 37483 (June 27, 2011). This approach also gives some weight to the operating cost savings from higher-efficiency products. Chapter 9 in the NOPR TSD describes the method applied.

H. National Impact Analysis

The NIA assesses the NES and the NPV from a national perspective of total consumer costs and savings expected to result from new or amended energy conservation standards at specific efficiency levels. DOE determined the NPV and NES for the potential standard levels considered for the furnace fan product classes analyzed. To make the analysis more accessible and transparent to all interested parties, DOE prepared a computer spreadsheet that uses typical values (as opposed to probability distributions) as inputs. To assess the effect of input uncertainty on NES and NPV results, DOE has developed its spreadsheet model to conduct sensitivity analyses by running scenarios on specific input variables.

Analyzing impacts of potential energy conservation standards for residential furnace fans requires comparing projections of U.S. energy consumption with new or amended energy conservation standards against projections of energy consumption without the standards. The forecasts include projections of annual appliance shipments, the annual energy consumption of new appliances, and the purchase price of new appliances.

A key component of DOE's NIA analysis is the energy efficiencies projected over time for the base case (without new standards) and each of the standards cases. The projected efficiencies represent the annual shipment-weighted energy efficiency of the products under consideration during the shipments projection period (*i.e.,* from the assumed compliance date of a new standard to 30 years after compliance is required).

In the preliminary analysis, DOE derived a growth rate in the market share of ECM fans by extrapolating the trend from 2005, when the ECM share was 10 percent, to 2010, when it was approximately 30 percent. In so doing, DOE considered the favorable cost-effectiveness of ECM fans and assumed that their market share would peak and level off at 79 percent.

AHRI and Rheem stated that DOE's assumption that the market share for furnace fans with ECM technology will increase to 75 percent is not supported by the industry data, especially since the Federal residential tax credits have expired. (AHRI, No. 48 at p 5; Rheem, No. 54, at p. 15) Goodman also stated that a 75 percent peak market penetration of ECM motors as estimated by DOE seems high. Goodman estimates a value in the range of 40–50 percent by mid-century. (Goodman, No. 50 at p. 4)

For the NOPR, DOE reviewed the information provided by the manufacturers and modified its estimate of the long-run trend in market shares of constant-torque BPM and constant-airflow BPM motor furnace fans. The NOPR analysis assumes a long-run trend that results in market share of the constant-torque BPM and constant-airflow BPM furnace fans reaching 45 percent in 2048.

For the preliminary analysis, DOE used a ''roll up'' scenario for estimating the impacts of the potential energy conservation standards for residential furnace fans. Under the ''roll-up'' scenario, DOE assumes: (1) product efficiencies in the base case that do not meet the standard level under consideration would ''roll-up'' to meet the new standard level; and (2) product efficiencies above the standard level under consideration would not be affected. To be consistent with the assumption regarding base-case efficiency after the compliance year, DOE assumed that for each standards case, the efficiency distribution in each product class remains unchanged after 2019. DOE used the same approach for the NOPR.

1. National Energy Savings Analysis

The national energy savings analysis involves a comparison of national energy consumption of the considered products in each potential standards case (TSL) with consumption in the base case with no new or amended energy conservation standards. DOE calculated the national energy consumption by multiplying the number of units (stock) of each product (by vintage or age) by the unit energy consumption (also by vintage). Vintage represents the age of the product. DOE calculated annual NES based on the difference in national energy consumption for the base case (without new efficiency standards) and for each higher efficiency standard. DOE estimated energy consumption and savings based on site energy and converted the electricity consumption and savings to primary energy using annual conversion factors derived from the *AEO 2012* version of the NEMS. Cumulative energy savings are the sum of the NES for each year over the timeframe of the analysis.

DOE has historically presented NES in terms of primary energy savings. In response to the recommendations of a committee on ''Point-of-Use and Full-Fuel-Cycle Measurement Approaches to Energy Efficiency Standards'' appointed by the National Academy of Science, DOE announced its intention to use full-fuel-cycle (FFC) measures of energy use and greenhouse gas and other emissions in the national impact analyses and emissions analyses included in future energy conservation standards rulemakings. 76 FR 51281 (August 18, 2011). While DOE stated in that notice that it intended to use the Greenhouse Gases, Regulated Emissions, and Energy Use in Transportation (GREET) model to conduct the analysis, it also said it would review alternative methods, including the use of EIA's National Energy Modeling System (NEMS). After evaluating both models and the approaches discussed in the August 18, 2011 notice, DOE published a statement of amended policy in the **Federal Register** in which DOE explained its determination that NEMS is a more appropriate tool for this specific use. 77 FR 49701 (August 17, 2012). Therefore, DOE is using NEMS model to conduct FFC analyses.

Goodman questioned the introduction of FFC measures of energy use. It noted that, under 42 U.S.C. 6291(4), ''energy use'' is defined as ''the quantity of energy directly consumed by a consumer product at point of use . . .'' (Goodman, No. 50 at p. 4)

The definition of ''energy use'' cited by Goodman is intended to apply at the product level. This is apparent from the complete definition: ''The term 'energy use' means the quantity of energy directly consumed by a consumer product at point of use, determined in accordance with test procedures under section 6293 of this title.'' (42 U.S.C. 6291(4)) The law also requires DOE, in determining the economic justification of a standard, to consider the total projected energy savings that are expected to result directly from the standard. (42 U.S.C. 6295(o)(2)(B)(i)(III)) The term ''energy'' means electricity or fossil fuels. (42 U.S.C. 6291(3)) The FFC metric provides a more complete accounting of the fossil fuels saved by standards, and its use is in keeping with DOE's statutory authority. The approach used to derive FFC multipliers for this NOPR is described in appendix 10–B of the NOPR TSD. DOE requests comment

[45] Available at: *http://www1.eere.energy.gov/buildings/appliance_standards/residential/residential_furnaces_central_ac_hp_direct_final_rule_tsd.html.*

on the FCC multipliers and the assumptions made to derive the multipliers.

2. Net Present Value Analysis

The inputs for determining NPV are: (1) Total annual installed cost; (2) total annual savings in operating costs; (3) a discount factor to calculate the present value of costs and savings; (4) present value of costs; and (5) present value of savings. DOE calculated net savings each year as the difference between the base case and each standards case in terms of total savings in operating costs versus total increases in installed costs. DOE calculated savings over the lifetime of products shipped in the forecast period. DOE calculated NPV as the difference between the present value of operating cost savings and the present value of total installed costs. DOE used a discount factor based on real discount rates of 3 and 7 percent to discount future costs and savings to present values.

For the NPV analysis, DOE calculates increases in total installed costs as the difference in total installed cost between the base case and standards case (*i.e.,* once the standards take effect).

DOE assumed no change in residential furnace fan prices over the 2019 – 2048 period. In addition, DOE conducted a sensitivity analysis using alternative price trends, specifically one in which prices decline over time, and another in which prices rise. These price trends are described in appendix 10–C of the NOPR TSD.

DOE expresses savings in operating costs as decreases associated with the lower energy consumption of products bought in the standards case compared to the base efficiency case. Total savings in operating costs are the product of savings per unit and the number of units of each vintage that survive in a given year.

DOE estimates the NPV of consumer benefits using both a 3-percent and a 7-percent real discount rate. DOE uses these discount rates in accordance with guidance provided by the Office of Management and Budget (OMB) to Federal agencies on the development of regulatory analysis.[46] The NPV results for the residential furnace fan TSLs are presented in section V.B.3 of this notice.

I. Consumer Subgroup Analysis

In the NOPR stage of a rulemaking, DOE conducts a consumer subgroup analysis. A consumer subgroup comprises a subset of the population that may be affected disproportionately by new or revised energy conservation standards (*e.g.,* low-income consumers, seniors). The purpose of a subgroup analysis is to determine the extent of any such disproportional impacts.

For this NOPR, DOE evaluated impacts of potential standards on two subgroups: (1) Senior-only households and (2) low-income households. DOE identified these households in the RECS sample and used the LCC spreadsheet model to estimate the impacts of the considered efficiency levels on these subgroups. The consumer subgroup results for the residential furnace fan TSLs are presented in section V.B.1 of this notice.

J. Manufacturer Impact Analysis

1. Overview

DOE performed an MIA to estimate the financial impact of new energy conservation standards on manufacturers of residential furnace fans and to calculate the potential impact of such standards on employment and manufacturing capacity. The MIA has both quantitative and qualitative aspects. The quantitative part of the MIA primarily relies on the Government Regulatory Impact Model (GRIM), an industry cash-flow model with inputs specific to this rulemaking. The key GRIM inputs are data on the industry cost structure, product costs, shipments, and assumptions about markups and conversion expenditures. The key output is the industry net present value (INPV). Different sets of assumptions (markup scenarios) will produce different results. The qualitative part of the MIA addresses factors such as product characteristics, impacts on particular subgroups of firms, and important market and product trends. The complete MIA is outlined in chapter 12 of the NOPR TSD.

For this rulemaking, DOE considers the ''furnace fan industry'' to consist of manufacturers who assemble furnace fans as a component of the HVAC products addressed in this rulemaking.

DOE conducted the MIA for this rulemaking in three phases. In Phase 1 of the MIA, DOE prepared a profile of the residential furnace fans industry that includes a top-down cost analysis of manufacturers used to derive preliminary financial inputs for the GRIM (*e.g.,* sales, general, and administration (SG&A) expenses; research and development (R&D) expenses; and tax rates). DOE used public sources of information, including company SEC 10–K filings,[47] corporate annual reports, the U.S. Census Bureau's Economic Census,[48] and Hoover's reports.[49]

In Phase 2 of the MIA, DOE prepared an industry cash-flow analysis to quantify the potential impacts of a new energy conservation standard. In general, energy conservation standards can affect manufacturer cash flow in three distinct ways: (1) create a need for increased investment; (2) raise production costs per unit; and (3) alter revenue due to higher per-unit prices and possible changes in sales volumes.

In Phase 3 of the MIA, DOE conducted structured, detailed interviews with a representative cross-section of manufacturers. During these interviews, DOE discussed engineering, manufacturing, procurement, and financial topics to validate assumptions used in the GRIM and to identify key issues or concerns. See section IV.J.4 for a description of the key issues manufacturers raised during the interviews.

Additionally, in Phase 3, DOE evaluated subgroups of manufacturers that may be disproportionately impacted by new standards or that may not be accurately represented by the average cost assumptions used to develop the industry cash-flow analysis. For example, small manufacturers, niche players, or manufacturers exhibiting a cost structure that largely differs from the industry average could be more negatively affected. DOE identified one subgroup (*i.e.,* small manufacturers) for a separate impact analysis.

DOE applied the small business size standards published by the Small Business Administration (SBA) to determine whether a company is considered a small business. 65 FR 30836, 30848 (May 15, 2000), as amended at 65 FR 53533, 53544 (Sept. 5, 2000) and codified at 13 CFR part 121. To be categorized as a small business under North American Industry Classification System (NAICS) code 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing,'' a residential furnace fan manufacturer and its affiliates may employ a

[46] OMB Circular A–4 (Sept. 17, 2003), section E, ''Identifying and Measuring Benefits and Costs.''

[47] U.S. Securities and Exchange Commission, Annual 10–K Reports (Various Years) (Available at: *http://sec.gov*).

[48] U.S.Census Bureau, Annual Survey of Manufacturers: General Statistics: Statistics for Industry Groups and Industries (Available at: *http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t*).

[49] Hoovers Inc. Company Profiles (Various Companies) (Available at: *http://www.hoovers.com*).

maximum of 750 employees. The 750-employee threshold includes all employees in a business's parent company and any other subsidiaries. Based on this classification, DOE identified at least 14 residential furnace fan manufacturers that qualify as small businesses. The residential furnace fan small manufacturer subgroup is discussed in chapter 12 of the NOPR TSD and in section V.B.2.d of this notice.

2. Government Regulatory Impact Model

DOE uses the GRIM to quantify the changes in cash flow due to new standards that result in a higher or lower industry value. The GRIM analysis uses a standard, annual cash-flow analysis that incorporates manufacturer costs, markups, shipments, and industry financial information as inputs. The GRIM models changes in costs, distribution of shipments, investments, and manufacturer margins that could result from new energy conservation standards. The GRIM spreadsheet uses the inputs to arrive at a series of annual cash flows, beginning in 2013 (the base year of the analysis) and continuing to 2048. DOE calculated INPVs by summing the stream of annual discounted cash flows during this period. For residential furnace fan manufacturers, DOE used a real discount rate of 7.8 percent, which was derived from industry financials and then modified according to feedback received during manufacturer interviews.

The GRIM calculates cash flows using standard accounting principles and compares changes in INPV between a base case and each standards case. The difference in INPV between the base case and a standards case represents the financial impact of the new energy conservation standard on manufacturers. As discussed previously, DOE collected this information on the critical GRIM inputs from a number of sources, including publicly-available data and interviews with a number of manufacturers (described in the next section). The GRIM results are shown in section V.B.2.a. Additional details about the GRIM, the discount rate, and other financial parameters can be found in chapter 12 of the NOPR TSD.

a. Government Regulatory Impact Model Key Inputs

Manufacturer Production Costs

Manufacturing a higher-efficiency product is typically more expensive than manufacturing a baseline product due to the use of more complex components, which are typically more costly than baseline components. The changes in the MPCs of the analyzed products can affect the revenues, gross margins, and cash flow of the industry, making these product cost data key GRIM inputs for DOE's analysis.

In the MIA, DOE used the MPCs for each considered efficiency level calculated in the engineering analysis, as described in section IV.C and further detailed in chapter 5 of the NOPR TSD. In addition, DOE used information from its teardown analysis, described in chapter 5 of the TSD, to disaggregate the MPCs into material, labor, and overhead costs. To calculate the MPCs for equipment above the baseline, DOE added the incremental material, labor, and overhead costs from the engineering cost-efficiency curves to the baseline MPCs. These cost breakdowns and product markups were validated and revised with manufacturers during manufacturer interviews.

Shipments Forecast

The GRIM estimates manufacturer revenues based on total unit shipment forecasts and the distribution of these values by efficiency level. Changes in sales volumes and efficiency mix over time can significantly affect manufacturer finances. For this analysis, the GRIM uses the NIA's annual shipment forecasts derived from the shipments analysis from 2013 (the base year) to 2048 (the end year of the analysis period). See chapter 9 of the NOPR TSD for additional details.

For the standards-case shipment forecast, the GRIM uses the NIA standards-case shipment forecasts. DOE assumes a new efficiency distribution in the standards case, in which product efficiencies in the base case that did not meet the standard under consideration would ''roll up'' to meet the new standard in the year that compliance is required.

Product and Capital Conversion Costs

New energy conservation standards would cause manufacturers to incur one-time conversion costs to bring their production facilities and product designs into compliance. DOE evaluated the level of conversion-related expenditures that would be needed to comply with each considered efficiency level in each product class. For the MIA, DOE classified these conversion costs into two major groups: (1) Product conversion costs; and (2) capital conversion costs. Product conversion costs are one-time investments in research, development, testing, marketing, and other non-capitalized costs necessary to make product designs comply with the new energy conservation standard. Capital conversion costs are one-time investments in property, plant, and equipment necessary to adapt or change existing production facilities such that new product designs can be fabricated and assembled.

To evaluate the level of capital conversion expenditures manufacturers would likely incur to comply with new energy conservation standards, DOE used manufacturer interviews to gather data on the anticipated level of capital investment that would be required at each efficiency level. DOE validated manufacturer comments through estimates of capital expenditure requirements derived from the product teardown analysis and engineering analysis described in chapter 5 of the TSD.

DOE assessed the product conversion costs at each considered efficiency level by integrating data from quantitative and qualitative sources. DOE considered market-share-weighted feedback regarding the potential costs of each efficiency level from multiple manufacturers to determine conversion costs such as R&D expenditures and certification costs. Manufacturer data were aggregated to better reflect the industry as a whole and to protect confidential information.

In general, DOE assumes that all conversion-related investments occur between the year of publication of the final rule and the year by which manufacturers must comply with the new standard. The investment figures used in the GRIM can be found in section IV.J.2 of this notice. For additional information on the estimated product and capital conversion costs, see chapter 12 of the NOPR TSD.

b. Government Regulatory Impact Model Scenarios

Shipment Scenarios

In the NIA, DOE modeled shipments with a roll-up scenario to represent possible standards-case efficiency distributions for the years beginning 2019 (the year that compliance with new standards is proposed to be required) through 2048 (the end of the analysis period). The roll-up scenario represents the case in which all shipments in the base case that do not meet the new standard would roll up to meet the new standard level, with the efficiency of products already at the new standard level remaining unchanged. Consumers in the base case who purchase products above the standard level are not affected as they are assumed to continue to purchase the

same product in the standards case. See chapter 9 of the NOPR TSD for more information.

Markup Scenarios

As discussed above, MSPs include direct manufacturing production costs (*i.e.,* labor, materials, and overhead estimated in DOE's MPCs) and all non-production costs (*i.e.,* SG&A, R&D, and interest), along with profit. To calculate the MSPs in the GRIM, DOE applied non-production cost markups to the MPCs estimated in the engineering analysis for each product class and efficiency level. Modifying these markups in the standards case yields different sets of impacts on manufacturers. For the MIA, DOE modeled two standards-case markup scenarios to represent the uncertainty regarding the potential impacts on prices and profitability for manufacturers following the implementation of new energy conservation standards: (1) a preservation of gross margin percentage markup scenario; and (2) a preservation of operating profit markup scenario. These scenarios lead to different markups values that, when applied to the inputted MPCs, result in varying revenue and cash flow impacts.

Under the preservation of gross margin percentage scenario, DOE applied a single uniform ''gross margin percentage'' markup across all efficiency levels, which assumes that manufacturers would be able to maintain the same amount of profit as a percentage of revenues at all efficiency levels within a product class. As production costs increase with efficiency, this scenario implies that the absolute dollar markup will increase as well. Based on publicly-available financial information for manufacturers of residential furnace fans and comments from manufacturer interviews, DOE assumed the non-production cost markup—which includes SG&A expenses, R&D expenses, interest, and profit—to be the following for each residential furnace fan product class:

TABLE IV.9—MANUFACTURER MARKUP BY RESIDENTIAL FURNACE FAN PRODUCT CLASS

Product class	Markup
NWG–NC	1.30
NWG–C	1.31
WG–NC	1.27
NWO–NC	1.35
EF/MB	1.19
MH–NWG–NC	1.25
MH–NWG–C	1.25
MH–EF/MB	1.15

Because this markup scenario assumes that manufacturers would be able to maintain their gross margin percentage markups as production costs increase in response to a new energy conservation standard, it represents a high bound to industry profitability.

In the preservation of operating profit scenario, manufacturer markups are set so that operating profit one year after the compliance date of the new energy conservation standard is the same as in the base case. Under this scenario, as the costs of production increase under a standards case, manufacturers are generally required to reduce their markups to a level that maintains base-case operating profit. The implicit assumption behind this markup scenario is that the industry can only maintain its operating profit in absolute dollars after compliance with the new standard is required. Therefore, operating margin in percentage terms is squeezed (reduced) between the base case and standards case. DOE adjusted the manufacturer markups in the GRIM at each TSL to yield approximately the same earnings before interest and taxes in the standards case as in the base case. This markup scenario represents a low bound to industry profitability under a new energy conservation standard.

3. Discussion of Comments

During the preliminary analysis public meeting, interested parties commented on the assumptions and results of the preliminary analysis TSD. Oral and written comments addressed several topics, including testing and certification burdens, cumulative regulatory burdens, compliance date, impacts on small businesses, and conversion costs.

a. Testing and Certification Burdens

Manufacturers expressed concerns about the potential testing and certification burdens that may be associated with a new furnace fan energy conservation standard. Ingersoll Rand commented that the rulemaking would result in additional burden from testing, certification, and compliance, leading to an increased cost for consumers. (Ingersoll Rand, No. 57 at p. 2) Rheem stated that, in the past, there has been no requirement for manufacturers to test and report furnace airflow data according to any industry or governmental standard. In addition, Rheem added that there have been no certification requirements that require the testing of multiple samples. Therefore, Rheem concluded that it is not reasonable to assume that manufacturers already have the data available to rate hundreds of current furnace models. For companies like Rheem, which have a large number of basic models, the commenter lamented that compliance with new testing requirements would create a significant burden. (Rheem, No. 54 at p. 3) In order to relieve some of the testing burden, Mortex recommended that DOE should allow manufacturers to use Alternative Efficiency Determination Methods (AEDMs). (Mortex, No. 43 at p. 25) Mortex also recommended that DOE should use an alternative test procedure that is integrated with AFUE testing so that all models do not have to be tested separately under the residential furnace fan test procedure. (Mortex, No. 59 at p. 3) Manufacturers were also concerned that the time needed to certify all their products would reduce investment in innovative technologies, because fewer resources would be available for R&D. (Rheem, No. 54 at p. 16)

DOE recognizes the concerns that manufacturers have regarding test burden. As discussed in section III.A, DOE proposed in the April 2, 2013 test procedure SNOPR to adopt a modified version of an alternative test method recommended by AHRI and other furnace fan manufacturers that aligns the residential furnace fan test procedure with the DOE test procedure for residential furnaces to significantly reduce burden on industry. 78 FR 19606. DOE also estimated the capital expenditure, time to test, and cost to test according to the proposed residential furnace fan test procedure in the SNOPR. DOE found that the proposed test procedure would not result in significant capital expenditures for manufacturers, because they would not have to acquire or use any test equipment beyond the equipment already used to conduct the test method specified in the DOE residential furnace test procedure (*i.e.,* the AFUE test setup). DOE also found that the time to conduct a single furnace fan test according to its proposed furnace fan test procedure would be less than 3 hours and cost less than one percent of the manufacturer selling price of the product into which the furnace fan is integrated. Consequently, DOE does not find that testing furnace fans according to this proposed test procedure would be unduly burdensome. *Id.* at 19619–21

b. Cumulative Regulatory Burden

Interested parties expressed concern over the cumulative regulatory burden that would result from a residential furnace fan energy conservation standard. Morrison commented that the energy conservation standards that already apply to residential HVAC products, in combination with a standard for furnace fans, would significantly increase manufacturer burden. (Morrison, No. 43 at p. 23) Both AHRI and Morrison stated that DOE's current estimation of the incremental cost of testing furnace fans (at less than 2 percent of the manufacturer selling price) does not account for the additional burden placed on furnace manufacturers that must now also certify standby mode and off mode energy consumption, along with AFUE. (AHRI, No. 48 at p. 7; Morrison, No. 58 at p. 10) Furthermore, Morrison commented that several of the manufacturers who are impacted by this residential furnace fans rulemaking face even greater cumulative regulatory burden, because they also produce other products regulated by DOE. (Morrison, No. 58 at p. 10)

Instead of creating a set of residential furnace fan standards through a separate energy conservation rulemaking, manufacturers and efficiency experts advocated for combining all furnace-related standards into one rulemaking or to have only one metric for all furnace-related products. CA IOU recommended that DOE should, in future iterations of furnace-related standards, combine CAC/HP, furnaces, and furnace fans into a single rulemaking, given their interrelated performance and energy consumption. (CA IOU, No. 56 at p. 2) Morrison and Rheem were also concerned that the cost of certifying furnace fan efficiency ratings would increase upfront costs for consumers and therefore lead them to choose less-efficient products (*e.g.,* space heaters) or repair HVAC units instead of replacing them. (Morrison, No. 58 at p. 9; Rheem, No. 54 at p. 16) Furthermore, Morrison believes a single combined metric would prevent consumer confusion that can arise from having multiple metrics assigned to a single product, and Morrison opined that such approach would also reduce the regulatory burden imposed on manufacturers. (Morrison, No. 43 at p. 24)

DOE realizes that the cumulative effect of multiple regulations on an industry may significantly increase the burden faced by manufacturers that need to comply with regulations and testing requirements from different organizations and levels of government. DOE takes into account the cumulative cost of multiple regulations on manufacturers in the cumulative regulatory burden section of its analysis. Additionally, DOE considers the cumulative regulatory burden as part of its decision process in setting proposed standards. Further information on cumulative regulatory burden can be found in section V.B.2.e of this notice and in chapter 12 of the NOPR TSD.

c. Compliance Date and Implementation Period

Efficiency advocates expressed support for a compliance date sooner than five years after publication of the final rule, because it would result in additional energy savings. Earthjustice commented that EPCA does not mandate a lead time of five years for furnace fans because furnace fans are not listed in section 325(m) (42 U.S.C. 6295(m)(4)(A)(ii)) as a product to which a 5-year lead time applies. (Earthjustice, No. 49 at p. 2) In a joint comment (hereinafter referred to as the joint comment), the Appliance Standards Awareness Project, American Council for an Energy-Efficient Economy, National Consumer Law Center, Natural Resources Defense Council, and Northwest Energy Efficiency Alliance encouraged DOE to consider a compliance date three years after publication of the final rule. According to the joint commenters, a three-year lead time for manufacturers is feasible, because the efficiency levels that DOE evaluated for the preliminary analysis are based on technologies that are already widely employed in current HVAC products—namely ECM and X13 motors. (ACEEE, *et al.,* No. 55 at p. 3) NEEP also recommended a compliance date three years after publication of the final rule. (NEEP, No. 51 at p. 3)

However, according to Goodman, EPCA mandates a lead time of greater than five years. Goodman commented that EPCA prohibits a manufacturer from being forced to apply new standards to a product that has had other new standards applied to it within a 6-year period. (42 U.S.C. 6295(m)(4)(B)) Therefore, the earliest effective date for new energy conservation standards for residential furnace fans, pursuant to EPCA, would be January 1, 2021 because a new AFUE standard will become effective on May 1, 2013 and a new SEER/HSPF standard will become effective January 1, 2015. (Goodman, No. 50 at p. 8)

In response to these comments regarding the appropriate compliance date for residential furnace fan standards, DOE agrees with the joint commenters' observation that under 42 U.S.C. 6295(m)(4)(A)(ii), EPCA does not specify furnace fans as a product with a 5-year lead time. DOE does not agree with Goodman's interpretation of 42 U.S.C. 6295(m)(4) as prohibiting a compliance date prior to January 2021. DOE has tentatively concluded that 42 U.S.C. 6295(m)(4) is only applicable to amendments to existing standards, and residential furnace fans are covered products that have not been previously regulated. Furnace fans are explicitly addressed only at 42 U.S.C. 6295(f)(4)(D), which does not specify any compliance dates. Therefore, since EPCA does not mandate a specific lead time for furnace fans, DOE considered the actions required by manufacturers to comply with the proposed standard to determine an appropriate lead-time. During manufacturer interviews, DOE found that standards would result in manufacturers' extending R&D beyond the furnace fan assembly to understand the impacts on the design and performance of the furnace or modular blower in which the furnace fan is integrated. To comply with the proposed standard, manufacturers may have to alter not only the designs and fabrication processes for the furnace fan assembly, but also for the furnace or modular blower into which the furnace fan is integrated. Similar products that require similar actions for compliance typically have lead times of five years. For these reasons, DOE selected a 5-year compliance date.

d. Small Businesses

DOE received comments regarding its analysis of small businesses. Mortex formally requested that DOE prepare a regulatory flexibility analysis since it believes that DOE has not certified that the amendments in the test procedure proposed rule do not have a significant economic impact on a substantial number of small entities. (Mortex, No. 59 at p. 3) During the preliminary analysis public meeting, Unico asked whether small manufacturers will be included in DOE's cost-benefit analysis. (Unico, No. 43 at p. 56) However, Ingersoll Rand is concerned that DOE limits the manufacturer analysis to only small manufacturers. (Ingersoll Rand, No. 57 at p. 2)

For the manufacturer impact analysis, DOE determined the impact of a new standard on the entire residential furnace fans industry, including manufacturers of all sizes. However, DOE also evaluated subgroups of manufacturers that may be disproportionately impacted by new standards. For this rulemaking, DOE identified small businesses as a subgroup and discusses the impacts on

this subgroup in the initial regulatory flexibility analysis, which can be found in section VI.B of this notice. DOE's decision to prepare a regulatory flexibility analysis for the residential furnace fans standards rulemaking NOPR is separate from its decision to not prepare a regulatory flexibility analysis for the residential furnace fans test procedures NOPR. DOE did previously certify to SBA that its proposed test procedure for residential furnace fans would not have a significant economic impact on a substantial number of small entities.

e. Conversion Costs

Several manufacturers expressed concern as to the capital conversion costs that may be associated with a new standard. Rheem stated that stringent standards may require significant capital conversion costs and that this is a key issue for the MIA. (Rheem, No. 54 at p. 16) Morrison expressed a similar concern, stating that manufacturers may incur significant capital conversion costs at ''overly burdensome'' regulation levels. (Morrison, No. 58 at p. 9)

DOE acknowledges manufacturers' concerns regarding capital conversion costs and carefully took this matter into account in developing its proposal. During manufacturer interviews, DOE requested information about potential conversion costs at each efficiency level for each product class. DOE evaluated the information gathered during the interviews, as well as data from the engineering analysis, to determine capital conversion costs. Conversion costs are discussed in detail in section V.B.2.a of this notice and in chapter 12 of the TSD.

