

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden.⁹ For purposes of the PRA, a paperwork burden may take the form of either a reporting or a recordkeeping requirement, both referred to as information collections. This final rule requires the same information previously required in a different format, which NCUA believes will require the same or a lesser amount of time to produce. This final rule will not create new paperwork burdens or modify any existing paperwork burdens.¹⁰

C. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This final rule will not have a substantial direct effect on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined this final rule does not constitute a policy that has federalism implications for purposes of the executive order.

D. Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

NCUA has determined that this final rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

E. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996¹¹ (SBREFA) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final

rule as defined by Section 551 of the Administrative Procedure Act.¹² NCUA does not believe this final rule is a “major rule” within the meaning of the relevant sections of SBREFA. This final rule requires a very small number of manual filers to file financial, statistical, and other reports electronically, which is minimally intrusive and economically negligible. NCUA has submitted the rule to the Office of Management and Budget for its determination in that regard.

List of Subjects

12 CFR Part 741

Credit, Credit unions, Reporting and recordkeeping requirements, Share insurance.

12 CFR Part 748

Credit unions, Reporting and recordkeeping requirements, Security measures.

By the National Credit Union Administration Board on October 24, 2013.

Gerard Poliquin,
Secretary of the Board.

For the reasons stated above, NCUA amends 12 CFR parts 741 and 748 as follows:

PART 741—REQUIREMENTS FOR INSURANCE

■ 1. The authority for part 741 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766(a), 1781–1790, and 1790d; 31 U.S.C. 3717.

■ 2. In § 741.6, revise paragraph (a) introductory text to read as follows:

§ 741.6 Financial and statistical and other reports.

(a) Upon written notice from the NCUA Board, Regional Director, Director of the Office of Examination and Insurance, or Director of the Office of National Examinations and Supervision, insured credit unions must file financial and other reports in accordance with the instructions in the notice. Insured credit unions must use NCUA’s information management system, or other electronic means specified by NCUA, to submit their data online.

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PART 748—SECURITY PROGRAM, REPORT OF SUSPECTED CRIMES, SUSPICIOUS TRANSACTIONS, CATASTROPHIC ACTS AND BANK SECRECY ACT COMPLIANCE

■ 3. The authority for part 748 continues to read as follows:

Authority: 12 U.S.C. 1766(a), 1786(q); 15 U.S.C. 6801–6809; 31 U.S.C. 5311 and 5318.

■ 4. In § 748.1, revise paragraph (a) to read as follows:

§ 748.1 Filing of reports.

(a