4. Manufacturer Interviews

DOE considers the manufacturer of the HVAC product in which the residential furnace fan is integrated to be the furnace fan manufacturer. DOE is aware that HVAC product manufacturers purchase many of the components in the furnace fan assembly (*e.g.,* the motor and impeller) from separate component manufacturers. However, the HVAC product manufacturer determines the design requirements, selects the purchased components based on these requirements, and performs the final assembly and integration of the fan assembly into the HVAC product. For these reasons, DOE considers the HVAC product manufacturer to be the furnace fan manufacturer. Accordingly, DOE interviewed manufacturers representing approximately 90 percent of residential gas furnace and central air conditioner sales, approximately 15 percent of residential oil furnace sales, [50] over 85 percent of electric furnace/modular blower sales, and approximately 90 percent of manufactured home furnace sales. These interviews were in addition to those DOE conducted as part of the engineering analysis. The information gathered during these interviews enabled DOE to tailor the GRIM to reflect the unique financial characteristics of the residential furnace fan industry. All interviews provided information that DOE used to evaluate the impacts of potential new energy conservation standards on manufacturer cash flows, manufacturing capacities, and employment levels.

During the manufacturer interviews, DOE asked manufacturers to describe their major concerns about this rulemaking. The following sections describe the most significant issues identified by manufacturers. DOE also considered all other concerns expressed by manufacturers in its analyses. However, manufacturer interviews are conducted under non-disclosure agreements (NDAs), so DOE does not document these discussions in the same way that it does public comments in the comment summaries and DOE's responses throughout the rest of this notice.

a. Testing and Certification Burdens

All interviewed manufacturers expressed concerns about testing and certification burdens. In particular, manufacturers were concerned about the additional time required to test products for compliance with the new standard. Because the test procedure proposed in the May 15, 2012 furnace fan test procedure NOPR (77 FR 28674) is different from testing methods that are currently being used for residential furnaces, manufacturers argued that a significant amount of time would need to be invested. Some manufacturers suggested that the testing burden could be reduced if the testing for FER could be coordinated with testing for AFUE. In general, manufacturers were more concerned about the additional time and labor required to conduct the testing rather than the cost of testing equipment and stations, which were expected to be minimal.

As explained in section IV.K.3.a, DOE recognizes the concerns that manufacturers have regarding test burden and has issued a test procedure SNOPR that would align the proposed residential furnace fan test procedure with the DOE test procedure for residential furnaces, thereby reducing the burden on manufacturers. 78 FR 19606 (April 2, 2013).

b. Market Size

During interviews, manufacturers raised concerns about the potential of new furnace fan energy conservations standards to cause the residential furnace fan market to contract. Manufacturers claimed that an increase in overall product costs, resulting from component changes or increased test burden, would lead to a reduced volume of furnace sales. They stated that higher costs could drive consumers to purchase refurbished or repaired units instead of new products. Higher costs might also push consumers towards using alternative heating technologies (*e.g.,* space heaters or radiant heat) which may be less efficient. One manufacturer also noted that the market for residential furnace fan products has already shrunk 6–7 percent and is expected to have slow growth over the next few years. Given that manufacturers expect slow or no growth in the near future for most of the product classes even without new energy conservation standards, the addition of new standards could lead to further market contraction.

Although the production costs for furnace fans are estimated to increase with higher efficiency levels, DOE does not expect overall shipments of furnaces to decrease due to an increase in standards. On the contrary, based on the shipments analysis, total shipments for the furnace fan industry are not expected to decrease in the years following the standards compliance year. Chapter 9 of the NOPR TSD provides more information on shipment estimates during the analysis period.

c. Cumulative Regulatory Burden

DOE identified a number of cumulative regulations that may affect residential furnace fan manufacturers. Interviewed manufacturers mentioned the following regulations as potentially having an impact and contributing to burden: (1) DOE Energy Conservation Standards for Furnaces and Central Air Conditioners and Heat Pumps; (2) DOE's Certification, Compliance, and Enforcement rulemaking; (3) DOE's Alternative Efficiency Determination Methods and Alternate Rating Methods rulemaking; (4) EPA's phaseout of Hydrochlorofluorocarbons (HCFCs); (5) EPA's Energy Star program; (6) State regulations such as California Title 24; (7) the South Coast Air Quality Management District Rule 1111; (8) Canadian energy efficiency regulations;

[50] DOE did reach out to a number of residential oil-fired furnace manufacturers, but most declined to be interviewed. However, DOE notes that fan assemblies and the processes by which they are fabricated do not change significantly across furnace type.

and (9) ASHRAE Standard 90.1. Some manufacturers indicated that the largest portion of their research and development budget goes toward meeting the various DOE standards. One manufacturer also recommended that DOE standards should be spread apart by at least five year periods so that manufacturers can allocate appropriate time to meet standards and develop new products.

DOE also asked manufacturers under what circumstances they would be able to coordinate expenditures related to other regulations. Manufacturers emphasized the benefits of having fewer metrics to evaluate and limiting the scope of coverage for residential furnace fans to strictly those units housed in furnaces. In addition, manufacturers requested that DOE consider harmonizing with international standards to lessen the cumulative burden. Manufacturers also requested that the compliance date for some standards be pushed out to allow enough time for product development and limit stranded assets.

DOE recognizes and takes into account the cumulative cost of multiple regulations on manufacturers in the cumulative regulatory burden section of its analysis. Further information on cumulative regulatory burden can be found in section V.B.2.e of this notice and in chapter 12 of the NOPR TSD.

d. Consumer Confusion

In addition to the regulatory burden imposed by multiple standards, manufacturers were concerned with issues arising from multiple metrics that all apply to a single product. Furnaces alone already have energy efficiency rating metrics for AFUE and standby power, so with an additional FER metric, furnaces would be labeled with three different metrics. Manufacturers stated during interviews that three metrics are too many for a single product, and that consumers who use these rating metrics to evaluate and compare product performance may get confused if multiple metrics are labeled on one furnace. Manufacturers recommended that DOE should focus on the thermal performance of the furnace and not the fan energy consumption, which is a small fraction of a furnace's overall energy use.

In response, DOE is required by EPCA to consider and establish energy conservation standards for residential furnace fans by December 31, 2013. (42 U.S.C. 6295(f)(4)(D)) DOE is also required to develop test procedures to measure the energy efficiency, energy use, or estimated annual operating cost of each covered product prior to the adoption of an energy conservation standard. (42 U.S.C. 6295(o)(3)(A) and (r)) Pursuant to these statutory requirements in EPCA, DOE proposes new energy conservation standards in this notice, based on its proposed rating metric (FER). DOE requests comment and information on the potential for significant consumer confusion regarding the FER metric for residential furnace fans.

e. Motors

Manufacturers questioned the use of X13 and ECM motors as a design option to improve furnace fan efficiency. As these motors employ more complex controls and have higher maintenance costs than PSC motors, it was suggested that long-term reliability may be an issue. Manufacturers expect that the number of warranty claims, as well as warranty-associated costs, would increase if use of X13s and ECMs increased. X13s and ECMs are also more-expensive components that would increase the initial cost of the products in which they are used. Since these motors would increase product price but reduce reliability, manufacturers anticipate more consumers seeking to repair or refurbish existing products rather than purchase new ones. Furthermore, manufacturers may face challenges in obtaining a sufficient supply of motors due to the potential supply limitations of ECMs.

DOE recognizes the concerns that manufacturers have about the reliability of ECM motors. However, DOE did not receive sufficient quantitative data from manufacturers regarding the failure rates and number of warranty claims for the different motor types to make any firm conclusions about their reliability. Consequently, DOE retained X13 and ECM motors as a design option for consideration.

K. Emissions Analysis

In the emissions analysis, DOE estimates the reduction in power sector emissions of carbon dioxide (CO_2), nitrogen oxides (NO_X), sulfur dioxide (SO_2), and mercury (Hg) from potential energy conservation standards for the considered products. In addition to estimating impacts of standards on power sector emissions, DOE estimated emissions impacts in production activities (extracting, processing, and transporting fuels) that provide the energy inputs to power plants. These are referred to as ''upstream'' emissions. Together, these emissions account for the full-fuel-cycle. In accordance with DOE's FFC Statement of Policy (76 FR 51281 (August 18, 2011)), this FFC analysis also includes impacts on emissions of methane (CH_4) and nitrous oxide (N_2O), both of which are recognized as greenhouse gases.

DOE conducted the emissions analysis using emissions factors that were derived from data in EIA's *AEO 2012,* supplemented by data from other sources. DOE developed separate emissions factors for power sector emissions and upstream emissions. For residential furnace fans, DOE also calculated site and upstream emissions from the additional use of natural gas associated with some of the efficiency levels. The method that DOE used to derive emissions factors is described in chapter 13 of the NOPR TSD.

For CH_4 and N_2O, DOE calculated emissions reduction in tons and also in terms of units of carbon dioxide equivalent (CO_2eq). Gases are converted to CO_2eq by multiplying the tons of the gas by the gas's global warming potential (GWP) over a 100-year time horizon. Based on the Fourth Assessment Report of the Intergovernmental Panel on Climate Change,[51] DOE used GWP values of 25 for CH_4 and 298 for N_2O.

EIA prepares the *Annual Energy Outlook* using NEMS. Each annual version of NEMS incorporates the projected impacts of existing air quality regulations on emissions. *AEO 2012* generally represents current legislation and environmental regulations, including recent government actions, for which implementing regulations were available as of December 31, 2011.

SO_2 emissions from affected electric generating units (EGUs) are subject to nationwide and regional emissions cap-and-trade programs. Title IV of the Clean Air Act sets an annual emissions cap on SO_2 for affected EGUs in the 48 contiguous States and the District of Columbia (D.C.). SO_2 emissions from 28 eastern States and D.C. were also limited under the Clean Air Interstate Rule (CAIR; 70 FR 25162 (May 12, 2005)), which created an allowance-based trading program that operates along with the Title IV program.[52] On

[51] Forster, P., V. Ramaswamy, P. Artaxo, T. Berntsen, R. Betts, D. W. Fahey, J. Haywood, J. Lean, D.C. Lowe, G. Myhre, J. Nganga, R. Prinn, G. Raga, M. Schulz and R. Van Dorland. 2007: Changes in Atmospheric Constituents and in Radiative Forcing. In *Climate Change 2007: The Physical Science Basis.* Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. S. Solomon, D. Qin, M. Manning, Z. Chen, M. Marquis, K. B. Averyt, M.Tignor and H. L. Miller, Editors. 2007. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. p. 212.

[52] CAIR was remanded to the U.S. Environmental Protection Agency (EPA) by the U.S. Court of Appeals for the District of Columbia Circuit (D.C.

Continued

July 6, 2011, EPA issued a replacement for CAIR, the Cross-State Air Pollution Rule (CSAPR). 76 FR 48208 (August 8, 2011). On August 21, 2012, the D.C. Circuit issued a decision to vacate CSAPR, and ordered EPA to continue administering CAIR.[53]

AEO 2012 had been finalized prior to CSAPR being vacated. The *AEO 2012* emissions factors used for this NOPR assume the implementation of CSAPR. As a result, for the purpose of calculating emissions reductions of SO_2 and NO_X in this NOPR, DOE refers to impacts under CSAPR even though CSAPR is not currently in effect. This should not alter the accuracy of DOE's projections, however, because DOE expects that the impacts of energy conservation standards on SO_2 and NO_X emissions would be similar regardless of whether CAIR or CSAPR are in effect.[54]

The attainment of emissions caps is typically flexible among EGUs and is enforced through the use of emissions allowances and tradable permits. Under existing EPA regulations, any excess SO_2 emissions allowances resulting from the lower electricity demand caused by the adoption of an energy conservation standard could be used to permit offsetting increases in SO_2 emissions by any regulated EGU. In past rulemakings, DOE recognized that there was uncertainty about the effects of efficiency standards on SO_2 emissions covered by the existing cap-and-trade system, but it concluded that negligible reductions in power sector SO_2 emissions would occur as a result of standards.

Beginning in 2015, however, SO_2 emissions will fall as a result of the Mercury and Air Toxics Standards (MATS) for power plants, which were announced by EPA on December 21, 2011. 77 FR 9304 (Feb. 16, 2012). In the final MATS rule, EPA established a standard for hydrogen chloride as a surrogate for acid gas hazardous air pollutants (HAP), and also established a standard for SO_2 (a non-HAP acid gas) as an alternative equivalent surrogate standard for acid gas HAP. The same controls are used to reduce HAP and non-HAP acid gas; thus, SO_2 emissions will be reduced as a result of the control technologies installed on coal-fired power plants to comply with the MATS requirements for acid gas. *AEO 2012* assumes that, in order to continue operating, coal plants must have either flue gas desulfurization or dry sorbent injection systems installed by 2015. Both technologies, which are used to reduce acid gas emissions, also reduce SO_2 emissions. Under the MATS, NEMS shows a reduction in SO_2 emissions when electricity demand decreases (*e.g.,* as a result of energy efficiency standards). Emissions will be far below the cap established by CSAPR, so it is unlikely that excess SO_2 emissions allowances resulting from the lower electricity demand would be needed or used to permit offsetting increases in SO_2 emissions by any regulated EGU. Therefore, DOE believes that efficiency standards will reduce SO_2 emissions in 2015 and beyond.

CSAPR established a cap on NO_X emissions in 28 eastern States and the District of Columbia. Energy conservation standards are expected to have little effect on NO_X emissions in those States covered by CSAPR because excess NO_X emissions allowances resulting from the lower electricity demand could be used to permit offsetting increases in NO_X emissions. However, standards would be expected to reduce NO_X emissions in the States not affected by the caps, so DOE estimated NO_X emissions reductions from the potential standards considered in this NOPR for these States where emissions are not capped.

The MATS limit mercury emissions from power plants, but they do not include emissions caps, and, as such, DOE's energy conservation standards would likely reduce Hg emissions. For this rulemaking, DOE estimated mercury emissions reduction using emissions factors based on *AEO 2012,* which incorporates the MATS.

Power plants may emit particulates from the smoke stack, which are known as direct particulate matter (PM) emissions. NEMS does not account for direct p.m. emissions from power plants. DOE is investigating the possibility of using other methods to estimate reduction in p.m. emissions due to standards. The great majority of ambient p.m. associated with power plants is in the form of secondary sulfates and nitrates, which are produced at a significant distance from power plants by complex atmospheric chemical reactions that often involve the gaseous emissions of power plants, mainly SO_2 and NO_X. The monetary benefits that DOE estimates for reductions in SO_2 and NO_X emissions resulting from standards are in fact primarily related to the health benefits of reduced ambient PM.

L. Monetizing Carbon Dioxide and Other Emissions Impacts

As part of the development of this NOPR, DOE considered the estimated monetary benefits from the reduced emissions of CO_2 and NO_X that are expected to result from each of the considered efficiency levels. In order to make this calculation similar to the calculation of the NPV of consumer benefit, DOE considered the reduced emissions expected to result over the lifetime of products shipped in the forecast period for each efficiency level. This section summarizes the basis for the monetary values used for CO_2 and NO_X emissions and presents the values considered in this rulemaking.

For this NOPR, DOE is relying on a set of values for the social cost of carbon (SCC) that was developed by an interagency process. A summary of the basis for those values is provided below, and a more detailed description of the methodologies used is provided as an appendix to chapter 14 of the NOPR TSD.

1. Social Cost of Carbon

The SCC is an estimate of the monetized damages associated with an incremental increase in carbon emissions in a given year. It is intended to include (but is not limited to) changes in net agricultural productivity, human health, property damages from increased flood risk, and the value of ecosystem services. Estimates of the SCC are provided in dollars per metric ton of carbon dioxide. A domestic SCC value is meant to reflect the value of damages in the United States resulting from a unit change in carbon dioxide emissions, while a global SCC value is meant to reflect the value of damages worldwide.

Under section 1(b)(6) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993), agencies must, to the extent permitted by law, assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. The purpose of the SCC estimates presented here is to allow agencies to incorporate the monetized social benefits of reducing CO_2 emissions into cost-benefit analyses of regulatory actions that have small, or ''marginal,'' impacts on cumulative global emissions. The

Circuit) but it remained in effect. See *North Carolina* v. *EPA,* 550 F.3d 1176 (D.C. Cir. 2008); *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008).

[53] See *EME Homer City Generation, LP* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012*) cert. granted, 81 USLW 3567 (U.S. Jun. 24 2013) (No. 12–1182).*

[54] This is because SO_2 emissions will be well below the cap under either rule, such that emissions reductions will be realized to the same extent; the caps on NO_X emissions in the 22 states regulated under both rules will have the same effect such that reductions in electricity generation from efficiency standards would result in little change in NO_X levels (as explained further below).

estimates are presented with an acknowledgement of the many uncertainties involved and with a clear understanding that they should be updated over time to reflect increasing knowledge of the science and economics of climate impacts.

As part of the interagency process that developed the SCC estimates, technical experts from numerous agencies met on a regular basis to consider public comments, explore the technical literature in relevant fields, and discuss key model inputs and assumptions. The main objective of this process was to develop a range of SCC values using a defensible set of input assumptions grounded in the existing scientific and economic literatures. In this way, key uncertainties and model differences transparently and consistently inform the range of SCC estimates used in the rulemaking process.

a. Monetizing Carbon Dioxide Emissions

When attempting to assess the incremental economic impacts of carbon dioxide emissions, the analyst faces a number of serious challenges. A recent report from the National Research Council points out that any assessment will suffer from uncertainty, speculation, and lack of information about: (1) Future emissions of greenhouse gases; (2) the effects of past and future emissions on the climate system; (3) the impact of changes in climate on the physical and biological environment; and (4) the translation of these environmental impacts into economic damages. As a result, any effort to quantify and monetize the harms associated with climate change will raise serious questions of science, economics, and ethics and should be viewed as provisional.

Despite the serious limits of both quantification and monetization, SCC estimates can be useful in estimating the social benefits of reducing carbon dioxide emissions. Most Federal regulatory actions can be expected to have marginal impacts on global emissions. For such policies, the agency can estimate the benefits from reduced emissions in any future year by multiplying the change in emissions in that year by the SCC value appropriate for that year. The net present value of the benefits can then be calculated by multiplying the future benefits by an appropriate discount factor and summing across all affected years. This approach assumes that the marginal damages from increased emissions are constant for small departures from the baseline emissions path, an approximation that is reasonable for policies that have effects on emissions that are small relative to cumulative global carbon dioxide emissions. For policies that have a large (non-marginal) impact on global cumulative emissions, there is a separate question of whether the SCC is an appropriate tool for calculating the benefits of reduced emissions. This concern is not applicable to this rulemaking, however.

It is important to emphasize that the interagency process is committed to updating these estimates as the science and economic understanding of climate change and its impacts on society improves over time. In the meantime, the interagency group will continue to explore the issues raised by this analysis and consider public comments as part of the ongoing interagency process.

b. Social Cost of Carbon Values Used in Past Regulatory Analyses

Economic analyses for Federal regulations have used a wide range of values to estimate the benefits associated with reducing carbon dioxide emissions. In the final model year 2011 CAFE rule, the U.S. Department of Transportation (DOT) used both a ''domestic'' SCC value of $2 per metric ton of CO_2 and a ''global'' SCC value of $33 per metric ton of CO_2 for 2007 emission reductions (in 2007$), increasing both values at 2.4 percent per year. DOT also included a sensitivity analysis at $80 per metric ton of CO_2.[55] A 2008 regulation proposed by DOT assumed a domestic SCC value of $7 per metric ton of CO_2 (in 2006$) for 2011 emission reductions (with a range of $0 − $14 for sensitivity analysis), also increasing at 2.4 percent per year.[56] A regulation for packaged terminal air conditioners and packaged terminal heat pumps finalized by DOE in October of 2008 used a domestic SCC range of $0 to $20 per metric ton CO_2 for 2007 emission reductions (in 2007$). 73 FR 58772, 58814 (Oct. 7, 2008). In addition, EPA's 2008 Advance Notice of Proposed Rulemaking on Regulating Greenhouse Gas Emissions Under the Clean Air Act identified what it described as ''very preliminary'' SCC estimates subject to revision. 73 FR 44354 (July 30, 2008). EPA's global mean values were $68 and $40 per metric ton CO_2 for discount rates of approximately 2 percent and 3 percent, respectively (in 2006$ for 2007 emissions).

In 2009, an interagency process was initiated to offer a preliminary assessment of how best to quantify the benefits from reducing carbon dioxide emissions. To ensure consistency in how benefits are evaluated across agencies, the Administration sought to develop a transparent and defensible method, specifically designed for the rulemaking process, to quantify avoided climate change damages from reduced CO_2 emissions. The interagency group did not undertake any original analysis. Instead, it combined SCC estimates from the existing literature to use as interim values until a more comprehensive analysis could be conducted. The outcome of the preliminary assessment by the interagency group was a set of five interim values: global SCC estimates for 2007 (in 2006$) of $55, $33, $19, $10, and $5 per metric ton of CO_2. These interim values represented the first sustained interagency effort within the U.S. government to develop an SCC for use in regulatory analysis. The results of this preliminary effort were presented in several proposed and final rules.

c. Current Approach and Key Assumptions

Since the release of the interim values, the interagency group reconvened on a regular basis to generate improved SCC estimates. Specifically, the group considered public comments and further explored the technical literature in relevant fields. The interagency group relied on three integrated assessment models commonly used to estimate the SCC: the FUND, DICE, and PAGE models. These models are frequently cited in the peer-reviewed literature and were used in the last assessment of the Intergovernmental Panel on Climate Change. Each model was given equal weight in the SCC values that were developed.

Each model takes a slightly different approach to model how changes in emissions result in changes in economic damages. A key objective of the interagency process was to enable a consistent exploration of the three models while respecting the different approaches to quantifying damages taken by the key modelers in the field. An extensive review of the literature was conducted to select three sets of input parameters for these models: Climate sensitivity, socio-economic and emissions trajectories, and discount

[55] See *Average Fuel Economy Standards Passenger Cars and Light Trucks Model Year 2011,* 74 FR 14196 (March 30, 2009) (Final Rule); Final Environmental Impact Statement Corporate Average Fuel Economy Standards, Passenger Cars and Light Trucks, Model Years 2011–2015 at 3–90 (Oct. 2008) (Available at: *http://www.nhtsa.gov/fuel-economy*) (Last accessed December 2012).

[56] See *Average Fuel Economy Standards, Passenger Cars and Light Trucks, Model Years 2011–2015,* 73 FR 24352 (May 2, 2008) (Proposed Rule); Draft Environmental Impact Statement Corporate Average Fuel Economy Standards, Passenger Cars and Light Trucks, Model Years 2011–2015 at 3–58 (June 2008) (Available at: *http://www.nhtsa.gov/fuel-economy*) (Last accessed December 2012).

rates. A probability distribution for climate sensitivity was specified as an input into all three models. In addition, the interagency group used a range of scenarios for the socio-economic parameters and a range of values for the discount rate. All other model features were left unchanged, relying on the model developers' best estimates and judgments.

The interagency group selected four sets of SCC values for use in regulatory analyses. Three sets of values are based on the average SCC from three integrated assessment models, at discount rates of 2.5 percent, 3 percent, and 5 percent. The fourth set, which represents the 95th-percentile SCC estimate across all three models at a 3-percent discount rate, is included to represent higher-than-expected impacts from climate change further out in the tails of the SCC distribution. The values grow in real terms over time.

Additionally, the interagency group determined that a range of values from 7 percent to 23 percent should be used to adjust the global SCC to calculate domestic effects, although preference is given to consideration of the global benefits of reducing CO_2 emissions. Table IV.10 presents the values in the 2010 interagency group report,[57] which is reproduced in appendix 14–A of the NOPR TSD.

TABLE IV.10—ANNUAL SCC VALUES FROM 2010 INTERAGENCY REPORT, 2010–2050

[In 2007 Dollars per Metric Ton CO_2]

Year	Discount rate %			
	5	3	2.5	3
	Average	Average	Average	95th Percentile
2010	4.7	21.4	35.1	64.9
2015	5.7	23.8	38.4	72.8
2020	6.8	26.3	41.7	80.7
2025	8.2	29.6	45.9	90.4
2030	9.7	32.8	50.0	100.0
2035	11.2	36.0	54.2	109.7
2040	12.7	39.2	58.4	119.3
2045	14.2	42.1	61.7	127.8
2050	15.7	44.9	65.0	136.2

The SCC values used for this notice were generated using the most recent versions of the three integrated assessment models that have been published in the peer-reviewed literature.[58] Table IV.11 shows the updated sets of SCC estimates in five-year increments from 2010 to 2050. Appendix 14–B of the NOPR TSD provides the full set of SCC estimates, as well as the 2013 report from the interagency group. The central value that emerges is the average SCC across models at the 3-percent discount rate. However, for purposes of capturing the uncertainties involved in regulatory impact analysis, the interagency group emphasizes the importance of including all four sets of SCC values.

TABLE IV.11—ANNUAL SCC VALUES FROM 2013 INTERAGENCY UPDATE, 2010–2050

[In 2007 Dollars per Metric Ton CO_2]

Year	Discount rate %			
	5	3	2.5	3
	Average	Average	Average	95th Percentile
2010	11	33	52	90
2015	12	38	58	109
2020	12	43	65	129
2025	14	48	70	144
2030	16	52	76	159
2035	19	57	81	176
2040	21	62	87	192
2045	24	66	92	206
2050	27	71	98	221

It is important to recognize that a number of key uncertainties remain, and that current SCC estimates should be treated as provisional and revisable since they will evolve with improved scientific and economic understanding. The interagency group also recognizes that the existing models are imperfect and incomplete. The National Research Council report mentioned above points out that there is tension between the goal of producing quantified estimates of the economic damages from an incremental ton of carbon and the limits of existing efforts to model these effects.

[57] *Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866.* Interagency Working Group on Social Cost of Carbon, United States Government, February 2010. *http://www.whitehouse.gov/sites/default/files/omb/inforeg/for-agencies/Social-Cost-of-Carbon-for-RIA.pdf.*

[58] *Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866.* Interagency Working Group on Social Cost of Carbon, United States Government. May 2013. *http://www.whitehouse.gov/sites/default/files/omb/inforeg/social_cost_of_carbon_for_ria_2013_update.pdf.*

There are a number of concerns and problems that should be addressed by the research community, including research programs housed in many of the Federal agencies participating in the interagency process to estimate the SCC. The interagency group intends to periodically review and reconsider those estimates to reflect increasing knowledge of the science and economics of climate impacts, as well as improvements in modeling.

In summary, in considering the potential global benefits resulting from reduced CO_2 emissions, DOE used the values from the 2013 interagency report, adjusted to 2012$ using the Gross Domestic Product price deflator. For each of the four cases specified, the values used for emissions in 2015 were $12.9, $40.8, $62.2, and $117 per metric ton avoided (values expressed in 2012$). DOE derived values after 2050 using the relevant growth rates for the 2040–2050 period in the interagency update.

DOE multiplied the CO_2 emissions reduction estimated for each year by the SCC value for that year in each of the four cases. To calculate a present value of the stream of monetary values, DOE discounted the values in each of the four cases using the specific discount rate that had been used to obtain the SCC values in each case.

AHRI agreed that the monetization of emission reductions is an important factor to consider, but it stated that DOE has no statutory responsibility to establish a monetary value for potential environmental benefits of appliance and equipment standards. It added that there is currently no consensus on any single estimate of the value of CO_2 emissions, and, therefore, DOE should not indulge in speculation to determine a value when it has no statutory obligation to do so. (AHRI, No. 48 at p. 7)

In response, it is noted that EPCA directs DOE to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) DOE determines whether a standard is economically justified by considering, to the greatest extent practicable, a number of factors. (42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII)) Among these factors is ''other factors the Secretary [of Energy] considers relevant.'' The Secretary considers the economic benefits that may accrue to society from reduction of CO_2 emissions a relevant factor. DOE further notes that the incorporation of environmental externalities, such as damage from climate change, is a well-established principle in cost-benefit analysis by Federal agencies. DOE acknowledges that the value to place on a ton of avoided CO_2 emissions in future years is very uncertain, and for this reason it uses a wide range of monetary values (from $12.9 per ton to $117 per ton for emissions avoided in 2015).

AHRI also stated that DOE should not allow evaluation of environmental impacts to negate or make moot what has always been, and should remain, the core analysis in appliance and equipment standards rulemakings: The consumer payback period and life-cycle cost analysis. (AHRI, No. 48 at p. 7) In response, DOE notes that environmental and other impacts associated with reduced emissions are but one of the factors that DOE considers in determining whether a standard is economically justified.

2. Valuation of Other Emissions Reductions

DOE investigated the potential monetary benefit of reduced NO_X emissions from the potential standards it considered. As noted above, DOE has taken into account how new energy conservation standards would reduce NO_X emissions in those 22 States not affected by the CSAPR. DOE estimated the monetized value of NO_X emissions reductions resulting from each of the TSLs considered for this NOPR based on estimates found in the relevant scientific literature. Available estimates suggest a wide range of benefit per ton values for NO_X from stationary sources, ranging from $468 to $4,809 per ton in 2012$.[59] DOE calculated the monetary benefits from NO_X reductions using an average benefit per ton value for NO_X and discount rates of 3 percent and 7 percent.[60]

DOE did not monetize Hg or SO_2 emission reductions for this NOPR because it is currently evaluating appropriate valuation of reduction in these emissions.

M. Utility Impact Analysis

The utility impact analysis estimates several effects on the power generation industry that would result from the adoption of new or amended energy conservation standards. In the utility impact analysis, DOE analyzes the changes in electric installed capacity and generation that result for each trial standard level. The utility impact analysis uses a variant of NEMS, which is a public domain, multi-sectored, partial equilibrium model of the U.S. energy sector. DOE uses a variant of this model, referred to as NEMS–BT,[61] to account for selected utility impacts of new or amended energy conservation standards. DOE's analysis consists of a comparison between model results for the most recent *AEO* Reference Case and for cases in which energy use is decremented to reflect the impact of potential standards. The energy savings inputs associated with each TSL come from the NIA. Chapter 15 of the NOPR TSD describes the utility impact analysis in further detail.

NEEP recommended estimating the value of capacity reduction due to appliance standards as part of the NOPR, because reducing the need for electricity capacity is an important benefit that minimum efficiency standards bring to the country and various regions. Noting that the NOPR provides estimates of the expected reduction in electricity capacity due to residential furnace fan standards, NEEP urged the Department to also include a financial benefit estimate associated with these capacity reductions. (NEEP, No. 51 at p. 3)

For the NOPR, DOE used NEMS–BT, along with EIA data on the capital cost of various power plant types, to estimate the reduction in national expenditures for electricity generating capacity due to potential residential furnace fan standards. The method used and the results are described in chapter 15 of the NOPR TSD.

DOE is evaluating whether parts of the cost reduction are a transfer and thus, according to guidance provided by OMB to Federal agencies, should not be included in the estimates of the benefits and costs of a regulation.[62] Transfer payments are monetary payments from one group to another that do not affect total resources available to society (*i.e.,* exchanges that neither decrease nor increase total welfare). Benefits occur when savings to consumers result from real savings to producers, which increases societal benefits. Cost savings from reduced or delayed capital expenditure on power plants are a benefit, and not a transfer, to the extent that the reduced expenditure provides savings to both producers and consumers without affecting other

[59] U.S. Office of Management and Budget, Office of Information and Regulatory Affairs, *2006 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities* (2006).

[60] OMB, Circular A–4: Regulatory Analysis (Sept. 17, 2003).

[61] DOE/EIA approves use of the name NEMS to describe only an official version of the model without any modification to code or data. Because this analysis entails some minor code modifications and the model is run under various policy scenarios that are variations on DOE/EIA assumptions, DOE refers to it by the name ''NEMS–BT'' (''BT'' is DOE's Building Technologies Program, under whose aegis this work has been performed).

[62] OMB Circular A–4 (Sept. 17, 2003), p. 38.

groups. There would be a transfer to the extent that the delayed construction caused some other group (*e.g.,* equipment suppliers or landowners who might have assets committed to the projects) to realize a lower return on those assets. DOE is evaluating these issues to determine the extent to which the cost savings from delayed capital expenditure on power plants are a benefit to society.[63]

EEI stated that as part of its analysis on the potential impact of new residential furnace fan efficiency standards on utilities, DOE should consider the impacts of increased demands on gas and oil systems, especially during peak fossil fuel demand days. (EEI, No. 65 at p. 2) In response, DOE has tentatively concluded that the increase in gas and oil use associated with higher furnace fan efficiency levels is expected to be very small in the context of overall gas and oil demand, and as such, DOE believes that the impact on gas and oil systems would be insignificant.

EEI stated that with respect to electric utilities, DOE should ensure that it does not overestimate the potential for residential furnace fan energy conservation standards to reduce peak load demand. According to EEI, the vast majority of electric utilities in the U.S. reach peak demand during the summer air conditioning season. (EEI, No. 65 at p. 2) In response, DOE's analysis with NEMS uses a demand load shape that approximates the daily and seasonal load of residential furnace fans. Thus, the resulting estimates of changes in generating capacity due to higher residential furnace fan efficiency are reasonable.

N. Employment Impact Analysis

Employment impacts from new or amended energy conservation standards include direct and indirect impacts. Direct employment impacts are any changes in the number of employees of manufacturers of the products subject to standards; the MIA addresses those impacts. Indirect employment impacts are changes in national employment that occur due to the shift in expenditures and capital investment caused by the purchase and operation of more-efficient appliances. Indirect employment impacts from standards consist of the jobs created or eliminated in the national economy due to: (1) Reduced spending by end users on energy; (2) reduced spending on new energy supply by the utility industry; (3) increased consumer spending on the purchase of new products; and (4) the effects of those three factors throughout the economy.

One method for assessing the possible effects on the demand for labor of such shifts in economic activity is to compare sector employment statistics developed by the Labor Department's Bureau of Labor Statistics (BLS). BLS regularly publishes its estimates of the number of jobs per million dollars of economic activity in different sectors of the economy, as well as the jobs created elsewhere in the economy by this same economic activity. Data from BLS indicate that expenditures in the utility sector generally create fewer jobs (both directly and indirectly) than expenditures in other sectors of the economy.[64] There are many reasons for these differences, including wage differences and the fact that the utility sector is more capital-intensive and less labor-intensive than other sectors. Energy conservation standards have the effect of reducing consumer utility bills. Because reduced consumer expenditures for energy likely lead to increased expenditures in other sectors of the economy, the general effect of efficiency standards is to shift economic activity from a less labor-intensive sector (*i.e.,* the utility sector) to more labor-intensive sectors (*e.g.,* the retail and service sectors). Thus, based on the BLS data alone, DOE believes net national employment may increase because of shifts in economic activity resulting from energy conservation standards for residential furnace fans.

For the standard levels considered in this NOPR, DOE estimated indirect national employment impacts using an input/output model of the U.S. economy called Impact of Sector Energy Technologies version 3.1.1 (ImSET).[65] ImSET is a special-purpose version of the ''U.S. Benchmark National Input-Output'' (I–O) model, which was designed to estimate the national employment and income effects of energy-saving technologies. The ImSET software includes a computer-based I–O model having structural coefficients that characterize economic flows among the 187 sectors. ImSET's national economic I–O structure is based on a 2002 U.S. benchmark table, specially aggregated to the 187 sectors most relevant to industrial, commercial, and residential building energy use. DOE notes that ImSET is not a general equilibrium forecasting model, and understands the uncertainties involved in projecting employment impacts, especially changes in the later years of the analysis. Because ImSET does not incorporate price changes, the employment effects predicted by ImSET may over-estimate actual job impacts over the long run. For the NOPR, DOE used ImSET only to estimate short-term (2019 and 2024) employment impacts.

For more details on the employment impact analysis, see chapter 16 of the NOPR TSD.

V. Analytical Results and Conclusions

This section addresses the results from DOE's analyses with respect to potential energy conservation standards for residential furnace fans. It addresses the TSLs examined by DOE, the projected impacts of each of these levels if adopted as energy conservation standards for furnace fans, and the proposed standard levels that DOE sets forth in this NOPR. Additional details regarding DOE's analyses are contained in the TSD supporting this notice.

A. Trial Standard Levels

DOE developed trial standard levels (TSLs) that combine efficiency levels for each product class of residential furnace fans. Table V.1 presents the efficiency levels for each product class in each TSL. TSL 6 consists of the max-tech efficiency levels. TSL 5 consists of those efficiency levels that provide the maximum NPV using a 7-percent discount rate (see section V.B.3 for NPV results). TSL 4 consists of those efficiency levels that provide the highest NPV using a 7-percent discount rate, and that also result in a higher percentage of consumers that receive an LCC benefit than experience an LCC loss (see section V.B.1 for LCC results). TSL 3 uses efficiency level 3 for all product classes. TSL 2 consists of efficiency levels that are the same as TSL 3 for non-weatherized gas furnace fans, weatherized gas furnace fans, and electric furnace fans, but are at efficiency level 1 for oil-fired furnace fans and manufactured home furnace fans. TSL 1 consists of the most common efficiency levels in the current

[63] Although delayed investment implies a savings in total cost, the savings may be less than the savings in capital cost because the delay may also cause increases in other costs. For example, if the delayed investment was the replacement of an existing facility with a larger, more-efficient facility, the increased cost of operating the old facility during the period of delay might offset much of the savings from delayed investment. That the project was delayed is evidence that doing so decreased overall cost, but it does not indicate that the decrease was equal to the entire savings in capital cost.

[64] *See* Bureau of Economic Analysis, ''Regional Multipliers: A User Handbook for the Regional Input-Output Modeling System (RIMS II),'' U.S. Department of Commerce (1992).

[65] J.M. Roop, M.J. Scott, and R.W. Schultz, *ImSET 3.1: Impact of Sector Energy Technologies,* PNNL–18412, Pacific Northwest National Laboratory (2009) (Available at: *www.pnl.gov/main/publications/external/technical_reports/PNNL-18412.pdf*).

market. In summary, Table V.1 presents the six TSLs which DOE has identified for residential furnace fans, including the efficiency level associated with each TSL, the technology options anticipated to achieve those levels, and the expected resulting percentage reduction in FER from the baseline corresponding to each efficiency level.

TABLE V.1—TRIAL STANDARD LEVELS FOR RESIDENTIAL FURNACE FANS

Product class	Trial standard levels (Efficiency Level)*					
	1	2	3	4	5	6
Non-Weatherized, Non-Condensing Gas Furnace Fan	1	3	3	4	4	6
Non-weatherized, Condensing Gas Furnace Fan	1	3	3	4	4	6
Weatherized Non-Condensing Gas Furnace Fan	1	3	3	4	4	6
Non-Weatherized, Non-Condensing Oil Furnace Fan	1	1	3	1	3	6
Non-weatherized Electric Furnace/Modular Blower Fan	1	3	3	4	4	6
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan	1	1	3	1	3	6
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan	1	1	3	1	3	6
Manufactured Home Electric Furnace/Modular Blower Fan	1	1	3	4	4	6

* Efficiency level (EL) 1 = Improved PSC (12 percent). (For each EL, the percentages given refer to percent reduction in FER from the baseline level.) EL 2 = Inverter-driven PSC (25 percent). EL 3 = Constant-torque BPM motor (38 percent). EL 4 = Constant-torque BPM motor + Multi-Staging (51 percent). EL 5 = Constant-airflow BPM motor (57 percent). EL 6 = Constant-airflow BPM motor + Multi-Staging (61 percent).

B. Economic Justification and Energy Savings

1. Economic Impacts on Consumers

a. Life-Cycle Cost and Payback Period

To evaluate the economic impact of the considered efficiency levels on consumers, DOE conducted an LCC analysis for each efficiency level. More-efficient residential furnace fans would affect these consumers in two ways: (1) Annual operating expense would decrease; and (2) purchase price would increase. Inputs used for calculating the LCC include total installed costs (*i.e.,* equipment price plus installation costs), operating expenses (*i.e.,* energy costs, repair costs, and maintenance costs), product lifetime, and discount rates.

The output of the LCC model is a mean LCC savings (or cost) for each product class, relative to the base case efficiency distribution for residential furnace fans. The LCC analysis also provides information on the percentage of consumers for whom an increase in the minimum efficiency standard would have a positive impact (net benefit), a negative impact (net cost), or no impact.

DOE also performed a PBP analysis as part of the LCC analysis. The PBP is the number of years it would take for the consumer to recover the increased costs of higher-efficiency products as a result of energy savings based on the operating cost savings. The PBP is an economic benefit-cost measure that uses benefits and costs without discounting. Chapter 8 of the NOPR TSD provides detailed information on the LCC and PBP analyses.

DOE's LCC and PBP analyses provide five key outputs for each efficiency level above the baseline, as reported in Table V.2 through Table V.9 for the considered TSLs. (Results for all efficiency levels are reported in chapter 8 of the NOPR TSD.) These outputs include the proportion of residential furnace fan purchases in which the purchase of a furnace fan compliant with the new energy conservation standard creates a net LCC increase, no impact, or a net LCC savings for the consumer. Another output is the average LCC savings from standards-compliant products, as well as the median PBP for the consumer investment in standards-compliant products. Savings are measured relative to the base case efficiency distribution (see section IV.F.4), not the baseline efficiency level.

TABLE V.2—LCC AND PBP RESULTS FOR NON-WEATHERIZED, NON-CONDENSING GAS FURNACE FANS

Efficiency level	TSL	Life-cycle cost *2012$*			Life-cycle cost savings				Median payback Period *years*
		Installed cost	Discounted operating cost	LCC	Average savings *2012$*	% of Consumers that experience			
						Net cost	No impact	Net benefit	
Baseline		$343	$2,146	$2,489	$0	0	100	0	
1	1	354	1,943	2,297	64	2	68	30	1.34
2		403	1,649	2,052	253	25	25	50	3.98
3	2, 3	414	1,389	1,803	442	18	25	57	2.69
4	4, 5	496	1,273	1,769	474	33	14	53	5.38
5		662	1,333	1,995	275	53	12	35	11.53
6	6	697	1,260	1,957	313	58	0	42	11.20

TABLE V.3—LCC AND PBP RESULTS FOR NON-WEATHERIZED, CONDENSING GAS FURNACE FANS

Efficiency level	TSL	Life-cycle cost *2012$*			Life-cycle cost savings				Median payback period *years*
		Installed cost	Discounted operating cost	LCC	Average savings *2012$*	% of Consumers that experience			
						Net cost	No impact	Net benefit	
Baseline	.....	$339	$2,259	$2,598	$0	0	100	0	.....
1	1	351	2,066	2,417	49	1	75	24	1.35
2	.....	398	1,775	2,173	203	21	41	38	4.13
3	2, 3	408	1,506	1,914	361	10	41	49	2.73
4	4, 5	490	1,414	1,904	371	24	34	42	5.39
5	.....	658	1,488	2,146	199	45	29	27	11.73
6	6	692	1,415	2,107	238	57	0	43	11.03

TABLE V.4—LCC AND PBP RESULTS FOR WEATHERIZED, NON-CONDENSING GAS FURNACE FANS

Efficiency level	TSL	Life-cycle cost *2012$*			Life-cycle cost savings				Median payback period *years*
		Installed cost	Discounted operating cost	LCC	Average savings *2012$*	% of Consumers that experience			
						Net cost	No impact	Net benefit	
Baseline	.....	$329	$1,944	$2,273	$0	0	100	0	.....
1	1	340	1,759	2,099	35	0	81	18	1.27
2	.....	387	1,549	1,936	104	13	56	31	4.94
3	2, 3	397	1,276	1,673	228	7	56	37	2.65
4	4, 5	476	1,170	1,645	247	25	33	41	6.39
5	.....	636	1,290	1,926	39	51	27	22	15.53
6	6	670	1,228	1,898	67	63	0	37	13.32

TABLE V.5—LCC AND PBP RESULTS FOR NON-WEATHERIZED, NON-CONDENSING OIL FURNACE FANS

Efficiency level	TSL	Life-cycle cost *2012$*			Life-cycle cost savings				Median payback period *years*
		Installed cost	Discounted operating cost	LCC	Average savings *2012$*	% of Consumers that experience			
						Net cost	No impact	Net benefit	
Baseline	.....	$387	$2,540	$2,927	$0	0	100	0	.....
1	1, 2, 4	404	2,389	2,794	40	12	71	18	5.49
2	.....	470	2,042	2,512	245	46	28	26	12.33
3	3, 5	482	1,896	2,378	344	43	28	29	6.97
4	.....	570	1,833	2,402	326	49	28	23	12.07
5	.....	798	1,887	2,685	120	58	28	14	27.47
6	6	833	1,840	2,673	132	79	0	21	25.41

TABLE V.6—LCC AND PBP RESULTS FOR NON-WEATHERIZED ELECTRIC FURNACE/MODULAR BLOWER FANS

Efficiency level	TSL	Life-cycle cost *2012$*			Life-Cycle Cost Savings				Median payback period *years*
		Installed cost	Discounted operating cost	LCC	Average savings *2012$*	% of Consumers that experience			
						Net cost	No impact	Net benefit	
Baseline	.....	$241	$1,198	$1,439	$0	0	100	0	.....
1	1	252	1,100	1,352	21	5	73	21	2.39
2	.....	295	954	1,249	84	28	37	34	6.16
3	2, 3	294	830	1,124	160	20	37	42	3.15
4	4, 5	315	771	1,086	185	27	25	48	3.55
5	.....	450	855	1,305	18	52	25	23	12.83
6	6	482	824	1,306	17	68	0	32	13.45

TABLE V.7—LCC AND PBP RESULTS FOR MANUFACTURED HOME NON-WEATHERIZED, NON-CONDENSING GAS FURNACE FANS

Efficiency level	TSL	Life-cycle cost 2012$			Life-cycle cost savings				Median payback period years
		Installed cost	Discounted operating cost	LCC	Average savings 2012$	% of Consumers that experience			
						Net cost	No impact	Net benefit	
Baseline	.....	$254	$1,144	$1,398	$0	0	100	0	.....
1	1, 2, 4	265	1,070	1,335	26	13	56	32	3.35
2	.....	310	955	1,265	97	62	0	38	10.74
3	3, 5	315	901	1,216	146	58	0	42	7.02
4	.....	391	876	1,267	95	70	0	30	13.10
5	.....	537	927	1,464	(102)	85	0	15	26.22
6	6	569	909	1,478	(116)	85	0	15	26.73

*Parentheses indicate negative values.

TABLE V.8—LCC AND PBP RESULTS FOR MANUFACTURED HOME NON-WEATHERIZED, CONDENSING GAS FURNACE FANS

Efficiency level	TSL	Life-cycle cost 2012$			Life-cycle cost savings				Median payback period years
		Installed cost	Discounted operating cost	LCC	Average savings 2012$	% of Consumers that experience			
						Net cost	No impact	Net benefit	
Baseline	.....	$271	$1,355	$1,626	$0	0	100	0	.....
1	1, 2, 4	282	1,261	1,543	27	7	68	26	2.73
2	.....	326	1,123	1,449	96	43	29	28	10.47
3	3, 5	334	1,039	1,373	152	38	29	32	6.46
4	.....	410	1,005	1,416	111	68	4	27	14.82
5	.....	564	1,053	1,618	(82)	82	4	14	34.31
6	6	597	1,025	1,622	(86)	84	0	16	32.23

* Parentheses indicate negative values.

TABLE V.9—LCC AND PBP RESULTS FOR MANUFACTURED HOME ELECTRIC FURNACE/MODULAR BLOWER FAN

Efficiency level	TSL	Life-cycle cost 2012$			Life-cycle cost savings				Median payback period years
		Installed cost	Discounted operating cost	LCC	Average savings 2012$*	% of Consumers that experience			
						Net cost	No impact	Net benefit	
Baseline	.....	$192	$663	$855	$0	0	100	0	.....
1	1, 2	202	608	810	14	8	71	21	2.49
2	.....	243	561	804	20	37	38	25	9.99
3	3	241	499	739	64	28	38	34	4.35
4	4, 5	259	464	723	78	34	26	40	4.61
5	.....	382	539	921	(70)	59	26	15	16.75
6	6	412	525	937	(86)	82	0	18	17.11

* Parentheses indicate negative values.

The results in the above tables reflect the assumptions for use of constant circulation in the proposed DOE test procedure for furnace fans. As discussed in section IV.E, DOE also performed a sensitivity analysis for non-weatherized gas furnace fans to estimate the effect on the LCC results if it assumed half as much use of continuous circulation.[66] Under this revised assumption, for non-weatherized, non-condensing gas furnace fans, the average LCC savings decline somewhat in the sensitivity analysis, and the share of consumers that experience an LCC benefit declines slightly (see Table V.10). The same changes occur for non-weatherized, condensing gas furnace fans, but the magnitude of the effect is somewhat larger than for non-condensing gas furnace fans (see Table V.11).

[66] Non-weatherized gas furnace fans account for the vast majority of furnace fans used in constant-circulation mode.

TABLE V.10—LCC AND PBP RESULTS FOR NON-WEATHERIZED, NON-CONDENSING GAS FURNACE FANS UNDER ALTERNATIVE CONSTANT-CIRCULATION SCENARIOS

Efficiency level	TSL	Constant-circulation scenario							
		Current test procedure assumptions				Half of current test procedure assumptions			
		Average LCC savings *2012$*	% of Consumers that experience			Average LCC savings *2012$*	% of Consumers that experience		
			Net cost	No impact	Net benefit		Net cost	No impact	Net benefit
1	1	64	2	68	30	59	2	68	29
2		253	25	25	50	189	27	25	48
3	2, 3	442	18	25	57	362	19	25	56
4	4, 5	474	33	14	53	376	34	14	51
5		275	53	12	35	173	55	12	33
6	6	313	58	0	42	204	60	0	40

TABLE V.11—LCC AND PBP RESULTS FOR NON-WEATHERIZED, CONDENSING GAS FURNACE FANS UNDER ALTERNATIVE CONSTANT-CIRCULATION SCENARIOS

Efficiency level	TSL	Constant-circulation scenario							
		Current test procedure assumptions				Half of current test procedure assumptions			
		Average LCC savings *2012$*	% of Consumers that experience			Average LCC savings *2012$*	% of Consumers that experience		
			Net cost	No impact	Net benefit		Net cost	No impact	Net benefit
1	1	49	1	75	24	41	1	75	24
2		203	21	41	38	127	22	41	37
3	2, 3	361	10	41	49	266	11	41	48
4	4, 5	371	24	34	42	256	25	34	40
5		199	45	29	27	78	47	29	24
6	6	238	57	0	43	107	60	0	40

b. Consumer Subgroup Analysis

DOE estimated the impacts of the considered efficiency levels (TSLs) on the following consumer subgroups: (1) Senior-only households; and (2) low-income households. The results of the consumer subgroup analysis indicate that for residential furnace fans, senior-only households and low-income households experience lower average LCC savings and longer payback periods than consumers overall, with the difference being larger for low-income households. The difference between the two subgroups and all consumers is larger for non-weatherized, non-condensing gas furnace fans (see Table V.12) than for non-weatherized, condensing gas furnace fans (see Table V.13). Chapter 11 of the NOPR TSD provides more detailed discussion on the consumer subgroup analysis and results for the other product classes.

TABLE V.12—COMPARISON OF IMPACTS FOR CONSUMER SUBGROUPS WITH ALL CONSUMERS, NON-WEATHERIZED, NON-CONDENSING GAS FURNACE FANS

Efficiency level	Average life-cycle cost savings *2012$*				Median payback period *years*		
	TSL	Senior-only	Low income	All consumers	All consumers	Senior-only	Low-income
1	1	47	35	64	1.8	2.1	1.3
2		200	123	253	5.4	6.3	4.0
3	2, 3	344	232	442	3.7	3.8	2.7
4	4, 5	343	206	474	7.2	7.8	5.4
5		142	7	275	15.6	17.2	11.5
6	6	164	14	313	15.3	16.5	11.2

TABLE V.13—COMPARISON OF IMPACTS FOR CONSUMER SUBGROUPS WITH ALL CONSUMERS, NON-WEATHERIZED, CONDENSING GAS FURNACE FANS

Efficiency Level	Average life-cycle cost savings *2012$*				Median payback period *years*		
	TSL	Senior-only	Low-income	All consumers	Senior-only	Low-income	All consumers
1	1	41	32	49	1.6	2.2	1.4
2		173	129	203	5.1	6.6	4.1
3	2, 3	313	245	361	3.2	4.0	2.7
4	4, 5	301	212	371	6.6	8.5	5.4

TABLE V.13—COMPARISON OF IMPACTS FOR CONSUMER SUBGROUPS WITH ALL CONSUMERS, NON-WEATHERIZED, CONDENSING GAS FURNACE FANS—Continued

Efficiency Level	Average life-cycle cost savings *2012$*				Median payback period *years*		
	TSL	Senior-only	Low-income	All consumers	Senior-only	Low-income	All consumers
5		121	35	199	14.5	18.3	11.7
6	6	151	52	238	12.2	16.4	11.0

c. Rebuttable Presumption Payback

As discussed in section IV.F.5, EPCA provides a rebuttable presumption that, in essence, an energy conservation standard is economically justified if the increased purchase cost for a product that meets the standard is less than three times the value of the first-year energy savings resulting from the standard. However, DOE routinely conducts a full economic analysis that considers the full range of impacts, including those to the consumer, manufacturer, Nation, and environment, as required under 42 U.S.C. 6295(o)(2)(B)(i). The results of this analysis serve as the basis for DOE to definitively evaluate the economic justification for a potential standard level, thereby supporting or rebutting the results of any preliminary determination of economic justification. For comparison with the more detailed analytical results, DOE calculated a rebuttable presumption payback period for each TSL. Table V.14 shows the rebuttable presumption payback periods for the residential furnace fans product classes.

TABLE V.14—REBUTTABLE PRESUMPTION PAYBACK PERIODS FOR RESIDENTIAL FURNACE FAN PRODUCT CLASSES

Product class	Rebuttable presumption payback *years*					
	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5	TSL 6
Non-Weatherized, Non-Condensing Gas Furnace Fan	1.13	1.65	1.65	3.08	3.08	6.21
Non-weatherized, Condensing Gas Furnace Fan	1.06	1.49	1.49	2.82	2.82	5.72
Weatherized Non-Condensing Gas Furnace Fan	1.41	2.02	2.02	3.78	3.78	7.62
Non-Weatherized, Non-Condensing Oil Furnace Fan	1.84	1.84	2.46	1.84	2.46	8.16
Non-weatherized Electric Furnace/Modular Blower Fan	1.14	1.60	1.60	1.80	1.80	4.97
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan	1.33	1.33	1.91	1.33	1.91	7.26
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan	1.25	1.25	1.79	1.25	1.79	6.85
Manufactured Home Electric Furnace/Modular Blower Fan	1.51	1.51	2.13	2.39	2.39	6.59

2. Economic Impact on Manufacturers

As noted above, DOE performed an MIA to estimate the impact of new energy conservation standards on manufacturers of residential furnace fans. The following section describes the expected impacts on manufacturers at each considered TSL. Chapter 12 of the NOPR TSD explains the analysis in further detail.

a. Industry Cash-Flow Analysis Results

Table V.15 and Table V.16 depict the financial impacts (represented by changes in INPV) of new energy standards on manufacturers of residential furnace fans, as well as the conversion costs that DOE expects manufacturers would incur for all product classes at each TSL. To evaluate the range of cash flow impacts on the residential furnace fans industry, DOE modeled two different mark-up scenarios using different assumptions that correspond to the range of anticipated market responses to potential new energy conservation standards: (1) The preservation of gross margin percentage; and (2) the preservation of operating profit. Each of these scenarios is discussed immediately below.

To assess the lower (less severe) end of the range of potential impacts, DOE modeled a preservation of gross margin percentage markup scenario, in which a uniform ''gross margin percentage'' markup is applied across all potential efficiency levels. In this scenario, DOE assumed that a manufacturer's absolute dollar markup would increase as production costs increase in the standards case.

To assess the higher (more severe) end of the range of potential impacts, DOE modeled the preservation of operating profit markup scenario, which assumes that manufacturers would be able to earn the same operating margin in absolute dollars in the standards case as in the base case. In this scenario, while manufacturers make the necessary investments required to convert their facilities to produce new standards-compliant products, operating profit does not change in absolute dollars and decreases as a percentage of revenue.

The set of results below shows potential INPV impacts for residential furnace fan manufacturers; Table V.15 reflects the lower bound of impacts, and Table V.16 represents the upper bound.

Each of the modeled scenarios results in a unique set of cash flows and corresponding industry values at each TSL. In the following discussion, the INPV results refer to the difference in industry value between the base case and each standards case that results from the sum of discounted cash flows from the base year 2013 through 2048, the end of the analysis period. To provide perspective on the short-run cash flow impact, DOE includes in the discussion of the results below a comparison of free cash flow between the base case and the standards case at each TSL in the year before new standards would take effect. This figure provides an understanding of the magnitude of the required conversion costs relative to the cash flow generated by the industry in the base case.

TABLE V.15—MANUFACTURER IMPACT ANALYSIS FOR RESIDENTIAL FURNACE FANS—PRESERVATION OF GROSS MARGIN PERCENTAGE MARKUP SCENARIO *

	Units	Base case	Trial standard level					
			1	2	3	4	5	6
INPV	2012$ Millions	252.2	252.9	265.7	265.1	286.0	286.5	310.4
Change in INPV	2012$ Millions		0.7	13.5	12.9	33.8	34.2	58.2
	(%)		0.3	5.3	5.1	13.4	13.6	23.1
Product Conversion Costs.	2012$ Millions		1.1	2.8	2.9	3.1	3.2	9.3
Capital Conversion Costs.	2012$ Millions							155.0
Total Conversion Costs.	2012$ Millions		1.1	2.8	2.9	3.1	3.2	164.3
Free Cash Flow	2012$ Millions	12.12	11.78	11.28	11.25	11.17	11.15	(60.44)
Free Cash Flow (change from Base Case).	%	0.0	(2.82)	(6.94)	(7.21)	(7.85)	(8.02)	(598.66)

* Values in parentheses are negative values.

TABLE V.16—MANUFACTURER IMPACT ANALYSIS FOR RESIDENTIAL FURNACE FANS—PRESERVATION OF OPERATING PROFIT MARKUP SCENARIO*

	Units	Base case	Trial standard level					
			1	2	3	4	5	6
INPV	2012$ Millions	252.2	249.2	225.5	223.6	197.8	196.7	82.1
Change in INPV	2012$ Millions		(3.0)	(26.7)	(28.6)	(54.4)	(55.5)	(170.1)
	(%)		(1.2)	(10.6)	(11.3)	(21.6)	(22.0)	(67.5)
Product Conversion Costs.	2012$ Millions		1.1	2.8	2.9	3.1	3.2	9.3
Capital Conversion Costs.	2012$ Millions							155.0
Total Conversion Costs.	2012$ Millions		1.1	2.8	2.9	3.1	3.2	164.3
Free Cash Flow	2012$ Millions	12.12	11.78	11.28	11.25	11.17	11.15	(60.44)
Free Cash Flow (change from Base Case).	%	0.0	(2.82)	(6.94)	(7.21)	(7.85)	(8.02)	(598.66)

* Values in parentheses are negative values.

TSL 1 represents the most common efficiency levels in the current market for all product classes. At TSL 1, DOE estimates impacts on INPV for residential furnace fan manufacturers to range from −$3.0 million to $0.7 million, or a change in INPV of −1.2 percent to 0.3 percent. At this potential standard level, industry free cash flow is estimated to decrease by approximately 2.8 percent to $11.78 million, compared to the base-case value of $12.12 million in the year before the compliance date (2018).

DOE anticipates no capital conversion costs at TSL 1, because manufacturers would be able to use a different motor type without making significant changes to their manufacturing equipment or production processes. DOE anticipates minor product conversion costs associated with redesigning products that are currently below the proposed efficiency level and updating product literature.

TSL 2 represents EL 1 for the oil and manufactured home product classes, and EL 3 for all other product classes. At TSL 2, DOE estimates impacts on INPV for residential furnace fan manufacturers to range from −$26.7 million to $13.5 million, or a change in INPV of −10.6 percent to 5.3 percent. At this potential standard level, industry free cash flow is estimated to decrease by approximately 6.9 percent to $11.28 million, compared to the base-case value of $12.12 million in the year before the compliance date (2018).

DOE anticipates no capital conversion costs at TSL 2, because manufacturers would be able to use a different motor type without making significant changes to their manufacturing equipment or production processes. DOE anticipates product conversion costs at TSL 2 to be higher than those at TSL 1, because more products in the market (with the exception of oil furnaces and manufactured housing products) would need to be redesigned in order to meet the higher proposed efficiency levels. Additional product literature would also need to be updated for the redesigned products.

TSL 3 represents EL 3 for all product classes. At TSL 3, DOE estimates impacts on INPV for residential furnace fan manufacturers to range from −$28.6 million to $12.9 million, or a change in INPV of −11.3 percent to 5.1 percent. At this potential standard level, industry free cash flow is estimated to decrease by approximately 7.2 percent to $11.25 million, compared to the base-case value of $12.12 million in the year before the compliance date (2018).

DOE anticipates no capital conversion costs at TSL 3, because manufacturers would be able to use a different motor type without making significant changes to their manufacturing equipment or production processes. DOE anticipates product conversion costs at TSL 3 to be slightly higher than those at TSL 2 because more manufactured housing products in the market would need to be

redesigned in order to meet the higher proposed efficiency levels. Additional product literature would also need to be updated for the redesigned products.

TSL 4 represents the efficiency levels that provide the highest NPV using a 7-percent discount rate, and that also result in a higher percentage of consumers receiving an LCC benefit rather than an LCC loss. At TSL 4, DOE estimates impacts on INPV for residential furnace fan manufacturers to range from −$54.4 million to $33.8 million, or a change in INPV of −21.6 percent to 13.4 percent. At this potential standard level, industry free cash flow is estimated to decrease by approximately 7.9 percent to $11.17 million, compared to the base-case value of $12.12 million in the year before the compliance date (2018).

DOE anticipates no capital conversion costs at TSL 4, because manufacturers would be able to use a different motor type without making significant changes to their manufacturing equipment or production processes. DOE anticipates product conversion costs at TSL 4 to be higher than those at TSL 3, because more products in the market (with the exception of oil furnaces) would need to be redesigned in order to meet the higher proposed efficiency levels. Additional product literature would also need to be updated for the redesigned products.

TSL 5 represents the efficiency levels that provide the maximum NPV using a 7-percent discount rate. At TSL 5, DOE estimates impacts on INPV for residential furnace fan manufacturers to range from −$55.5 million to $34.2 million, or a change in INPV of −22.0 percent to 13.6 percent. At this potential standard level, industry free cash flow is estimated to decrease by approximately 8.0 percent to $11.15 million, compared to the base-case value of $12.12 million in the year before the compliance date (2018).

DOE anticipates no capital conversion costs at TSL 5, because manufacturers would be able to use a different motor type without making significant changes to their manufacturing equipment or production processes. DOE anticipates product conversion costs at TSL 5 to be slightly higher than those at TSL 4, because more oil furnaces and manufactured housing electric furnaces in the market would need to be redesigned in order to meet the higher proposed efficiency levels. Additional product literature would also need to be updated for the redesigned products.

TSL 6 represents the max-tech efficiency level for all product classes. At TSL 6, DOE estimates impacts on INPV for residential furnace fan manufacturers to range from −$170.1 million to $58.2 million, or a change in INPV of −67.5 percent to 23.1 percent. At this potential standard level, industry free cash flow is estimated to decrease by approximately 598.7 percent to −$60.44 million, compared to the base-case value of $12.12 million in the year before the compliance date (2018).

DOE anticipates very high capital conversion costs at TSL 6 because manufacturers would need to make significant changes to their manufacturing equipment and production processes in order to accommodate the use of backward-inclined impellers. This design option would require modifying, or potentially eliminating, current fan housings. DOE also anticipates high product conversion costs to develop new designs with backward-inclined impellers for all their products. Some manufacturers may also have stranded assets from specialized machines for building fan housing that can no longer be used.

b. Impacts on Employment

To quantitatively assess the impacts of energy conservation standards on direct employment in the residential furnace fan industry, DOE used the GRIM to estimate the domestic labor expenditures and number of employees in the base case and at each TSL from 2013 through 2048. DOE used statistical data from the U.S. Census Bureau's 2011 Annual Survey of Manufacturers (ASM),[67] the results of the engineering analysis, and interviews with manufacturers to determine the inputs necessary to calculate industry-wide labor expenditures and domestic employment levels. Labor expenditures related to manufacturing of the product are a function of the labor intensity of the product, the sales volume, and an assumption that wages remain fixed in real terms over time. The total labor expenditures in each year are calculated by multiplying the MPCs by the labor percentage of MPCs.

The total labor expenditures in the GRIM were then converted to domestic production employment levels by dividing production labor expenditures by the annual payment per production worker (production worker hours times the labor rate found in the U.S. Census Bureau's 2011 ASM). The estimates of production workers in this section cover workers, including line-supervisors who are directly involved in fabricating and assembling a product within the manufacturing facility. Workers performing services that are closely associated with production operations, such as materials handling tasks using forklifts, are also included as production labor. DOE's estimates only account for production workers who manufacture the specific products covered by this rulemaking.

The total direct employment impacts calculated in the GRIM are the sum of the changes in the number of production workers resulting from the new energy conservation standards for residential furnace fans, as compared to the base case.

For residential furnace fans, DOE does not expect significant changes in domestic employment levels from baseline to EL 5. One manufacturer commented during interviews that employment may be affected if their profit margins decreased due to a new standard, in which case consideration may be given to moving production facilities to another country, but changes in employment due to standards are generally not a major concern for manufacturers of residential furnace fans, because all efficiency levels from baseline to EL 5 can be achieved by substituting a higher-efficiency component for an existing component. DOE found during manufacturer interviews that the assembly processes for integrating the higher-efficiency components do not differ significantly from those used for existing components. For instance, manufacturers design their housings and motor mounts to be compatible with all motor types. Consequently, no additional labor is required to integrate higher-efficiency motors and controls to reach EL 1 through EL 3, and labor costs will be equivalent to the baseline at those levels. The same is true for integration of components that enable multi-stage heating capabilities (in addition to higher-efficiency motors) to reach EL 4 and EL 5.

The only standard level at which significant changes in employment would possibly be expected to occur is at EL6, the max-tech level. At EL 6, DOE estimates increases in labor costs because backwards-inclined impeller assemblies are heavier and require more robust mounting approaches than are currently used for forward-curved impeller assemblies. The alternate mounting approaches needed to integrate backward-inclined impeller assemblies could require manufacturers to modify their current assembly processes, resulting in increased labor. However, DOE received limited feedback from manufacturers regarding the labor required to produce furnace

[67] "Annual Survey of Manufactures (ASM)," U.S. Census Bureau (2011) (Available at: *http://www.census.gov/manufacturing/asm/*).

fans with backward-curved impellers, because they generally do not have any experience in working with this design option.

DOE notes that the employment impacts discussed here are independent of the indirect employment impacts to the broader U.S. economy, which are documented in chapter 15 of the NOPR TSD.

c. Impacts on Manufacturing Capacity

According to the residential furnace fan manufacturers interviewed, the new energy conservation standards proposed in this NOPR would not significantly affect manufacturers' production capacities. Some manufacturers mentioned that capacity could potentially be impacted by additional testing requirements and bottlenecks with sourcing if motor suppliers cannot keep up with demand, but concerns were not generally expressed about manufacturing capacity until max-tech levels. Thus, at the proposed TSL, DOE believes manufacturers would be able to maintain manufacturing capacity levels and continue to meet market demand under new energy conservation standards.

d. Impacts on Subgroups of Manufacturers

Small manufacturers, niche equipment manufacturers, and manufacturers exhibiting a cost structure substantially different from the industry average could be affected disproportionately. As discussed in section IV.J using average cost assumptions developed for an industry cash-flow estimate is inadequate to assess differential impacts among manufacturer subgroups.

For the residential furnace fans industry, DOE identified and evaluated the impact of new energy conservation standards on one subgroup, specifically small manufacturers. The SBA defines a ''small business'' as having 750 employees or less for NAICS 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.'' Based on this definition, DOE identified 14 manufacturers in the residential furnace fans industry that qualify as small businesses. For a discussion of the impacts on the small manufacturer subgroup, see the regulatory flexibility analysis in section VI.B of this notice and chapter 12 of the NOPR TSD.

e. Cumulative Regulatory Burden

While any one regulation may not impose a significant burden on manufacturers, the combined effects of recent or impending regulations may have serious consequences for some manufacturers, groups of manufacturers, or an entire industry. Assessing the impact of a single regulation may overlook this cumulative regulatory burden. In addition to energy conservation standards, other regulations can significantly affect manufacturers' financial operations. Multiple regulations affecting the same manufacturer can strain profits and lead companies to abandon product lines or markets with lower expected future returns than competing products. For these reasons, DOE conducts an analysis of cumulative regulatory burden as part of its rulemakings pertaining to appliance efficiency.

During previous stages of this rulemaking, DOE identified a number of requirements in addition to new energy conservation standards for residential furnace fans. The following section briefly summarizes those identified regulatory requirements and addresses comments DOE received with respect to cumulative regulatory burden, as well as other key related concerns that manufacturers raised during interviews.

DOE Certification, Compliance, and Enforcement (CC&E) Rule

This notice proposes CC&E requirements for residential furnace fans. In addition, the April 2, 2013 test procedure SNOPR included proposed sampling requirements for CC&E testing of residential furnace fans that mandate that, unless otherwise specified, a minimum of two units need to be tested for each basic model. 78 FR 19606, 19625.

Manufacturers indicated during interviews that the regulatory burden from certification and compliance testing is one of the biggest problems they face. One manufacturer stated that it could potentially shut down the industry due to the large number of basic models that need to be tested. DOE recognizes that the CC&E requirements contribute to cumulative regulatory burden. However, for the reasons discussed in section IV.J.3, DOE does not find that testing furnace fans according to its proposed test procedure would be unduly burdensome.

DOE Energy Conservation Standards for Furnaces and Central Air Conditioners and Heat Pumps

On June 27, 2011, DOE published a direct final rule in the **Federal Register** to amend the energy conservation standards for residential furnaces, central air conditioners, and heat pumps (the ''HVAC rule''). 76 FR 37408. In addition to setting a base national standard, the June 27, 2011 direct final rule also implemented regional standard levels, where the minimum efficiency level for a product is determined by the geographic region in which it is sold. (DOE subsequently confirmed adoption of these standards through publication of a notice of effective date and compliance dates for this rulemaking in the **Federal Register** on October 31, 2011. 76 FR 67037.) Compliance with these standards was required on May 1, 2013 for non-weatherized furnaces and will be required on January 1, 2015 for weatherized furnaces, central air conditioners, and heat pumps.[68]

Since furnace fan manufacturers are also manufacturers of the HVAC product in which the furnace fan is used, furnace fan manufacturers are subject to the amended energy conservation standards for residential furnaces, central air conditioners, and heat pumps. At the minimum energy efficiency levels selected for the direct final rule, DOE estimated that the total industry investment required to meet the amended energy conservation standards would be $28 million (in 2009$). At the minimum energy efficiency levels selected for this notice of proposed rulemaking, DOE estimates that the total industry investment would be $3.1 million. Manufacturers of furnace fans face product conversion costs related to standards for furnace fans, as well as product and capital conversion costs related to standards for residential furnaces, central air conditioners, and heat pumps.

The direct final rule for energy conservation standards for residential furnaces, central air conditioners, and heat pumps includes standards for energy efficiency as well as standards for standby mode and off mode energy consumption. DOE has completed a test procedure final rule for standby mode and off mode energy consumption in residential furnaces. 77 FR 76831 (Dec. 31, 2012). DOE is also preparing a test procedure for standby mode and off mode energy consumption in residential central air conditioners and heat pumps.

[68] DOE notes that the American Public Gas Association (APGA) brought a lawsuit challenging the energy conservation standards pertaining to non-weatherized gas furnaces, and that lawsuit is currently pending before the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit). There is also a settlement agreement before the Court regarding this matter. On May 1, 2013, the D.C. Circuit granted a motion requesting a stay of the May 1, 2013 compliance date for non-weatherized gas furnaces. In its order, the Court stayed the compliance deadline for six months following the issuance of any opinion by the Court in this case upholding the standards.

EPA Phaseout of Hydrochlorofluorocarbons (HCFCs)

The U.S. is obligated under the Montreal Protocol to limit production and consumption of HCFCs through incremental reductions, culminating in a complete phaseout of HCFCs by 2030. On December 15, 2009, EPA published the ''2010 HCFC Allocation Rule,'' which allocates production and consumption allowances for HCFC–22 for each year between 2010 and 2014. 74 FR 66412. On January 4. 2012, EPA published the ''2012 HCFC Allocation Proposed Rule,'' which proposes to lift the regulatory ban on the production and consumption of HCFC–22 (following a court decision [69] in August 2010 to vacate a portion of the ''2010 HCFC Allocation Rule'') by establishing company-by-company HCFC–22 baselines and allocating allowances for 2012–2014. 77 FR 237.

HCFC–22, which is also known as R–22, is a popular refrigerant that is commonly used in air-conditioning products. Manufacturers of residential furnace fans who also manufacture residential central air conditioners must comply with the allowances established by the allocation rule, thereby facing a cumulative regulatory burden.

EPA ENERGY STAR

During interviews, some manufacturers stated that ENERGY STAR specifications for residential furnaces, central air conditioners, and heat pumps would be a source of cumulative regulatory burden. ENERGY STAR specifications are as follows:

TABLE V.17—ENERGY STAR SPECIFICATIONS FOR HVAC PRODUCTS THAT USE FURNACE FANS

Gas Furnaces	Rating of 90% AFUE or greater for U.S. South gas furnaces. Rating of 95% AFUE or greater for U.S. North gas furnaces. Less than or equal to 2.0% furnace fan efficiency.*
Oil Furnaces	Rating of 85% AFUE or greater. Less than or equal to 2.0% furnace fan efficiency.*
Air-Source Heat Pumps	>= 8.2 HSPF/>=14.5 SEER/>=12 EER for split systems. >= 8.0 HSPF/>=14 SEER/>=11 EER for single-package equipment.
Central Air Conditioners	>=14.5 SEER/>=12 EER for split systems. >=14 SEER/>=11 EER for single-package equipment.

* Furnace fan efficiency in this context is furnace fan electrical consumption as a percentage of total furnace energy consumption in heating mode.

DOE realizes that the cumulative effect of several regulations on an industry may significantly increase the burden faced by manufacturers that need to comply with multiple regulations and certification programs from different organizations and levels of government. However, DOE notes that certain standards, such as ENERGY STAR, are optional for manufacturers. Furthermore, for certain products listed in the table above, ENERGY STAR standards are equivalent to the standards set in DOE's June 27, 2011 direct final rule for energy conservation standards for residential furnaces, central air conditioners, and heat pumps.

Canadian Energy Efficiency Regulations

In June 2010, the Office of Energy Efficiency of National Resources Canada (NRCan) published a bulletin to announce the proposal of new electricity reporting requirements for air handlers used in residential central heating and cooling systems that are imported into Canada for sale or lease.[70] In November 2011, NRCan published a regulatory update which stated that NRCan intends to apply reporting requirements to only air handlers used in residential gas furnaces, and that requirements for air handlers used in other heating and cooling systems would be expanded in a future regulatory amendment. [71] In this update, NRCan proposed to use Canadian Standards Association (CSA) C823–11 (*Performance of air handlers in residential space conditioning systems*) as the test method for determining efficiency. Consequently, manufacturers of furnace fans used in residential gas furnaces may face additional reporting requirements if they sell their products in Canada.

California Title 24

Title 24, Part 6, of the California Code of Regulations includes building energy efficiency standards for residential and nonresidential buildings. The California Energy Commission (CEC) published new standards in 2008, which became effective January 1, 2010, that include watts per cubic foot per minute (W/CFM) limits for fans used in central, residential HVAC systems.[72]

ASHRAE Standard 90.1

ASHRAE Standard 90.1, ''Energy Standard for Buildings Except Low-Rise Residential Buildings,'' sets minimum efficiency standards for buildings, except low-rise residential buildings. On May 16, 2012, DOE published the final rule in the **Federal Register** for Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment, through which DOE adopted the efficiency levels specified in ASHRAE Standard 90.1–2010. 77 FR 28928.

Included in the ASHRAE standards are minimum efficiency levels for commercial heating, air-conditioning, and water-heating equipment. Several manufacturers of residential furnace fans also manufacture this equipment.

Low-NO_X Requirements

Rule 1111 of the South Coast Air Quality Management District (AQMD) currently requires residential furnaces installed in the District to meet a NO_X emission limit of 40 nanograms per joule (ng/J) of heat output.[73] The development of this rule is an ongoing process to evaluate low-NO_X technologies for combustion equipment. In 1983, the rule was amended to limit applicability to furnaces with a heat input of less than 175,000 Btu per hour, or for combination heating and cooling units, a cooling rate of less than 65,000 Btu per hour.[74] However, the rule was again amended in 2009 to establish a

[69] *See Arkema* v. *EPA,* 618 F.3d 1 (D.C. Cir. 2010).

[70] *Air Handlers—June 2010,* Natural Resources Canada (Available at: *http://oee.nrcan.gc.ca/regulations/bulletins/14551*) (Last accessed May 6, 2013).

[71] *Regulatory Update—November 2011,* Natural Resources Canada (Available at: *http://oee.nrcan.gc.ca/regulations/bulletins/17839*) (Last accessed May 6, 2013).

[72] *Building Energy Efficiency Program,* California Energy Commission (Available at: *http://www.energy.ca.gov/title24/*) (Last accessed May 6, 2013).

[73] *South Coast AQMD List of Current Rules,* California Environmental Protection Agency Air Resouorces Board (Available at: *http://www.arb.ca.gov/drdb/sc/cur.htm*) (Last accessed May 6, 2013).

[74] *See https://aqmd.gov/hb/attachments/2011-2015/2013Mar/2013-Mar1-019.pdf.*

new limit of 14 ng/J for non-condensing, condensing, weatherized, and mobile home furnaces, with the following compliance schedule: [75]

TABLE V.18—LOW NO_X COMPLIANCE SCHEDULE

Compliance date	Furnace type
Oct 1, 2014	Condensing Furnace.
Oct 1, 2015	Non-condensing Furnace.
Oct 1, 2016	Weatherized Furnace.
Oct 1, 2018	Mobile Home Furnace.

The Proposed Amended Rule (PAR) 1111 affects manufacturers, distributors, wholesalers, builders, and installers of residential furnaces. AHRI indicates that, although there are currently no manufacturers of fan-type gas-fired residential furnaces within the AQMD jurisdiction, some of these manufacturers do sell and distribute products installed in this District.

PAR 1111 also provides manufacturers with an alternative compliance option. For any furnace type, a manufacturer may request a delayed compliance date of up to three years if they submit a plan and pay an emission mitigation fee.

DOE discusses these and other requirements, and includes the full details of the cumulative regulatory burden analysis, in chapter 12 of the NOPR TSD. DOE also discusses the impacts on the small manufacturer subgroup in the regulatory flexibility analysis in section VI.B of this NOPR.

3. National Impact Analysis

a. Significance of Energy Savings

For each TSL, DOE projected energy savings for residential furnace fans purchased in the 30-year period that begins in the first full year of compliance with amended standards (2019–2048). The savings are measured over the entire lifetime of products purchased in the 30-year period. DOE quantified the energy savings attributable to each TSL as the difference in energy consumption between each standards case and the base case. Table V.19 presents the estimated primary energy savings for each considered TSL, and Table V.20 presents the estimated FFC energy savings for each considered TSL. The energy savings in the tables below are net savings that reflect the subtraction of the additional gas or oil used by the furnace associated with higher-efficiency furnace fans. With improved fan efficiency, there is less heat from the motor, which means that the furnace needs to operate more. The approach for estimating national energy savings is further described in section IV.H.1.

The difference between primary energy savings and FFC energy savings for all TSLs is small (less than 1%), because the upstream energy savings associated with the electricity savings are partially (or fully, for TSL 2 and 3) offset by the upstream energy use from the additional gas or oil used by the furnace due to higher-efficiency furnace fans. The ranking of TSLs is not impacted by the use of FFC energy savings.

TABLE V.19—CUMULATIVE NATIONAL PRIMARY ENERGY SAVINGS FOR TRIAL STANDARD LEVELS FOR RESIDENTIAL FURNACE FANS SOLD IN 2019–2048

Product class	Trial standard level quads					
	1	2	3	4	5	6
Non-Weatherized, Non-Condensing Gas Furnace Fan	0.254	1.021	1.021	1.861	1.861	2.404
Non-weatherized, Condensing Gas Furnace Fan	0.276	0.877	0.877	2.003	2.003	2.793
Weatherized Non-Condensing Gas Furnace Fan	0.032	0.138	0.138	0.264	0.264	0.338
Non-Weatherized, Non-Condensing Oil Furnace Fan	0.005	0.005	0.025	0.005	0.025	0.051
Non-weatherized Electric Furnace/Modular Blower Fan	0.042	0.202	0.202	0.357	0.357	0.451
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan	0.010	0.010	0.039	0.010	0.039	0.089
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan	0.002	0.002	0.008	0.002	0.008	0.022
Manufactured Home Electric Furnace/Modular Blower Fan	0.009	0.009	0.034	0.060	0.060	0.073
Total—All Classes	0.631	2.265	2.344	4.562	4.617	6.221

Note: Components may not sum to total due to rounding.

TABLE V.20—CUMULATIVE NATIONAL FULL-FUEL-CYCLE ENERGY SAVINGS FOR TRIAL STANDARD LEVELS FOR RESIDENTIAL FURNACE FANS SOLD IN 2019–2048

Product class	Trial standard level quads					
	1	2	3	4	5	6
Non-Weatherized, Non-Condensing Gas Furnace Fan	0.256	1.021	1.021	1.870	1.870	2.421
Non-Weatherized, Condensing Gas Furnace Fan	0.277	0.866	0.866	2.005	2.005	2.802
Weatherized Non-Condensing Gas Furnace Fan	0.032	0.138	0.138	0.266	0.266	0.340
Non-Weatherized, Non-Condensing Oil Furnace Fan	0.005	0.005	0.024	0.005	0.024	0.050
Non-Weatherized Electric Furnace/Modular Blower Fan	0.042	0.202	0.202	0.357	0.357	0.452
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan	0.010	0.010	0.039	0.010	0.039	0.089
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan	0.002	0.002	0.008	0.002	0.008	0.022
Manufactured Home Electric Furnace/Modular Blower Fan	0.010	0.010	0.034	0.061	0.061	0.074

[75] *See http://www.arb.ca.gov/DRDB/SC/CURHTML/R1111.pdf.*

TABLE V.20—CUMULATIVE NATIONAL FULL-FUEL-CYCLE ENERGY SAVINGS FOR TRIAL STANDARD LEVELS FOR RESIDENTIAL FURNACE FANS SOLD IN 2019–2048—Continued

Product class	Trial standard level quads					
	1	2	3	4	5	6
Total—All Classes	0.635	2.254	2.332	4.576	4.629	6.250

NOTE: Components may not sum to total due to rounding.

OMB Circular A–4 [76] requires agencies to present analytical results, including separate schedules of the monetized benefits and costs that show the type and timing of benefits and costs. Circular A–4 also directs agencies to consider the variability of key elements underlying the estimates of benefits and costs. For this rulemaking, DOE undertook a sensitivity analysis using 9 rather than 30 years of product shipments. The choice of a 9-year period is a proxy for the timeline in EPCA for the review of certain energy conservation standards and potential revision of and compliance with such revised standards.[77] We would note that the review timeframe established in EPCA generally does not overlap with the product lifetime, product manufacturing cycles, or other factors specific to residential furnace fans. Thus, such results are presented for informational purposes only and are not indicative of any change in DOE's analytical methodology. The NES results based on a 9-year analytical period are presented in Table V.21. The impacts are counted over the lifetime of products purchased in 2019–2027.

TABLE V.21—CUMULATIVE NATIONAL PRIMARY ENERGY SAVINGS FOR TRIAL STANDARD LEVELS FOR RESIDENTIAL FURNACE FANS SOLD IN 2019–2027

Product class	Trial standard level quads					
	1	2	3	4	5	6
Non-Weatherized, Non-Condensing Gas Furnace Fan	0.085	0.348	0.348	0.642	0.642	0.846
Non-Weatherized, Condensing Gas Furnace Fan	0.076	0.239	0.239	0.545	0.545	0.755
Weatherized Non-Condensing Gas Furnace Fan	0.010	0.046	0.046	0.086	0.086	0.111
Non-Weatherized, Non-Condensing Oil Furnace Fan	0.002	0.002	0.009	0.002	0.009	0.021
Non-Weatherized Electric Furnace/Modular Blower Fan	0.012	0.058	0.058	0.102	0.102	0.130
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan	0.003	0.003	0.013	0.003	0.013	0.030
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan	0.001	0.001	0.002	0.001	0.002	0.006
Manufactured Home Electric Furnace/Modular Blower Fan	0.003	0.003	0.012	0.020	0.020	0.025
Total—All Classes	0.193	0.700	0.727	1.402	1.421	1.924

Note: Components may not sum to total due to rounding.

b. Net Present Value of Consumer Costs and Benefits

DOE estimated the cumulative NPV of the total costs and savings for consumers that would result from the TSLs considered for residential furnace fans. In accordance with OMB's guidelines on regulatory analysis,[78] DOE calculated NPV using both a 7-percent and a 3-percent real discount rate. Table V.22 shows the consumer NPV results for each TSL considered for residential furnace fans. In each case, the impacts cover the lifetime of products purchased in 2019–2048.

TABLE V.22—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFIT FOR TRIAL STANDARD LEVELS FOR RESIDENTIAL FURNACE FANS SOLD IN 2019–2048

Product class	Discount rate %	Trial standard level Billion 2012$ *					
		1	2	3	4	5	6
Non-Weatherized, Non-Condensing Gas Furnace Fan	3	1.46	9.86	9.86	11.09	11.09	8.28
Non-Weatherized, Condensing Gas Furnace Fan		1.49	11.16	11.16	12.23	12.23	9.20

[76] U.S. Office of Management and Budget, ''Circular A–4: Regulatory Analysis'' (Sept. 17, 2003) (Last accessed September 17, 2013 from *http://www.whitehouse.gov/omb/circulars_a004_a-4/*).

[77] EPCA requires DOE to review its energy conservation standards at least once every 6 years, and requires, for certain products, a 3-year period after any new standard is promulgated before compliance is required, except that in no case may any new standards be required within 6 years of the compliance date of the previous standards. (42 U.S.C. 6295(m)) While adding a 6-year review to the 3-year compliance period adds up to 9 years, DOE notes that it may undertake reviews at any time within the 6-year period and that the 3-year compliance date may yield to the 6-year backstop. A 9-year analysis period may not be appropriate given the variability that occurs in the timing of standards reviews and the fact that for some consumer products, the compliance period is 5 years rather than 3 years.

[78] OMB Circular A–4, section E (Sept. 17, 2003) (Available at: *http://www.whitehouse.gov/omb/circulars_a004_a-4*).

TABLE V.22—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFIT FOR TRIAL STANDARD LEVELS FOR RESIDENTIAL FURNACE FANS SOLD IN 2019–2048—Continued

Product class	Discount rate %	Trial standard level					
		Billion 2012$ *					
		1	2	3	4	5	6
Weatherized Non-Condensing Gas Furnace Fan		0.17	1.12	1.12	1.30	1.30	0.49
Non-Weatherized, Non-Condensing Oil Furnace Fan		0.02	0.02	0.19	0.02	0.19	0.10
Non-Weatherized Electric Furnace/Modular Blower Fan		0.15	1.05	1.05	1.29	1.29	0.12
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan		0.04	0.04	0.25	0.04	0.25	(0.06)
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan		0.01	0.01	0.05	0.01	0.05	(0.02)
Manufactured Home Electric Furnace/Modular Blower Fan		0.03	0.03	0.13	0.17	0.17	(0.17)
Total—All Classes		3.37	23.30	23.81	26.16	26.57	17.95
Non-Weatherized, Non-Condensing Gas Furnace Fan	7	0.53	3.52	3.52	3.71	3.71	1.98
Non-Weatherized, Condensing Gas Furnace Fan		0.51	3.78	3.78	3.91	3.91	2.11
Weatherized Non-Condensing Gas Furnace Fan		0.06	0.39	0.39	0.41	0.41	(0.01)
Non-Weatherized, Non-Condensing Oil Furnace Fan		0.01	0.01	0.07	0.01	0.07	0.01
Non-Weatherized Electric Furnace/Modular Blower Fan		0.05	0.33	0.33	0.40	0.40	(0.20)
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan		0.02	0.02	0.08	0.02	0.08	(0.09)
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan		0.00	0.00	0.02	0.00	0.02	(0.02)
Manufactured Home Electric Furnace/Modular Blower Fan		0.01	0.01	0.04	0.05	0.05	(0.13)
Total—All Classes		1.19	8.07	8.23	8.51	8.64	3.65

* Numbers in parentheses indicate negative NPV.

The NPV results based on the aforementioned 9-year analytical period are presented in Table V.23. The impacts are counted over the lifetime of products purchased in 2019–2027. As mentioned previously, this information is presented for informational purposes only and is not indicative of any change in DOE's analytical methodology or decision criteria.

TABLE V.23—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFIT FOR TRIAL STANDARD LEVELS FOR RESIDENTIAL FURNACE FANS SOLD IN 2019–2027

Product class	Discount rate %	Trial standard level					
		Billion 2012$ *					
		1	2	3	4	5	6
Non-Weatherized, Non-Condensing Gas Furnace Fan	3	0.63	4.32	4.32	4.88	4.88	3.75
Non-Weatherized, Condensing Gas Furnace Fan		0.55	4.11	4.11	4.51	4.51	3.51
Weatherized Non-Condensing Gas Furnace Fan		0.07	0.48	0.48	0.56	0.56	0.27
Non-Weatherized, Non-Condensing Oil Furnace Fan		0.01	0.01	0.09	0.01	0.09	0.07
Non-Weatherized Electric Furnace/Modular Blower Fan		0.05	0.39	0.39	0.48	0.48	0.04
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan		0.02	0.02	0.11	0.02	0.11	(0.01)
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan		0.00	0.00	0.02	0.00	0.02	0.00
Manufactured Home Electric Furnace/Modular Blower Fan		0.01	0.01	0.06	0.07	0.07	(0.07)
Total—All Classes		1.35	9.36	9.59	10.53	10.72	7.55
Non-Weatherized, Non-Condensing Gas Furnace Fan	7	0.29	1.98	1.98	2.09	2.09	1.17
Non-Weatherized, Condensing Gas Furnace Fan		0.26	1.87	1.87	1.94	1.94	1.11
Weatherized Non-Condensing Gas Furnace Fan		0.03	0.22	0.22	0.23	0.23	0.02
Non-Weatherized, Non-Condensing Oil Furnace Fan		0.00	0.00	0.04	0.00	0.04	0.02

TABLE V.23—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFIT FOR TRIAL STANDARD LEVELS FOR RESIDENTIAL FURNACE FANS SOLD IN 2019–2027—Continued

Product class	Discount rate %	Trial standard level					
		Billion 2012$ *					
		1	2	3	4	5	6
Non-Weatherized Electric Furnace/Modular Blower Fan		0.02	0.17	0.17	0.20	0.20	(0.10)
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan		0.01	0.01	0.05	0.01	0.05	(0.05)
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan		0.00	0.00	0.01	0.00	0.01	(0.01)
Manufactured Home Electric Furnace/Modular Blower Fan		0.01	0.01	0.02	0.03	0.03	(0.07)
Total—All Classes		0.63	4.26	4.35	4.50	4.58	2.09

* Numbers in parentheses indicate negative NPV.

As noted in section IV.H.2, DOE assumed no change in residential furnace fan prices over the 2019–2048 period. In addition, DOE conducted a sensitivity analysis using alternative price trends: One in which prices decline over time, and one in which prices increase over time. These price trends, and the NPV results from the associated sensitivity cases, are described in Appendix 10–C of the NOPR TSD.

c. Indirect Impacts on Employment

DOE expects energy conservation standards for residential furnace fans to reduce energy costs for consumers, with the resulting net savings being redirected to other forms of economic activity. Those shifts in spending and economic activity could affect the demand for labor. As described in section IV.N, DOE used an input/output model of the U.S. economy to estimate indirect employment impacts of the TSLs that DOE considered in this rulemaking. DOE understands that there are uncertainties involved in projecting employment impacts, especially changes in the later years of the analysis. Therefore, DOE generated results for near-term time frames (2019 and 2024), where these uncertainties are reduced.

The results suggest that the proposed standards would be likely to have negligible impact on the net demand for labor in the economy. The net change in jobs is so small that it would be imperceptible in national labor statistics and might be offset by other, unanticipated effects on employment. Chapter 16 of the NOPR TSD presents more detailed results about anticipated indirect employment impacts.

4. Impact on Product Utility or Performance

DOE has tentatively concluded that the standards it is proposing in this NOPR would not lessen the utility or performance of residential furnace fans.

5. Impact of Any Lessening of Competition

DOE has also considered any lessening of competition that is likely to result from new and amended standards. The Attorney General determines the impact, if any, of any lessening of competition likely to result from a proposed standard, and transmits such determination in writing to the Secretary, together with an analysis of the nature and extent of such impact. (42 U.S.C. 6295(o)(2)(B)(i)(V) and (ii))

To assist the Attorney General in making such a determination, DOE has provided DOJ with copies of this notice and the TSD for review. DOE will consider DOJ's comments on the proposed rule in preparing the final rule, and DOE will publish and respond to DOJ's comments in that document.

6. Need of the Nation to Conserve Energy

An improvement in the energy efficiency of the products subject to this rule is likely to improve the security of the nation's energy system by reducing overall demand for energy. Reduction in the growth of electricity demand resulting from energy conservation standards may also improve the reliability of the electricity system. Reductions in national electric generating capacity estimated for each considered TSL are reported in chapter 15 of the NOPR TSD.

Energy savings from standards for the residential furnace fan products covered in this NOPR could also produce environmental benefits in the form of reduced emissions of air pollutants and greenhouse gases associated with electricity production. Table V.24 provides DOE's estimate of cumulative emissions reductions projected to result from the TSLs considered in this rulemaking. The table includes both power sector emissions and upstream emissions. The emissions were calculated using the multipliers discussed in section IV.K. DOE reports annual emissions reductions for each TSL in chapter 13 of the NOPR TSD.

As discussed in section IV.K, DOE did not include NO_X emissions reduction from power plants in States subject to CSAPR, because an energy conservation standard would not affect the overall level of NO_X emissions in those States due to the emissions caps mandated by CSAPR. For SO_2, projected emissions will be far below the cap established by CSAPR, so it is unlikely that excess SO_2 emissions allowances resulting from the lower electricity demand would be needed or used to permit offsetting increases in SO_2 emissions by any regulated EGU. Therefore, DOE believes that efficiency standards will reduce SO_2 emissions.

TABLE V.24—CUMULATIVE EMISSIONS REDUCTION FOR POTENTIAL STANDARDS FOR RESIDENTIAL FURNACE FANS

	TSL					
	1	2	3	4	5	6
Primary Energy Emissions*						
CO_2 (million metric tons)	57.12	214.17	221.76	416.41	421.74	563.75
SO_2 (thousand tons)	31.17	117.04	121.28	227.23	230.23	307.77
NO_X (thousand tons)	30.66	122.38	126.31	227.18	229.86	303.72
Hg (tons)	0.24	0.95	0.98	1.76	1.79	2.36
N_2O (thousand tons)	0.67	2.65	2.75	4.96	5.03	6.66
CH_4 (thousand tons)	4.65	18.24	18.91	34.24	34.72	46.01
Upstream Emissions						
CO_2 (million metric tons)	1.88	5.99	6.11	13.37	13.42	18.50
SO_2 (thousand tons)	12.18	38.30	39.17	86.23	86.63	119.61
NO_X (thousand tons)	0.50	2.00	2.04	3.72	3.75	4.95
Hg (tons)	0.00	0.00	0.00	0.01	0.01	0.01
N_2O (thousand tons)	0.02	0.09	0.09	0.16	0.17	0.22
CH_4 (thousand tons)	127.91	352.80	365.71	879.41	887.59	1249.3
Total Emissions						
CO_2 (million metric tons)	59.01	220.16	227.87	429.78	435.16	582.25
SO_2 (thousand tons)	43.36	155.34	160.44	313.46	316.86	427.38
NO_X (thousand tons)	31.16	124.38	128.35	230.90	233.60	308.67
Hg (tons)	0.24	0.95	0.99	1.77	1.80	2.38
N_2O (thousand tons)	0.70	2.74	2.84	5.12	5.19	6.88
N_2O *thousand tons CO_2eq***	207.2	816.0	845.0	1527.0	1547.7	2049.3
CH_4 (thousand tons)	132.56	371.04	384.62	913.65	922.31	1295.3
CH_4 *million tons CO_2eq***	3.314	9.276	9.616	22.84	23.06	32.38

* Includes emissions from additional gas use associated with more-efficient furnace fans.
** CO_2eq is the quantity of CO_2 that would have the same global warming potential (GWP).

As part of the analysis for this NOPR, DOE estimated monetary benefits likely to result from the reduced emissions of CO_2 and NO_X estimated for each of the TSLs considered for residential furnace fans. As discussed in section IV.L, for CO_2, DOE used four sets of values for the SCC developed by an interagency process. Three sets of values are based on the average SCC from three integrated assessment models, at discount rates of 2.5 percent, 3 percent, and 5 percent. The fourth set represents the 95th-percentile SCC estimate across all three models at a 3-percent discount rate. The SCC values for CO_2 emissions reductions in 2015, expressed in 2012$, are $12.9/ton, $40.8/ton, $62.2/ton, and $117/ton. The values for later years are higher due to increasing damages as the magnitude of projected climate change increases. Table V.25 presents the global value of CO_2 emissions reductions at each TSL. DOE calculated domestic values as a range from 7 percent to 23 percent of the global values, and these results are presented in chapter 14 of the NOPR TSD.

TABLE V.25—GLOBAL PRESENT VALUE OF CO_2 EMISSIONS REDUCTION FOR POTENTIAL STANDARDS FOR RESIDENTIAL FURNACE FANS

TSL	SCC Case*			
	Million 2012$			
	5% discount rate, average	3% discount rate, average	2.5% discount rate, average	3% discount rate, 95th percentile
Primary Energy Emissions**				
1	298.5	1531.1	2498.9	4724.6
2	1121.1	5746.8	9377.5	17732.7
3	1161.1	5951.3	9710.9	18363.5
4	2177.1	11165.3	18221.5	34451.9
5	2205.1	11308.6	18455.1	34893.8
6	2943.6	15103.4	24651.6	46603.0
Upstream Emissions				
1	9.9	50.5	82.4	155.9
2	31.3	160.5	261.9	495.0
3	32.0	163.9	267.5	505.7
4	70.0	358.6	585.1	1106.2

TABLE V.25—GLOBAL PRESENT VALUE OF CO_2 EMISSIONS REDUCTION FOR POTENTIAL STANDARDS FOR RESIDENTIAL FURNACE FANS—Continued

TSL	SCC Case *			
	Million 2012$			
	5% discount rate, average	3% discount rate, average	2.5% discount rate, average	3% discount rate, 95th percentile
5	70.3	360.1	587.6	1110.8
6	97.0	496.6	810.1	1531.5
Total Emissions				
1	308.3	1581.7	2581.3	4880.5
2	1152.4	5907.3	9639.4	18227.7
3	1193.1	6115.2	9978.5	18869.2
4	2247.2	11524.0	18806.6	35558.1
5	2275.5	11668.7	19042.7	36004.6
6	3040.6	15599.9	25461.7	48134.5

* For each of the four cases, the corresponding SCC value for emissions in 2015 is $12.9, $40.8, $62.2, and $117 per metric ton (2012$). The values are for CO_2 only (*i.e.,* not CO_2eq of other greenhouse gases).
** Includes site emissions from additional use of natural gas associated with more-efficient furnace fans.

DOE is well aware that scientific and economic knowledge about the contribution of CO_2 and other greenhouse gas (GHG) emissions to changes in the future global climate and the potential resulting damages to the world economy continues to evolve rapidly. Thus, any value placed in this rulemaking on reducing CO_2 emissions is subject to change. DOE, together with other Federal agencies, will continue to review various methodologies for estimating the monetary value of reductions in CO_2 and other GHG emissions. This ongoing review will consider the comments on this subject that are part of the public record for this and other rulemakings, as well as other methodological assumptions and issues. However, consistent with DOE's legal obligations, and taking into account the uncertainty involved with this particular issue, DOE has included in this NOPR the most recent values and analyses resulting from the interagency review process.

DOE also estimated a range for the cumulative monetary value of the economic benefits associated with NO_X emissions reductions anticipated to result from standards for the residential furnace fan products that are the subject of this NOPR. The dollar-per-ton values that DOE used are discussed in section IV.L. Table V.26 presents the present value of cumulative NO_X emissions reductions for each TSL calculated using the average dollar-per-ton values and 7-percent and 3-percent discount rates.

TABLE V.26—PRESENT VALUE OF NO_X EMISSIONS REDUCTION FOR POTENTIAL STANDARDS FOR RESIDENTIAL FURNACE FANS

TSL	million 2012$	
	3% Discount rate	7% Discount Rate
Power Sector and Site Emissions *		
1	31.0	10.7
2	116.4	40.0
3	120.7	41.4
4	226.2	77.8
5	229.2	78.8
6	306.1	105.3
Upstream Emissions		
1	12.4	4.4
2	39.0	13.9
3	39.9	14.3
4	88.0	31.6
5	88.4	31.7
6	122.3	44.0
Total Emissions **		
1	43.4	15.1
2	155.4	53.9
3	160.5	55.7
4	314.2	109.4
5	317.6	110.6
6	428.3	149.3

* Includes site emissions from additional use of natural gas associated with more-efficient furnace fans.
** Components may not sum to total due to rounding.

The NPV of the monetized benefits associated with emissions reductions can be viewed as a complement to the NPV of the consumer savings calculated for each TSL considered in this rulemaking. Table V.27 presents the NPV values that result from adding the estimates of the potential economic benefits resulting from reduced full-fuel-cycle CO_2 and NO_X emissions in each of four valuation scenarios to the NPV of consumer savings calculated for each TSL considered in this rulemaking, at both a 7-percent and a 3-percent discount rate. The CO_2 values used in the columns of each table correspond to the four scenarios for the valuation of CO_2 emission reductions discussed above.

TABLE V.27—POTENTIAL STANDARDS FOR RESIDENTIAL FURNACE FANS: NET PRESENT VALUE OF CONSUMER SAVINGS COMBINED WITH PRESENT VALUE OF MONETIZED BENEFITS FROM CO_2 AND NO_X EMISSIONS REDUCTIONS

TSL	Consumer NPV at 3% Discount Rate added with:			
	SCC Case $12.9/metric ton CO_2* and Low Value for NO_X**	SCC Case $40.8/metric ton CO_2* and Medium Value for NO_X**	SCC Case $62.2/metric ton CO_2* and Medium Value for NO_X**	SCC Case $117/metric ton CO_2* and High Value for NO_X**
	billion 2012$			
1	3.7	5.0	6.0	8.3
2	24.5	29.4	33.1	41.8
3	25.0	30.1	34.0	43.0
4	28.5	38.0	45.3	62.3
5	28.9	38.6	45.9	63.2
6	21.1	34.0	43.8	66.9
TSL	Consumer NPV at 7% Discount Rate added with:			
	SCC Case $12.9/metric ton CO_2* and Low Value for NO_X**	SCC Case $40.8/metric ton CO_2* and Medium Value for NO_X**	SCC Case $62.2/metric ton CO_2* and Medium Value for NO_X**	SCC Case $117/metric ton CO_2* and High Value for NO_X**
	billion 2012$			
1	1.5	2.8	3.8	6.1
2	9.2	14.0	17.8	26.4
3	9.4	14.4	18.3	27.2
4	10.8	20.1	27.4	44.3
5	10.9	20.4	27.8	44.8
6	6.7	19.4	29.3	52.1

* These label values represent the global SCC in 2015, in 2012$.
** Low Value corresponds to $468 per ton of NO_X emissions. Medium Value corresponds to $2,639 per ton, and High Value corresponds to $4,809 per ton.

Although adding the value of consumer savings to the values of emission reductions provides a valuable perspective, two issues should be considered. First, the national operating cost savings are domestic U.S. consumer monetary savings that occur as a result of market transactions, while the value of CO_2 reductions is based on a global value. Second, the assessments of operating cost savings and the SCC are performed with different methods that use quite different time frames for analysis. The national operating cost savings is measured for the lifetime of products shipped in 2019–2048. The SCC values, on the other hand, reflect the present value of future climate-related impacts resulting from the emission of one metric ton of CO_2 in each year. Because of the long residence time of CO_2 in the atmosphere, these impacts continue well beyond 2100.

7. Other Factors

The Secretary of Energy, in determining whether a standard is economically justified, may consider any other factors that the Secretary deems to be relevant. (42 U.S.C. 6295(o)(2)(B)(i)(VI)) No other factors were considered in this analysis.

C. Proposed Standards

When considering proposed standards, the new or amended energy conservation standard that DOE adopts for any type (or class) of covered product shall be designed to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) In determining whether a standard is economically justified, the Secretary must determine whether the benefits of the standard exceed its burdens by, to the greatest extent practicable, considering the seven statutory factors discussed previously. (42 U.S.C. 6295(o)(2)(B)(i)) The new or amended standard must also ''result in significant conservation of energy.'' (42 U.S.C. 6295(o)(3)(B))

For this NOPR, DOE considered the impacts of standards at each TSL, beginning with the maximum technologically feasible level, to determine whether that level was economically justified. Where the max-tech level was not justified, DOE then considered the next most efficient level and undertook the same evaluation until it reached the highest efficiency level that is both technologically feasible and economically justified and saves a significant amount of energy.

To aid the reader in understanding the benefits and/or burdens of each TSL, tables in this section summarize the quantitative analytical results for each TSL, based on the assumptions and methodology discussed herein. The efficiency levels contained in each TSL are described in section V.A. In addition to the quantitative results presented in the tables, DOE also considers other burdens and benefits that affect economic justification. These include the impacts on identifiable subgroups of consumers who may be disproportionately affected by a national standard, and impacts on employment. Section V.B.1.b presents the estimated impacts of each TSL for these subgroups. DOE discusses the impacts on direct employment in residential furnace fan manufacturing in section V.B.2.b, and discusses the indirect employment impacts in section V.B.3.c.

DOE also notes that the economics literature provides a wide-ranging discussion of how consumers trade off

upfront costs and energy savings in the absence of government intervention. Much of this literature attempts to explain why consumers appear to undervalue energy efficiency improvements. There is evidence that consumers undervalue future energy savings as a result of: (1) A lack of information; (2) a lack of sufficient salience of the long-term or aggregate benefits; (3) a lack of sufficient savings to warrant delaying or altering purchases; (4) excessive focus on the short term, in the form of inconsistent weighting of future energy cost savings relative to available returns on other investments; (5) computational or other difficulties associated with the evaluation of relevant tradeoffs; and (6) a divergence in incentives (for example, renter versus owner or builder versus purchaser). Other literature indicates that with less than perfect foresight and a high degree of uncertainty about the future, consumers may trade off at a higher than expected rate between current consumption and uncertain future energy cost savings. This undervaluation suggests that regulation that promotes energy efficiency can produce significant net private gains (as well as producing social gains by, for example, reducing pollution).

In DOE's current regulatory analysis, potential changes in the benefits and costs of a regulation due to changes in consumer purchase decisions are included in two ways. First, if consumers forego a purchase of a product in the standards case, this decreases sales for product manufacturers and the cost to manufacturers is included in the MIA. Second, DOE accounts for energy savings attributable only to products actually used by consumers in the standards case; if a standard decreases the number of products purchased by consumers, this decreases the potential energy savings from an energy conservation standard. DOE provides estimates of changes in the volume of product purchases in chapter 9 of the NOPR TSD. DOE's current analysis does not explicitly control for heterogeneity in consumer preferences, preferences across subcategories of products or specific features, or consumer price sensitivity variation according to household income (Reiss and White, 2005).[79]

While DOE is not prepared at present to provide a fuller quantifiable framework for estimating the benefits and costs of changes in consumer purchase decisions due to an energy conservation standard, DOE is committed to developing a framework that can support empirical quantitative tools for improved assessment of the consumer welfare impacts of appliance standards. DOE has posted a paper that discusses the issue of consumer welfare impacts of appliance standards, and potential enhancements to the methodology by which these impacts are defined and estimated in the regulatory process.[80] DOE welcomes comments on how to more fully assess the potential impact of energy conservation standards on consumer choice and how to quantify this impact in its regulatory analysis.

1. Benefits and Burdens of Trial Standard Levels Considered for Residential Furnace Fans

Table V.28 through Table V.30 summarize the quantitative impacts estimated for each TSL for residential furnace fans. The national impacts are measured over the lifetime of furnace fans purchased in the 30-year period that begins in the first full year of compliance with amended standards (2019–2048). The energy savings, emissions reductions, and value of emissions reductions refer to full-fuel-cycle results. Results that refer to primary energy savings are presented in chapter 10 of the NOPR TSD.

TABLE V.28—SUMMARY OF ANALYTICAL RESULTS FOR RESIDENTIAL FURNACE FAN STANDARDS: NATIONAL IMPACTS

Category	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5	TSL 6
National Full-Fuel-Cycle Energy Savings quads						
	0.635	2.254	2.332	4.576	4.629	6.250
NPV of Consumer Benefits 2012$ billion						
3% discount rate	3.37	23.30	23.81	26.16	26.57	17.95
7% discount rate	1.19	8.07	8.23	8.51	8.64	3.65
Cumulative Emissions Reduction (Total FFC Emissions)						
CO_2 *million metric tons*	59.01	220.2	227.9	429.8	435.2	582.3
SO_2 *thousand tons*	43.36	155.3	160.4	313.5	316.9	427.4
NO_X *thousand tons*	31.16	124.4	128.4	230.9	233.6	308.7
Hg *tons*	0.24	0.95	0.99	1.77	1.80	2.38
N_2O *thousand tons*	0.70	2.74	2.84	5.12	5.19	6.88
N_2O *thousand tons* CO_2eq*	207.2	816.0	845.0	1527.0	1547.7	2049.3
CH_4 *thousand tons*	132.6	371.0	384.6	913.7	922.3	1295
CH_4 *million tons* CO_2eq*	3.314	9.276	9.616	22.84	23.06	32.38
Value of Emissions Reduction (Total FFC Emissions) 2012$ billion						
CO_2**	0.308 to 4.880	1.152 to 18.23	1.193 to 18.87	2.247 to 35.56	2.275 to 36.01	3.041 to 48.13
NO_X—3% discount rate	0.043	0.155	0.161	0.314	0.318	0.428
NO_X—7% discount rate	0.015	0.054	0.056	0.109	0.111	0.149

* CO_2eq is the quantity of CO_2 that would have the same global warming potential (GWP).
** Range of the economic value of CO_2 reductions is based on interagency estimates of the global benefit of reduced CO_2 emissions.

[79] P.C. Reiss and M.W. White. Household Electricity Demand, Revisited. *Review of Economic Studies* (2005) 72, 853–883.

[80] Alan Sanstad, Notes on the Economics of Household Energy Consumption and Technology Choice. Lawrence Berkeley National Laboratory (2010) (Available at: *http://www1.eere.energy.gov/buildings/appliance_standards/pdfs/consumer_ee_theory.pdf* (Last accessed May 3, 2013).

TABLE V.29—SUMMARY OF ANALYTICAL RESULTS FOR RESIDENTIAL FURNACE FAN STANDARDS: MANUFACTURER AND AVERAGE OR MEDIAN CONSUMER IMPACTS*

Category	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5	TSL 6
Manufacturer Impacts						
Industry NPV *2012$ million*	(3.0) to 0.7	(26.7) to 13.5	(28.6) to 12.9	(54.4) to 33.8	(55.5) to 34.2	(170.1) to 58.2
Industry NPV *% change*	(1.2) to 0.3	(10.6) to 5.3	(11.3) to 5.1	(21.6) to 13.4	(22.0) to 13.6	(67.5) to 23.1
Consumer Average LCC Savings 2012$						
Non-Weatherized, Non-Condensing Gas Furnace Fan	$64	$442	$442	$474	$474	$313
Non-Weatherized, Condensing Gas Furnace Fan	49	361	361	371	371	238
Weatherized Non-Condensing Gas Furnace Fan	35	228	228	247	247	67
Non-Weatherized, Non-Condensing Oil Furnace Fan	40	40	344	40	344	132
Non-Weatherized Electric Furnace/Modular Blower Fan	21	160	160	185	185	17
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan	26	26	146	26	146	(116)
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan	27	27	152	27	152	(86)
Manufactured Home Electric Furnace/Modular Blower Fan	14	14	64	78	78	(86)
Consumer Median PBP years						
Non-Weatherized, Non-Condensing Gas Furnace Fan	1.34	2.69	2.69	5.38	5.38	11.20
Non-Weatherized, Condensing Gas Furnace Fan	1.35	2.73	2.73	5.39	5.39	11.03
Weatherized Non-Condensing Gas Furnace Fan	1.27	2.65	2.65	6.39	6.39	13.32
Non-Weatherized, Non-Condensing Oil Furnace Fan	5.49	5.49	6.97	5.49	6.97	25.41
Non-Weatherized Electric Furnace/Modular Blower Fan	2.39	3.15	3.15	3.55	3.55	13.45
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan	3.35	3.35	7.02	3.35	7.02	26.73
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan	2.73	2.73	6.46	2.73	6.46	32.23
Manufactured Home Electric Furnace/Modular Blower Fan	2.49	2.49	4.35	4.61	4.61	17.11

* Parentheses indicate negative values.

TABLE V.30—SUMMARY OF ANALYTICAL RESULTS FOR RESIDENTIAL FURNACE FAN STANDARDS: DISTRIBUTION OF CONSUMER LCC IMPACTS

Product Class	TSL 1 (percent)	TSL 2 (percent)	TSL 3 (percent)	TSL 4 (percent)	TSL 5 (percent)	TSL 6 (percent)
Non-Weatherized, Non-Condensing Gas Furnace Fan						
Net Cost	2	18	18	33	33	58
No Impact	68	25	25	14	14	0
Net Benefit	30	57	57	53	53	42
Non-Weatherized, Condensing Gas Furnace Fan						
Net Cost	1	10	10	24	24	57
No Impact	75	41	41	34	34	0
Net Benefit	24	49	49	42	42	43
Weatherized Non-Condensing Gas Furnace Fan						
Net Cost	0	7	7	25	25	63
No Impact	81	56	56	33	33	0
Net Benefit	18	37	37	41	41	37
Non-Weatherized, Non-Condensing Oil Furnace Fan						
Net Cost	12	12	43	12	43	79
No Impact	71	71	28	71	28	0
Net Benefit	18	18	29	18	29	21
Non-Weatherized Electric Furnace/Modular Blower Fan						
Net Cost	5	20	20	27	27	68
No Impact	73	37	37	25	25	0
Net Benefit	21	42	42	48	48	32
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan						
Net Cost	13	13	58	13	58	85
No Impact	56	56	0	56	0	0
Net Benefit	32	32	42	32	42	15
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan						
Net Cost	7	7	38	7	38	84
No Impact	68	68	29	68	29	0
Net Benefit	26	26	32	26	32	16
Manufactured Home Electric Furnace/Modular Blower Fan						
Net Cost	8	8	28	34	34	82
No Impact	71	71	38	26	26	0
Net Benefit	21	21	34	40	40	18

Note: Components may not sum to total due to rounding.

First, DOE considered TSL 6, which would save an estimated total of 6.25 quads of energy, an amount DOE considers significant. TSL 6 has an estimated NPV of consumer benefit of $3.65 billion using a 7-percent discount rate, and $17.95 billion using a 3-percent discount rate.

The cumulative CO_2 emissions reduction at TSL 6 is 582.3 million metric tons. The estimated monetary value of the CO_2 emissions reductions ranges from $3.041 billion to $48.13 billion. The other emissions reductions are 427.4 thousand tons of SO_2, 308.7 thousand tons of NO_X, 2.38 tons of Hg, 6.88 thousand tons of N_2O, and 1.295 thousand tons of CH_4.

At TSL 6, the average LCC savings are positive for Non-weatherized, Non-condensing Gas Furnace Fans, Non-weatherized, Condensing Gas Furnace Fans, Weatherized Non-Condensing Gas Furnace Fan, Non-Weatherized, Non-Condensing Oil Furnace Fan, and Non-weatherized Electric Furnace/Modular Blower Fans. The LCC savings are negative for Manufactured Home Non-weatherized, Non-condensing Gas Furnace Fans, Manufactured Home Non-weatherized, Condensing Gas Furnace Fans, and Manufactured Home Electric Furnace/Modular Blower Fans. The median payback period is lower than the median product lifetime (which is 22.6 years for gas and electric furnace fans) for all of the product classes. The share of consumers experiencing an LCC cost (increase in LCC) is higher than the share experiencing an LCC benefit (decrease in LCC) for all of the product classes.

At TSL 6, manufacturers may expect diminished profitability due to large increases in product costs, stranded assets, capital investments in equipment and tooling, and expenditures related to engineering and testing. The projected change in INPV ranges from a decrease of $170.1 million to an increase of $58.2 million based on DOE's manufacturer markup scenarios. The upper bound of $58.2 million is considered an optimistic scenario for manufacturers

because it assumes manufacturers can fully pass on substantial increases in product costs. DOE recognizes the risk of large negative impacts on industry if manufacturers' expectations concerning reduced profit margins are realized. TSL 6 could reduce INPV in the residential furnace fan industry by up to 67.5 percent if impacts reach the lower bound of the range.

Accordingly, the Secretary tentatively concludes that at TSL 6 for residential furnace fans, the benefits of significant energy savings, positive NPV of consumer benefit, emission reductions and the estimated monetary value of the CO_2 emissions reductions, as well as positive average LCC savings for most product classes would be outweighed by the high percentage of consumers that would experience an LCC cost in all of the product classes, and the substantial reduction in INPV for manufacturers. Consequently, DOE has concluded that TSL 6 is not economically justified.

Next, DOE considered TSL 5, which would save an estimated total of 4.629 quads of energy, an amount DOE considers significant. TSL 5 has an estimated NPV of consumer benefit of $8.64 billion using a 7-percent discount rate, and $26.57 billion using a 3-percent discount rate.

The cumulative CO_2 emissions reduction at TSL 5 is 435.2 million metric tons. The estimated monetary value of the CO_2 emissions reductions ranges from $2.275 billion to $36.01 billion. The other emissions reductions are 316.9 thousand tons of SO_2, 233.6 thousand tons of NO_X, 1.80 tons of Hg, 5.19 thousand tons of N_2O, and 922.3 thousand tons of CH_4.

At TSL 5, the average LCC savings are positive for all of the product classes. The median payback period is lower than the average product lifetime for all of the product classes. The share of consumers experiencing an LCC benefit (decrease in LCC) is higher than the share experiencing an LCC cost (increase in LCC) for five of the product classes (Non-Weatherized, Non-Condensing Gas Furnace Fans, Non-weatherized, Condensing Gas Furnace Fans, Weatherized Non-Condensing Gas Furnace Fans, Non-weatherized Electric Furnace/Modular Blower Fans, and Manufactured Home Electric Furnace/Modular Blower Fans), but lower for the other three product classes.

At TSL 5, the projected change in INPV ranges from a decrease of $55.5 million to an increase of $34.2 million. At TSL 5, DOE recognizes the risk of negative impacts if manufacturers' expectations concerning reduced profit margins are realized. If the lower bound of the range of impacts is reached, as DOE expects, TSL 5 could result in a net loss of 22.0 percent in INPV for residential furnace fan manufacturers.

Accordingly, the Secretary tentatively concludes that at TSL 5 for residential furnace fans, the benefits of significant energy savings, positive NPV of consumer benefit, positive average LCC savings for all of the product classes, emission reductions and the estimated monetary value of the CO_2 emissions reductions, would be outweighed by the high percentage of consumers that would be negatively impacted for some of the product classes, and the substantial reduction in INPV for manufacturers. Consequently, DOE has concluded that TSL 5 is not economically justified.

Next, DOE considered TSL 4, which would save an estimated total of 4.576 quads of energy, an amount DOE considers significant. TSL 4 has an estimated NPV of consumer benefit of $8.51 billion using a 7-percent discount rate, and $26.16 billion using a 3-percent discount rate.

The cumulative CO_2 emissions reduction at TSL 4 is 429.8 million metric tons. The estimated monetary value of the CO_2 emissions reductions ranges from $2.247 billion to $35.56 billion. The other emissions reductions are 313.5 thousand tons of SO_2, 230.9 thousand tons of NO_X, 1.77 tons of Hg, 5.12 thousand tons of N_2O, and 913.7 thousand tons of CH_4.

At TSL 4, the average LCC savings are positive for all of the product classes. The median payback period is lower than the average product lifetime for all of the product classes. The share of consumers experiencing an LCC benefit (decrease in LCC) is higher than the share experiencing an LCC cost (increase in LCC) for all of the product classes.

At TSL 4, the projected change in INPV ranges from a decrease of $54.4 million to an increase of $33.8 million. At TSL 4, DOE recognizes the risk of negative impacts if manufacturers' expectations concerning reduced profit margins are realized. If the lower bound of the range of impacts is reached, as DOE expects, TSL 4 could result in a net loss of 21.6 percent in INPV for residential furnace fan manufacturers.

After considering the analysis and weighing the benefits and the burdens, the Secretary tentatively concludes that at TSL 4 for residential furnace fans, the benefits of significant energy savings, positive NPV of consumer benefit, positive average LCC savings for all of the product classes, emission reductions and the estimated monetary value of the CO_2 emissions reductions would outweigh the reduction in INPV for manufacturers. The Secretary has tentatively concluded that TSL 4 would save a significant amount of energy and is technologically feasible and economically justified. Therefore, DOE today proposes to adopt the energy conservation standards for residential furnace fans at TSL 4. Table V.31 presents the proposed energy conservation standards for residential furnace fans.

TABLE V.31—PROPOSED ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL FURNACE FANS

Product class	Proposed standard: FER * (W/1000 cfm)
Non-Weatherized, Non-Condensing Gas Furnace Fan	FER = 0.029 × Q_{Max} + 180.
Non-weatherized, Condensing Gas Furnace Fan	FER = 0.029 × Q_{Max} + 196.
Weatherized Non-Condensing Gas Furnace Fan	FER = 0.029 × Q_{Max} + 135.
Non-Weatherized, Non-Condensing Oil Furnace Fan	FER = 0.051 × Q_{Max} + 301.
Non-weatherized Electric Furnace/Modular Blower Fan	FER = 0.029 × Q_{Max} + 165.
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan	FER = 0.051 × Q_{Max} + 242.
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan	FER = 0.051 × Q_{Max} + 262.
Manufactured Home Electric Furnace/Modular Blower Fan	FER = 0.029 × Q_{Max} + 105.
Manufactured Home Weatherized Non-Condensing Gas Furnace Fan	Reserved.
Manufactured Home Non-Weatherized Non-Condensing Oil Furnace Fan	Reserved.

* Q_{Max} is the airflow, in cfm, at the maximum airflow-control setting measured using the proposed DOE test procedure. 78 FR 19606, 19627 (April 2, 2013).

2. Summary of Benefits and Costs (Annualized) of the Proposed Standards

The benefits and costs of these proposed standards can also be expressed in terms of annualized values. The annualized monetary values are the sum of: (1) the annualized national economic value, expressed in 2012$, of the benefits from operating products that meet the proposed standards (consisting primarily of operating cost savings from using less energy, minus increases in equipment purchase costs, which is another way of representing consumer NPV), and (2) the monetary value of the benefits of emission reductions, including CO_2 emission reductions.[81] The value of the CO_2 reductions, otherwise known as the Social Cost of Carbon (SCC), is calculated using a range of values per metric ton of CO_2 developed by a recent interagency process.

Although combining the values of operating savings and CO_2 reductions provides a useful perspective, two issues should be considered. First, the national operating savings are domestic U.S. consumer monetary savings that occur as a result of market transactions while the value of CO_2 reductions is based on a global value. Second, the assessments of operating cost savings and SCC are performed with different methods that use different time frames for analysis. The national operating cost savings is measured for the lifetime of products shipped in 2019–2048. The SCC values, on the other hand, reflect the present value of future climate-related impacts resulting from the emission of one metric ton of CO_2 in each year over a very long period.

Table V.32 shows the annualized values for the proposed standards for residential furnace fans. The results under the primary estimate are as follows. (All monetary values below are expressed in 2012$.) Using a 7-percent discount rate for benefits and costs other than CO_2 reduction (for which DOE used a 3-percent discount rate along with the SCC series corresponding to a value of $40.8/ton in 2015), the cost of the residential furnace fan standards proposed in this rule is $231 million per year in increased equipment costs, while the benefits are $872 million per year in reduced equipment operating costs, $571 million in CO_2 reductions, and $8.24 million in reduced NO_X emissions. In this case, the net benefit amounts to $1,220 million per year.

Using a 3-percent discount rate for all benefits and costs and the SCC series corresponding to a value of $40.8/ton in 2015, Table V.32 shows the cost of the residential furnace fans standards proposed in this rule is $290 million per year in increased equipment costs, while the benefits are $1585 million per year in reduced operating costs, $571 million in CO_2 reductions, and $15.56 million in reduced NO_X emissions. In this case, the net benefit amounts to $1,882 million per year.

TABLE V.32—ANNUALIZED BENEFITS AND COSTS OF PROPOSED STANDARDS (TSL 4) FOR RESIDENTIAL FURNACE FANS

	Discount Rate	million 2012$/year		
		Primary estimate *	Low net benefits estimate	High net benefits estimate
Benefits				
Operating Cost Savings	7%	872	710	1082
	3%	1585	1264	2011
CO_2 Reduction Monetized Value ($12.9/t case) **.	5%	139	117	171
CO_2 Reduction Monetized Value ($40.8/t case)**.	3%	571	477	702
CO_2 Reduction Monetized Value ($62.2/t case)**.	2.5%	877	732	1079
CO_2 Reduction Monetized Value ($117/t case)**.	3%	1761	1471	2167
NO_X Reduction Monetized Value (at $2,639/ton)**.	7%	8.24	6.97	9.99
	3%	15.56	13.03	19.09
Total Benefits †	7% plus CO_2 range	1,019 to 2,641	834 to 2,188	1,263 to 3,259
	7%	1,451	1,194	1,794
	3% plus CO_2 range	1,740 to 3,362	1,394 to 2,748	2,201 to 4,197
	3%	2,172	1,754	2,732
Costs				
Incremental Product Costs	7%	231	273	201
	3%	290	346	250
Net Benefits				
Total †	7% plus CO_2 range	788 to 2,410	561 to 1,915	1,062 to 3,058
	7%	1,220	921	1,593
	3% plus CO_2 range	1,450 to 3,072	1,047 to 2,402	1,951 to 3,947

[81] DOE used a two-step calculation process to convert the time-series of costs and benefits into annualized values. First, DOE calculated a present value in 2013, the year used for discounting the NPV of total consumer costs and savings, for the time-series of costs and benefits using discount rates of 3 and 7 percent for all costs and benefits except for the value of CO_2 reductions. For the latter, DOE used a range of discount rates. From the present value, DOE then calculated the fixed annual payment over a 30-year period, starting in 2013, that yields the same present value. The fixed annual payment is the annualized value. Although DOE calculated annualized values, this does not imply that the time-series of cost and benefits from which the annualized values were determined would be a steady stream of payments.

TABLE V.32—ANNUALIZED BENEFITS AND COSTS OF PROPOSED STANDARDS (TSL 4) FOR RESIDENTIAL FURNACE FANS—Continued

	Discount Rate	million 2012$/year		
		Primary estimate *	Low net benefits estimate	High net benefits estimate
	3%	1,882	1,407	2,482

* This table presents the annualized costs and benefits associated with residential furnace fans shipped in 2019–2048. These results include benefits to consumers which accrue after 2048 from the products purchased in 2019 – 2048. Costs incurred by manufacturers, some of which may be incurred in preparation for the rule, are not directly included, but are indirectly included as part of incremental equipment costs. The Primary, Low Benefits, and High Benefits Estimates utilize projections of energy prices and housing starts from the *AEO 2012* Reference case, Low Estimate, and High Estimate, respectively. Incremental product costs reflect a constant product price trend in the Primary Estimate, an increasing price trend in the Low Benefits Estimate, and a decreasing price trend in the High Benefits Estimate.

** The CO_2 values represent global values of the SCC, in 2012$, in 2015 under several scenarios. The first three cases use the averages of SCC distributions calculated using 5%, 3%, and 2.5% discount rates, respectively. The fourth case represents the 95th percentile of the SCC distribution calculated using a 3% discount rate. The SCC values increase over time. The value for NO_X (in 2012$) is the average of the low and high values used in DOE's analysis.

† Total Benefits for both the 3% and 7% cases are derived using the series corresponding to SCC value of $40.8/t in 2015. In the rows labeled "7% plus CO_2 range" and "3% plus CO_2 range," the operating cost and NO_X benefits are calculated using the labeled discount rate, and those values are added to the full range of CO_2 values.

VI. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Section 1(b)(1) of Executive Order 12866, "Regulatory Planning and Review," 58 FR 51735 (Oct. 4, 1993), requires each agency to identify the problem that it intends to address, including, where applicable, the failures of private markets or public institutions that warrant new agency action, as well as to assess the significance of that problem. The problems these proposed standards address are as follows:

(1) There is a lack of consumer information and/or information processing capability about energy efficiency opportunities in the home appliance market.

(2) There is asymmetric information (one party to a transaction has more and better information than the other) and/or high transactions costs (costs of gathering information and effecting exchanges of goods and services).

(3) There are external benefits resulting from improved energy efficiency of residential furnace fans that are not captured by the users of such equipment. These benefits include externalities related to environmental protection and energy security that are not reflected in energy prices, such as reduced emissions of greenhouse gases.

In addition, DOE has determined that this regulatory action is an "economically significant regulatory action" under section 3(f)(1) of Executive Order 12866. Accordingly, section 6(a)(3) of the Executive Order requires that DOE prepare a regulatory impact analysis (RIA) on this rule and that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) review this rule. DOE presented to OIRA for review the draft rule and other documents prepared for this rulemaking, including the RIA, and has included these documents in the rulemaking record. The assessments prepared pursuant to Executive Order 12866 can be found in the technical support document for this rulemaking.

DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011 (76 FR 3281 (Jan. 21, 2011)). Executive Order 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, DOE believes that this NOPR is consistent with these principles, including the requirement that, to the extent permitted by law, benefits justify costs and that net benefits are maximized.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site (*http://energy.gov/gc/office-general-counsel*). DOE has prepared the following IRFA for the products that are the subject of this rulemaking.

1. Description and Estimated Number of Small Entities Regulated

a. Methodology for Estimating the Number of Small Entities

For the manufacturers of residential furnace fans, the Small Business Administration (SBA) has set a size threshold, which defines those entities classified as ''small businesses'' for the purposes of the statute. DOE used the SBA's small business size standards to determine whether any small entities would be subject to the requirements of the rule. 65 FR 30836, 30848 (May 15, 2000), as amended at 65 FR 53533, 53544 (Sept. 5, 2000) and codified at 13 CFR part 121. The size standards are listed by NAICS code and industry description and are available at: *www.sba.gov/idc/groups/public/documents/sba_homepage/serv_sstd_tablepdf.pdf*. Residential furnace fan manufacturing is classified under NAICS 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.'' The SBA sets a threshold of 750 employees or less for an entity to be considered as a small business for this category.

To estimate the number of companies that could be small business manufacturers of products covered by this rulemaking, DOE conducted a market survey using available public information to identify potential small manufacturers. DOE's research involved industry trade association membership directories (including AHRI), public databases (*e.g.,* AHRI Directory,[82] the SBA Database [83]), individual company Web sites, and market research tools (*e.g.,* Hoovers reports) to create a list of companies that manufacture or sell products covered by this rulemaking. DOE also asked stakeholders and industry representatives if they were aware of any other small manufacturers during manufacturer interviews and at DOE public meetings. DOE reviewed publicly-available data and contacted select companies on its list, as necessary, to determine whether they met the SBA's definition of a small business manufacturer of covered residential furnace fans. DOE screened out companies that do not offer products covered by this rulemaking, do not meet the definition of a ''small business,'' or are foreign owned and operated.

DOE initially identified at least 40 potential manufacturers of residential furnace fan products sold in the U.S. DOE then determined that 26 were large manufacturers, manufacturers that are foreign owned and operated, or manufacturers that do not produce products covered by this rulemaking. DOE was able to determine that approximately 14 manufacturers meet the SBA's definition of a ''small business'' and manufacture products covered by this rulemaking.

b. Manufacturer Participation

Before issuing this NOPR, DOE attempted to contact all the small business manufacturers of residential furnace fans it had identified. One of the small businesses consented to being interviewed during the MIA interviews. DOE also obtained information about small business impacts while interviewing large manufacturers.

c. Industry Structure

The 14 identified domestic manufacturers of residential furnace fans that qualify as small businesses under the SBA size standard account for a small fraction of industry shipments. Generally, manufacturers of furnaces are also manufacturers of furnace fan products. The market for domestic gas furnaces is almost completely held by seven large manufacturers, and small manufacturers in total account for only 1 percent of the market. These seven large manufacturers also control 97 percent of the market for central air conditioners. The market for manufactured home furnaces is primarily held by one large manufacturer. In contrast, the market for domestic oil furnaces is almost entirely comprised of small manufacturers.

d. Comparison Between Large and Small Entities

The proposed standards for residential furnace fans could cause small manufacturers to be at a disadvantage relative to large manufacturers. One way in which small manufacturers could be at a disadvantage is that they may be disproportionately affected by product conversion costs. Product redesign, testing, and certification costs tend to be fixed and do not scale with sales volume. For each product model, small businesses must make investments in research and development to redesign their products, but because they have lower sales volumes, they must spread these costs across fewer units. In addition, because small manufacturers have fewer engineers than large manufacturers, they would need to allocate a greater portion of their available resources to meet a standard. Since engineers may need to spend more time redesigning and testing existing models as a result of the new standard, they may have less time to develop new products.

Furthermore, smaller manufacturers may lack the purchasing power of larger manufacturers. For example, since motor suppliers give discounts to manufacturers based on the number of motors they purchase, larger manufacturers may have a pricing advantage because they have higher volume purchases. This purchasing power differential between high-volume and low-volume orders applies to other furnace fan components as well, including the impeller fan blade, transformer, and capacitor.

2. Description and Estimate of Compliance Requirements

Since the proposed standard for residential furnace fans could cause small manufacturers to be at a disadvantage relative to large manufacturers, DOE cannot certify that the proposed standards would not have a significant impact on a significant number of small businesses, and consequently, DOE has prepared this IRFA.

At TSL 4, the level proposed in this notice, DOE estimates no capital conversion costs and product conversion costs of $0.014 million for a typical small manufacturer, compared to product conversion costs of $0.431 million for a typical large manufacturer. These costs and their impacts are described in detail below.

To estimate how small manufacturers would be potentially impacted, DOE used the market share of small manufacturers to estimate the annual revenue, earnings before interest and tax (EBIT), and research and development (R&D) expense for a typical small manufacturer. DOE then compared these costs to the required product conversion costs at each TSL for both an average small manufacturer and an average large manufacturer (see Tables VI.1 and Table VI.2). In the following tables, TSL 4 represents the proposed standard.

Although conversion costs can be considered substantial for all companies, the impacts could be relatively greater for a typical small manufacturer because of much lower production volumes and the relatively fixed nature of the R&D resources required per model. Small manufacturers also have less engineering staff and lower R&D budgets. As a result, the product conversion costs incurred by a small manufacturer would likely be a larger percentage of its revenues, R&D

[82] See *www.ahridirectory.org/ahriDirectory/pages/home.aspx*.

[83] See *http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm*.

expenses, and EBIT, than those for a large manufacturer. Table VI.1 shows the product conversion costs for a typical large manufacturer versus those of a typical small manufacturer. Table VI.2 compares the total conversion costs of a typical large manufacturer as a percentage of annual R&D expense, annual revenue, and EBIT to those of a typical small manufacturer.

TABLE VI.1—COMPARISON OF A TYPICAL SMALL AND LARGE RESIDENTIAL FURNACE FAN MANUFACTURER'S PRODUCT CONVERSION COSTS

	Product conversion costs for a typical large manufacturer (2012$ millions)	Product conversion costs for a typical small manufacturer (2012$ millions)
Baseline	$0.000	$0.000
TSL 1	0.154	0.007
TSL 2	0.378	0.012
TSL 3	0.391	0.014
TSL 4	0.431	0.014
TSL 5	0.438	0.019
TSL 6	1.261	0.045

TABLE VI.2—COMPARISON OF A TYPICAL SMALL AND LARGE RESIDENTIAL FURNACE FAN MANUFACTURER'S PRODUCT CONVERSION COSTS TO ANNUAL R&D EXPENSE, ANNUAL REVENUE, AND EBIT

	Large manufacturer			Small manufacturer		
	Product conversion costs as a percentage of annual R&D expense	Product conversion costs as a percentage of annual revenue	Product conversion costs as a percentage of annual EBIT	Product conversion costs as a percentage of annual R&D expense	Product conversion costs as a percentage of annual revenue	Product conversion costs as a percentage of annual EBIT
Baseline	0.0	0.0	0.0	0.0	0.0	0.0
TSL 1	14.7	0.3	4.0	137.9	2.6	37.4
TSL 2	36.1	0.7	9.8	226.3	4.3	61.4
TSL 3	37.3	0.7	10.1	267.7	5.1	72.7
TSL 4	41.1	0.8	11.2	267.7	5.1	72.7
TSL 5	41.8	0.8	11.3	368.4	7.0	100.0
TSL 6	120.4	2.3	32.7	850.6	16.2	230.9

Based on the results in Table VI.1 and Table VI.2, DOE understands that the potential product conversions costs faced by small manufacturers may be proportionally greater than those faced by larger manufacturers. However, the total cost at TSL 4 of approximately $14,000 per small manufacturer is still a small percentage of a small manufacturer's total annual revenues (5.1 percent) and product conversion costs would also only be a one-time expense. Furthermore, TSLs lower than the proposed TSL would not result in significantly lower product conversion costs for small manufacturers.

3. Duplication, Overlap, and Conflict With Other Rules and Regulations

DOE is not aware of any rules or regulations that duplicate, overlap, or conflict with the rule being proposed today.

4. Significant Alternatives to the Rule

The discussion above analyzes impacts on small businesses that would result from the other TSLs DOE considered. Although TSLs lower than the proposed TSLs would be expected to reduce the impacts on small entities, DOE is required by EPCA to establish standards that achieve the maximum improvement in energy efficiency that is technically feasible and economically justified, and result in a significant conservation of energy. Thus, DOE rejected the lower TSLs.

In addition to the other TSLs being considered, the NOPR TSD includes a regulatory impact analysis in chapter 17. For residential furnace fans, this report discusses the following policy alternatives: (1) No standard, (2) consumer rebates, (3) consumer tax credits, (4) manufacturer tax credits, and (5) early replacement. DOE does not intend to consider these alternatives further because they are either not feasible to implement without authority and funding from Congress, or are expected to result in energy savings that are much smaller (ranging from less than 1 percent to approximately 33 percent) than those that would be achieved by the proposed energy conservation standards.

DOE continues to seek input from small businesses that would be affected by this rulemaking and will consider comments received in the development of any final rule.

C. Review Under the Paperwork Reduction Act of 1995

1. Description of the Requirements

DOE is developing regulations to implement reporting requirements for energy conservation, water conservation, and design standards, and to address other matters including compliance certification, prohibited actions, and enforcement procedures for covered consumer products and commercial and industrial equipment covered by EPCA, including furnace fans. DOE will send an information collection approval to OMB under Control Number 1910–1400.

2. Method of Collection

DOE is proposing that respondents must submit electronic forms using DOE's on-line Compliance Certification Management System (CCMS) system.

3. Data

The following are DOE estimates of the total annual reporting and recordkeeping burden imposed on manufacturers of residential furnace fans subject to the proposed certification provisions in this notice. These estimates take into account the time necessary to develop testing documentation, maintain all the documentation supporting the development of the certified rating for each basic model, complete the certification, and submit all required documents to DOE electronically.

OMB Control Number: 1910–1400.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Manufacturers of residential furnace fans covered by this rulemaking.

Estimated Number of Respondents: 37.

Estimated Time per Response: Certification reports, 20 hours.

Estimated Total Annual Burden Hours: 740.

Estimated Total Annual Cost to the Manufacturers: $55,000 in recordkeeping/reporting costs.

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

D. Review Under the National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act (NEPA) of 1969, DOE has determined that the proposed rule fits within the category of actions included in Categorical Exclusion (CX) B5.1 and otherwise meets the requirements for application of a CX. *See* 10 CFR Part 1021, App. B, B5.1(b); 1021.410(b) and Appendix B, B(1)–(5). The proposed rule fits within the category of actions because it is a rulemaking that establishes energy conservation standards for consumer products or industrial equipment, and for which none of the exceptions identified in CX B5.1(b) apply. Therefore, DOE has made a CX determination for this rulemaking, and DOE does not need to prepare an Environmental Assessment or Environmental Impact Statement for this proposed rule. DOE's CX determination for this proposed rule is available at *http://cxnepa.energy.gov/.*

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process that it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has tentatively determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) Therefore, Executive Order 13132 requires no further action.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE's policy statement is also available at *http://energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf.*

Although this proposed rule, which proposes new energy conservation standards for residential furnace fans, does not contain a Federal intergovernmental mandate, it may require annual expenditures of $100 million or more by the private sector. Specifically, the proposed rule would likely result in a final rule that could

require expenditures of $100 million or more, including: (1) Investment in research and development and in capital expenditures by residential furnace fans manufacturers in the years between the final rule and the compliance date for the new standards, and (2) incremental additional expenditures by consumers to purchase higher-efficiency residential furnace fans, starting at the compliance date for the applicable standard.

Section 202 of UMRA authorizes a Federal agency to respond to the content requirements of UMRA in any other statement or analysis that accompanies the proposed rule. 2 U.S.C. 1532(c). The content requirements of section 202(b) of UMRA relevant to a private sector mandate substantially overlap the economic analysis requirements that apply under section 325(o) of EPCA and Executive Order 12866. The **SUPPLEMENTARY INFORMATION** section of the NOPR and the ''Regulatory Impact Analysis'' section of the TSD for this proposed rule respond to those requirements.

Under section 205 of UMRA, the Department is obligated to identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a written statement under section 202 is required. 2 U.S.C. 1535(a). DOE is required to select from those alternatives the most cost-effective and least burdensome alternative that achieves the objectives of the proposed rule unless DOE publishes an explanation for doing otherwise, or the selection of such an alternative is inconsistent with law. As required by 42 U.S.C. 6295(f) and (o), this proposed rule would establish energy conservation standards for residential furnace fans that are designed to achieve the maximum improvement in energy efficiency that DOE has determined to be both technologically feasible and economically justified. A full discussion of the alternatives considered by DOE is presented in the ''Regulatory Impact Analysis'' section of the TSD for this proposed rule.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 15, 1988), DOE has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this NOPR under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

DOE has tentatively concluded that this regulatory action, which sets forth proposed energy conservation standards for residential furnace fans, is not a significant energy action because the proposed standards are not likely to have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects on this proposed rule.

L. Review Under the Information Quality Bulletin for Peer Review

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (OSTP), issued its Final Information Quality Bulletin for Peer Review (the Bulletin). 70 FR 2664 (Jan. 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal Government, including influential scientific information related to agency regulatory actions. The purpose of the bulletin is to enhance the quality and credibility of the Government's scientific information. Under the Bulletin, the energy conservation standards rulemaking analyses are ''influential scientific information,'' which the Bulletin defines as ''scientific information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private sector decisions.'' *Id.* at 2667.

In response to OMB's Bulletin, DOE conducted formal in-progress peer reviews of the energy conservation standards development process and analyses and has prepared a Peer Review Report pertaining to the energy conservation standards rulemaking analyses. Generation of this report involved a rigorous, formal, and documented evaluation using objective criteria and qualified and independent reviewers to make a judgment as to the technical/scientific/business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects. The ''Energy Conservation Standards Rulemaking Peer Review Report'' dated February 2007 has been disseminated and is available at the following Web site: *www1.eere.energy.gov/buildings/appliance_standards/peer_review.html*.

VII. Public Participation

A. Attendance at the Public Meeting

The time, date, and location of the public meeting are listed in the **DATES** and **ADDRESSES** sections at the beginning of this notice. If you plan to attend the public meeting, please notify Ms. Brenda Edwards at (202) 586–2945 or *Brenda.Edwards@ee.doe.gov*. As explained in the **ADDRESSES** section, foreign nationals visiting DOE

Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise DOE of this fact as soon as possible by contacting Ms. Brenda Edwards to initiate the necessary procedures.

In addition, you can attend the public meeting via webinar. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/42*. Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Procedure for Submitting Requests To Speak and Prepared General Statements for Distribution

Any person who has an interest in the topics addressed in this notice, or who is representative of a group or class of persons that has an interest in these issues, may request an opportunity to make an oral presentation at the public meeting. Such persons may hand-deliver requests to speak to the address shown in the **ADDRESSES** section at the beginning of this notice between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Requests may also be sent by mail or email to: Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121, or *Brenda.Edwards@ee.doe.gov*. Persons who wish to speak should include with their request a computer diskette or CD–ROM in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format that briefly describes the nature of their interest in this rulemaking and the topics they wish to discuss. Such persons should also provide a daytime telephone number where they can be reached.

DOE requests persons scheduled to make an oral presentation to submit an advance copy of their statements at least one week before the public meeting. DOE may permit persons who cannot supply an advance copy of their statement to participate, if those persons have made advance alternative arrangements with the Building Technologies Program. As necessary, requests to give an oral presentation should ask for such alternative arrangements.

C. Conduct of the Public Meeting

DOE will designate a DOE official to preside at the public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. There shall not be discussion of proprietary information, costs or prices, market share, or other commercial matters regulated by U.S. anti-trust laws. After the public meeting, interested parties may submit further comments on the proceedings, as well as on any aspect of the rulemaking, until the end of the comment period.

The public meeting will be conducted in an informal, conference style. DOE will present summaries of comments received before the public meeting, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will allow, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly and comment on statements made by others. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the public meeting will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the above procedures that may be needed for the proper conduct of the public meeting.

A transcript of the public meeting will be included in the docket, which can be viewed as described in the *Docket* section at the beginning of this notice and will be accessible on the DOE Web site. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule before or after the public meeting, but no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this notice.

Submitting comments via www.regulations.gov. The *www.regulations.gov* Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section below.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or mail. Comments and documents submitted via email, hand delivery/courier, or mail also will be posted to *www.regulations.gov*. If you

do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

1. Additional FER value data that are generated using the DOE residential furnace fans test procedure proposed in the April 2, 2013 SNOPR (78 FR 19606), as well as the product class, measured airflow capacity in the maximum airflow control setting, and technology options of the model for which each FER value is calculated.

2. DOE's methodology for accounting for the relationship between FER and airflow capacity, and the resulting efficiency levels that are represented by equations for FER as a function of airflow capacity. (See Chapter 5 of the NOPR TSD)

3. The reasonableness of the values that DOE used to characterize the rebound effect with higher-efficiency residential furnace fans.

4. DOE's estimate of the base-case efficiency distribution of residential furnace fans in 2018.

5. The long-term market penetration of higher-efficiency residential furnace fans.

6. DOE performed physical teardowns on a selection of units currently on the market. From the bills of materials and cost model developed using this teardown data, DOE calculated an estimate of the manufacturer production cost for each covered product class in the engineering analysis. DOE also developed estimates of the costs for components that affect energy consumption, namely those it considered as design options. These estimates were obtained from a combination of sources, including publicly available prices from vendors and confidential estimates provided by manufacturers. These price data are aggregated for use in the engineering analysis. DOE seeks comment and data regarding the manufacturer production costs for furnace fan equipment and components and the technological feasibility of applying technologies identified in the engineering analysis to meet the proposed standards.

7. To estimate the impact on shipments of the price increase for the considered efficiency levels, DOE used the relative price elasticity approach that was applied in the 2011 energy conservation standards rulemaking for residential furnaces. DOE welcomes stakeholder input and estimates on the effect of amended standards on future furnace fan equipment shipments. DOE also welcomes input and data on the demand elasticity estimates used in the analysis.

8. DOE requests comment on whether there are features or attributes of the more energy-efficient furnace fans that manufacturers would produce to meet the standards in this proposed rule that might affect how they would be used by consumers. DOE requests comment specifically on how any such effects should be weighed in the choice of standards for furnace fans for the final rule.

9. For this rulemaking, DOE analyzed the effects of this proposal assuming that the furnace fans would be available to purchase for 30 years, and it undertook a sensitivity analysis using 9 years rather than 30 years of product shipments. The choice of a 30-year period of shipments is consistent with the DOE analysis for other products and commercial equipment. The choice of a 9-year period is a proxy for the timeline in EPCA for the review of certain energy conservation standards and potential revision of and compliance with such revised standards. We are seeking input, information and data on whether there are ways to refine the analytic timeline further.

10. DOE defines lifetime as the age at which residential furnace fan equipment is retired from service. DOE modeled furnace fan lifetime based on the distribution of furnace lifetimes developed for the recent energy conservation standards rulemaking for residential furnaces. DOE welcomes further input on the average equipment lifetimes for the LCC analysis and NIA.

11. DOE solicits comment on the application of the new SCC values used to determine the social benefits of CO_2 emissions reductions over the rulemaking analysis period. The rulemaking analysis period covers from 2017 to 2046 plus an additional 50 years to account for the lifetime operation of the equipment purchased in that period. In particular, the agency solicits comment on its derivation of SCC values after 2050, where the agency applied the average annual growth rate

of the SCC estimates in 2040–2050 associated with each of the four sets of values.

12. The agency also seeks input on the cumulative regulatory burden that may be imposed on industry either from recently implemented rulemakings for these products or other rulemakings that affect the same industry.

VIII. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of proposed rulemaking.

List of Subjects

10 CFR Part 429

Administrative practice and procedure, Commercial equipment, Confidential business information, Energy conservation, Household appliances, Imports, Reporting and recordkeeping requirements.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on September 30, 2013.

David T. Danielson,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE proposes to amend parts 429 and 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.12 is amended by:

■ a. Amending paragraph (d) table, first column, second row (*i.e.,* for products with a submission deadline of May 1st) by removing the word ''and'' and by adding ''and Residential furnace fans'' at the end of the listed products.

■ b. Removing in paragraph (b)(13) ''429.54'' and adding in its place 429.58''; and

■ c. Adding reserved paragraph (i)(5) and adding paragraph (i)(6).

The addition reads as follows:

§ 429.12 General requirements applicable to certification reports.

* * * * *

(i) * * *

(5) [Reserved]

(6) Residential furnace fans, [date five years after publication of the final rule].

■ 3. Section 429.58 is added to read as follows:

§ 429.58 Furnace fans.

(a) [Reserved]

(b) *Certification reports.* (1) The requirements of § 429.12 of this part are applicable to residential furnace fans; and

(2) Pursuant to § 429.12(b)(13) of this part, a certification report shall include the following public product-specific information: The fan energy rating (FER) in watts per thousand cubic feet per minute (W/1000 cfm); the calculated maximum airflow at the reference system external static pressure (ESP) in cubic feet per minute (cfm); the control system configuration for achieving the heating and constant-circulation airflow-control settings required for determining FER as specified in the furnace fan test procedure (10 CFR part 430, subpart B, appendix AA); the measured steady-state gas, oil, or electric heat input rate (Q_{IN}) in the heating setting required for determining FER; and for modular blowers, the manufacturer and model number of the electric heat resistance kit with which it is equipped for certification testing.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 4. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 5. Section 430.32 is amended by adding paragraph (y) to read as follows:

§ 430.32 Energy and water conservation standards and their effective dates.

* * * * *

(y) *Residential furnace fans.* Residential furnace fans manufactured on or after (*date five years after date of final rule publication in the* ***Federal Register***), shall have a fan energy rating (FER) value that meets or is less than the following values:

Product class	FER * (watts/cfm)
Non-Weatherized, Non-Condensing Gas Furnace Fan (NWG–NC)	FER = 0.029 × Q_{Max} + 180.
Non-Weatherized, Condensing Gas Furnace Fan (NWG–C)	FER = 0.029 × Q_{Max} + 196.
Weatherized Non-Condensing Gas Furnace Fan (WG–NC)	FER = 0.029 × Q_{Max} + 135.
Non-Weatherized, Non-Condensing Oil Furnace Fan (NWO–NC)	FER = 0.051 × Q_{Max} + 301.
Non-Weatherized Electric Furnace/Modular Blower Fan (NWEF/NWMB)	FER = 0.029 × Q_{Max} + 165.
Manufactured Home Non-Weatherized, Non-Condensing Gas Furnace Fan (MH–NWG–NC)	FER = 0.051 × Q_{Max} + 242.
Manufactured Home Non-Weatherized, Condensing Gas Furnace Fan (MH–NWG–C)	FER = 0.051 × Q_{Max} + 262.
Manufactured Home Electric Furnace/Modular Blower Fan (MH–EF/MB)	FER = 0.029 × Q_{Max} + 105.
Manufactured Home Non-Weatherized Oil Furnace Fan (MH–NWO)	Reserved.
Manufactured Home Weatherized Gas Furnace Fan (MH–WG)	Reserved.

* Q_{Max} is the airflow, in cfm, at the maximum airflow-control setting.

* * * * *

[FR Doc. 2013–24613 Filed 10–24–13; 8:45 am]

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FEDERAL REGISTER

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Part III

Department of Housing and Urban Development

30-Day Notice of Proposed Information Collection; Notices

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–86]

30-Day Notice of Proposed Information Collection: Certificate of Housing Counseling: Homeownership and Certificate of Housing Counseling: Home Retention

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 25, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 31, 2013.

A. Overview of Information Collection

Title of Information Collection: Certificate of Housing Counseling: Homeownership and Certificate of Housing Counseling: Home Retention.

OMB Approval Number: 2502—New.

Type of Request: New collection.

Form Number: HUD–9911, HUD–9912.

Description of the Need for the Information and Proposed Use: Counseling certificates will provide proof to lenders and other interested parties that clients have received counseling from a HUD-approved counseling agency on the subject matter, either homeownership or home retention counseling. The certificates may be required to access certain loan programs or benefits.

Respondents (i.e. affected public): Quarterly.

Estimated Annual Reporting and Recordkeeping Burden: Respondents (i.e. affected public): 8,000. Estimated Number of Respondents: Individual and Households. Estimated Number of Responses: 832,000. Average Hours per Response: 15 mins. Total Estimated Burdens: 208,000.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 17, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–25192 Filed 10–24–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–87]

30-Day Notice of Proposed Information Collection: Condominium Project Approval Document Collection

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 25, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 31, 2013.

A. Overview of Information Collection

Title of Information Collection: Condominium Project Approval Document Collection.

OMB Approval Number: 2502—New.

Type of Request: New collection.

Form Number: 92544, 92541, 93201, 935.2c.

Description of the Need for the Information and Proposed Use: The Housing and Economic Recovery Act of 2008 (HERA) moves the insurance of a single unit condominium from Section 234 to Section 203 of the National Housing Act (NHA). This change requires that HUD establish new regulations for condominium project and unit approval. To approve a project and/or insure a unit within an FHAapproved project, certain documentation and data are required for review and approval or denial.

Currently, a collection specific to condominium project and unit approval does not exist. Therefore, establishment of a specific collection item is appropriate. Further, the information collected will be used for performance, risk, trend and other analyses.

Respondents (i.e. affected public): Occasion.

Estimated Annual Reporting and Recordkeeping Burden: The number of burden hours is 45,000. The number of respondents is 30,000, the number of responses is 15,000, the frequency of response is on occasion, and the burden hour per response is 3.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 17, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–25193 Filed 10–24–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–88]

30-Day Notice of Proposed Information Collection: Contractor's Requisition—Project Mortgages

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 25, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on July 30, 2013.

A. Overview of Information Collection

Title of Information Collection: Contractor's Requisition—Project Mortgages.

OMB Approval Number: 2502–0028.

Type of Request: Extension without change of a currently approved collection.

Form Number: HUD–92448.

Description of the Need for the Information and Proposed Use: The information collection is used to obtain program benefits, consisting of distribution of insured mortgage proceeds when construction costs are involved. The information regarding completed work items is used by the Multifamily Hub Centers to ensure that payments from mortgage proceeds are made for work actually completed in a satisfactory manner. The certification regarding prevailing wages is used by the Multifamily Hub Centers to ensure compliance with prevailing wage rates.

Respondents (i.e. affected public): Business or other for-profit.

Estimated Annual Reporting and Recordkeeping Burden: The number of Estimated Number of Respondents: 1,858. Estimated Number of Responses: 22,296. Frequency of Response: Monthly. Average Hours per Response: 2 hours per response. Total Estimated Burdens: 133,776.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 17, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–25194 Filed 10–24–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–89]

30-Day Notice of Proposed Information Collection: FHA-Application for Insurance of Advance of Mortgage Proceeds

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 25, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to

the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 28, 2013.

A. Overview of Information Collection

Title of Information Collection: FHA-Application for Insurance of Advance of Mortgage Proceeds.

OMB Approval Number: 2502–0097.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–92403.

Description of the Need for the Information and Proposed Use: To indicate to the mortgagee Amounts approved for advance and mortgage insurance.

Respondents (i.e. affected public): Business or other for-profit.

Estimated Annual Reporting and Recordkeeping Burden: The number of Estimated Number of Respondents: 526. Estimated Number of Responses: 13,128. Frequency of Response: As needed. Average Hours per Response: 2 hours. Total Estimated Burdens: 26,256.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 17, 2013.

Colette Pollard,

Department Reports Management Officer. Office of the Chief Information Officer.

[FR Doc. 2013–25195 Filed 10–24–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–90]

30-Day Notice of Proposed Information Collection: Section 202 Supportive Housing for the Elderly Application Submission Requirements

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 25, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 28, 2013.

A. Overview of Information Collection

Title of Information Collection: Section 202 Supportive Housing for the Elderly Application Submission Requirements.

OMB Approval Number: 2502–0267.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–92015–CA, HUD–96010, HUD–92041, SF–424, SF–424-Supplemental, SF–LLL, HUD–2880, HUD–2530, HUD–2991, HUD–2995, HUD–92042, HUD–96010 and, HUD–96011.

Description of the Need for the Information and Proposed Use: The collection of this information is necessary to the Department to assist HUD in determining applicant eligibility and ability to develop housing for the elderly within statutory and program criteria. A thorough evaluation of an applicant's submission is necessary to protect the Government's financial interest.

Respondents (i.e. affected public): Private Sector.

Estimated Annual Reporting and Recordkeeping Burden: The number of Estimated Number of Respondents: 150 Estimated Number of Responses: 2677. Frequency of Response: On Occasion. Average Hours per Response: Varies, 30 mins. to 24 hours. Total Estimated Burdens: 10,568.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD

encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 17, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–25196 Filed 10–24–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–91]

30-Day Notice of Proposed Information Collection: HUD-Owned Real Estate—Sales Contract and Addendums

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 25, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on September 20, 2013.

A. Overview of Information Collection

Title of Information Collection: HUD-Owned Real Estate—Sales Contract and Addendums.

OMB Approval Number: 2502–0306.

Type of Request: Extension of a currently approved collection.

Form Number: SAMS1103, SAMS–1205, SAMS1106, HUD 9544, HUD 9548, HUD 9548–G, HUD 9548–H, HUD 9545–Y, HUD 9545–Z, SAMS1108, SAMS1111, SAMS1111a, SAMS1100, SAMS1110, SAMS 1101, SAMS–1117, SAMS–1120, SAMS–1204, SAMS1106c.

Description of the Need for the Information and Proposed Use: This collection of information consists of the sales contracts and addenda that will be used in binding contracts between purchasers of acquired single-family assets and HUD.

Respondents (i.e. affected public): Business and other for profit.

Estimated Annual Reporting and Recordkeeping Burden: The number of Estimated Number of Respondents: 13,155. Estimated Number of Responses: 925,179.

Frequency of Response: On occasion. Average Hours per Response: 2–30 minutes.

Total Estimated Burdens: 310,393.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 17, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–25197 Filed 10–24–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–92]

30-Day Notice of Proposed Information Collection: Housing Finance Agency Risk-Sharing Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 25, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on August 27, 2013.

A. Overview of Information Collection

Title of Information Collection: Housing Finance Agency Risk-Sharing Program.

OMB Approval Number: 2502–0500.

Type of Request: Extension of currently approved.

Form Number: HUD–94195, HUD–94196, HUD–94193, HUD–94194, HUD–94192.

Description of the Need for the Information and Proposed Use: Section

542 of the Housing and Community Development Act of 1992 directs the Secretary to implement risk sharing with State and local housing finance agencies (HFAs). Under this program, HUD provides full mortgage insurance on multifamily housing projects whose loans are underwritten, processed, and serviced by HFAs. The HFAs will reimburse HUD a certain percentage of any loss under an insured loan depending upon the level of risk the HFA contracts to assume. The Department requires information collection of loan origination, loan closing, loan management, and servicing in accordance with 25 CFR 266 and HUD Handbook 4590.01. This information must be available to the Department to assess participating HFAs compliance with program.

Respondents (i.e. affected public): Business and other for profit.

Estimated Annual Reporting and Recordkeeping Burden: The number of Estimated Number of Respondents: 915. Estimated Number of Responses: 14,808. Frequency of Response: Annually, Semi-annually, and on Occasion. Average Hours per Response: 30 minutes to 35. Total Estimated Burden: 28,919.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 17, 2013.

Colette Pollard,

Department Reports Management Officer Office of the Chief Information Officer.

[FR Doc. 2013–25198 Filed 10–24–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–93]

30-Day Notice of Proposed Information Collection: Technical Processing Requirements for Multifamily Project Mortgage Insurance

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 25, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on August 27, 2013.

A. Overview of Information Collection

Title of Information Collection: Technical Processing Requirements for Multifamily Project Mortgage Insurance.

OMB Approval Number: 2502–0594.

Type of Request: Extension of currently approved .

Form Number: HUD–92415, HUD–92433, FHA 2455, FHA–2459, HUD–3305, HUD–92450, HUD–92403, HUD–2456, HUD2283, HUD–92433, HUD–92466, HUD–3306.

Description of the Need for the Information and Proposed Use: The information collection is analyzed by HUD during the four technical discipline phases of an application for mortgage insurance—underwriting, valuation, architectural, and mortgage credit analysis. HUD performs each phases during the application process to ensure the financial, physical, and environmental soundness of the project, as well as the potential insurance risk. Sponsors, mortgagors and contractors are required to undergo a thorough examination to determine their solvency, reliability, past experience, and dependability to develop, build, and operate the type of multifamily housing project they propose.

Respondents (i.e. affected public): Business and other for profit.

Estimated Annual Reporting and Recordkeeping Burden: The number of Estimated Number of Respondents: 9,250. Estimated Number of Responses: 11,050. Frequency of Response: Annual. Average Hours per Response: Total Estimated Burdens: 9,250.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 17, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–25199 Filed 10–24–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–94]

30-Day Notice of Proposed Information Collection: FHA-Insured Mortgage Loan Servicing of Payments, Prepayments, Terminations, Assumptions, and Transfers

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 25, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 17, 2013.

A. Overview of Information Collection

Title of Information Collection: FHA-Insured Mortgage Loan Servicing of Payments, Prepayments, Terminations Assumptions, and Transfers.

OMB Approval Number: 2502–0595.

Type of Request: Extension of currently approved.

Form Number: HUD Form 92210.1, HUD–93114, HUD–92210, HUD–92900–a.

Description of the Need for the Information and Proposed Use: FHA insurance is an important source of mortgage credit for low and moderate income borrowers. It is essential that the Federal Housing Administration (FHA) maintain a healthy mortgage insurance fund through premiums charged to the borrower by FHA. Providing policy and guidance to the single family housing mortgage industry regarding changes in FHA's program is essential to protect the fund. The information requests referred to in this PRA submission is to provide information to support HUD's policy and guidance.

Respondents (i.e. affected public): Servicers of FHA-insured mortgages.

Estimated Annual Reporting and Recordkeeping Burden: The number of Estimated

Number of Respondents: 223.

Estimated Number of Responses: 51,681,867.

Frequency of Response: On occasion. Average Hours per Response: 15 minutes to 3 hours depending on the activity.

Total Estimated Burdens: 981,067 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 17, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–25200 Filed 10–24–13; 8:45 am]

BILLING CODE 4210–67–P

FEDERAL REGISTER

Vol. 78 Friday,

No. 207 October 25, 2013

Part IV

The President

Notice of October 23, 2013—Continuation of the National Emergency With Respect to the Situation in or in Relation to the Democratic Republic of the Congo

Federal Register
Vol. 78, No. 207
Friday, October 25, 2013

Presidential Documents

Title 3—

The President

Notice of October 23, 2013

Continuation of the National Emergency With Respect to the Situation in or in Relation to the Democratic Republic of the Congo

On October 27, 2006, by Executive Order 13413, the President declared a national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo and, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), ordered related measures blocking the property of certain persons contributing to the conflict in that country. The President took this action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability.

Because this situation continues to pose an unusual and extraordinary threat to the foreign policy of the United States, the national emergency declared in Executive Order 13413 of October 27, 2006, and the measures adopted on that date to deal with that emergency, must continue in effect beyond October 27, 2013. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo declared in Executive Order 13413.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
October 23, 2013.

[FR Doc. 2013–25449
Filed 10–24–13; 11:15 am]
Billing code 3295–F4

Reader Aids

Federal Register

Vol. 78, No. 207

Friday, October 25, 2013

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Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

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FEDERAL REGISTER PAGES AND DATE, OCTOBER

60177–60652 1
60653–61152 2
61153–61802 3
61803–61936 4
61937–61948 7
61949–61982 8
61983–61988 9
61989–62004 10
62005–62292 11
62293–62304 15
62305–62328 16
62329–62334 17
62335–62356 18
62357–62416 21
62417–62954 22
62955–63368 23
63369–63822 24
63823–64152 25

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
51 60784

3 CFR

Proclamations:
9024 60177
9025 60179
9026 61151
9027 61803
9028 61805
9029 61807
9030 61809
9031 61811
9032 61813
9033 61815
9034 62305
9035 62307
9036 62309
9037 62311
9038 62313
9039 62315
9040 62335
9041 62337
9042 62339
9043 62955
9044 62957

Executive Orders
11145 (Continued by 13652) 63367
11183 (Continued by 13652) 63367
11287 (Continued by 13652) 63367
11612 (Continued by 13652) 63367
12131 (Continued by 13652) 63367
12216 (Continued by 13652) 63367
12367 (Continued by 13652) 63367
12382 (Continued by 13652) 63367
12829 (Continued by 13652) 63367
12905 (Continued by 13652) 63367
12994 (Continued by 13652) 63367
13231 (Continued by 13652) 63367
12365 (Continued by 13652) 63367
13640 (Continued by 13652) 63367
13515 (Continued by 13652) 63367
13521 (Continued by 13652) 63367
13522 (Continued by 13652) 63367
13532 (Continued by 13652) 63367
13538 (Continued by 13652) 63367
13539 (Continued by 13652) 63367
13540 (Continued by 13652) 63367
13559 (Continued by 13652) 63367
13634 (Continued by 13652) 63367
13600 (Continued by 13652) 63367
13621 (Continued by 13652) 63367
13631 (Continued by 13652) 63367
13585 (Superseded in part by 13652) 63367
13591 (Superseded in part by 13652) 63367
13538 (Amended by 13652) 63367
13043 (Amended by 13652) 63367
13231 (Amended by 13652) 63367
13652 61817

Administrative Orders
Memorandums:
Memo. of September 27, 2013 62413
Notices:
Notice of October 16, 2013 62341
Notice of October 23, 2013 64151
Presidential Determinations:
No. 2014–01 of October 2, 2013 62415
No. 2014–02 of October 10, 2013 62953
No. 2013–17 of September 30, 2013 63367

5 CFR

532 ..... 60181, 60182
890 60653
2641 61153

7 CFR

205 61154
301 63369
305 63373
920 62959
922 ..... 62961, 62963
946 62967

Proposed Rules:
993 63128

9 CFR

Proposed Rules:
2 63408
3 63408

10 CFR

72 63375
429 ....62970, 63823
430 ....62970, 62988, 63823
431 ....62970, 62988

Proposed Rules:
50 63901
55 63901
72 63375
429 ....62472, 64068
430 ....62488, 62494, 63410, 64068
431 62472

12 CFR

3 62018
5 62018
6 62018
165 62018
167 62018
208 62018
217 62018
225 62018
324 62417
Ch. VI 63380
610 63379
1002 60382
1024 ....60382, 62993
1026 ....60382, 62993
1227 63007

13 CFR

121 61114
124 61114
125 61114
126 61114
127 61114

14 CFR

25 ....63845, 63847, 63848
34 ....63015, 63017
39 ....60182, 60185, 60186, 60188, 60656, 60658, 60660, 60667, 60670, 60673, 60676, 60679, 60681, 61161, 61164, 61168, 61171, 61173, 61177, 63850, 63852, 63853, 63855, 63858
45 ....63015, 63017
71 ....60683, 61179, 63380, 63861
73 ....63860, 63866, 63867, 63868, 63869

Proposed Rules:
25 ....62495, 63902
39 ....60798, 60800, 60804, 60807, 61220, 63130, 63132, 63135, 63429, 63431, 63903, 63907
71 ....60235, 60236, 60237, 62498
73 60238

15 CFR

730 61744
732 61744
734 ....61744, 61874
736 61744
738 ....61744, 61874
740 ....61744, 61874
742 ....61744, 61874
743 61744
744 61744
746 61744
748 ....61744, 61874
750 ....61744, 61874
756 61744
758 61744
762 61744
764 61744
770 61744
772 ....61744, 61874
774 ....61744, 61874

16 CFR

1112 63019
1218 63019

17 CFR

232 60684

Proposed Rules:
229 60560
230 61222
239 61222
249 60560

18 CFR

40 63036

19 CFR

10 ....60191, 63052
24 ....60191, 63052
162 ....60191, 63052
163 ....60191, 63052
178 ....60191, 63052
351 62417
354 62417
356 62417

Proposed Rules:
351 60240

20 CFR

718 60686
725 60686

21 CFR

510 63870
520 63870
522 63870
524 63870
558 63870
1240 63872

Proposed Rules:
1308 ....61991, 62500

22 CFR

120 61750
121 61750
123 61750
126 61750

24 CFR

903 63748
905 63748
941 63748
968 63748
969 63748
3282 60193

25 CFR

543 63873

26 CFR

1 ....62418, 62426

27 CFR

9 ....60686, 60690, 60693

28 CFR

524 63875

29 CFR

552 60454
4022 62426

30 CFR

250 60208

Proposed Rules:
925 63909
926 63911

31 CFR

Ch. 11 60695

32 CFR

199 62427
236 62430
706 62438

Proposed Rules:
199 62506

33 CFR

100 62329
117 ....61180, 62439
165 ....60216, 60218, 60220, 60222, 60698, 61183, 61185, 61937, 62293, 63381

Proposed Rules:
117 63136
165 61223

34 CFR

Proposed Rules:
Ch. I–VI 63913

36 CFR

7 63069

37 CFR

Ch. I 61185
1 62368
3 62368
11 62368

38 CFR

17 62441

Proposed Rules:
12 63139
17 63143

39 CFR

Proposed Rules:
20 ....63433, 63434
111 63915

40 CFR

9 62443
49 60700
51 62451
52 ....60225, 60704, 61188, 62455, 62459, 63093, 63383, 63388, 63394, 63877, 63878, 63881, 63883, 63887
62 63887
70 63887
80 62462
81 ....60704, 62459
180 ....60707, 60709, 60715, 60720
300 ....60721, 63099
721 62443

Proposed Rules:
49 62509
52 ....62523, 63145, 63148, 63435, 63436, 63437, 63929, 63933, 63934, 63937
62 63937
70 63937
180 63938
300 60809

42 CFR

412 ....61191, 61197
413 61202
424 61202
482 61197
485 61197
489 61197

Proposed Rules:
121 60810

44 CFR

Proposed Rules:
206 61227

47 CFR

87 61203

Proposed Rules:
64 ....61250, 63152
73 61251

49 CFR

107 ....60726, 60745
109 60755
130 60745
171 60745
172 60745
173 ....60745, 60763, 60766
174 60745
177 60745
178 60745
179 60745
180 60745
350 60226
381 60226
383 60226
384 60226
385 60226
386 60226
387 60226
390 63100
392 60226

Proposed Rules:
Ch. VI 61251
821 63438

50 CFR

17 ....60608, 60766, 61004, 61208, 61452, 61506, 63100, 63796
217 63396
229 61821
622 ....61826, 61827, 61939, 61989
648 ....61828, 61838, 62331, 62471, 63405, 63406, 63892
679 ....61990, 62005, 63899

Proposed Rules:
17 ....60813, 61046, 61082, 61273, 61293, 61622, 61764, 62523, 62529, 62560, 63574, 63625
223 ....63439, 63941
224 63941
622 ....62579, 63946
679 63951

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List October 18, 2013

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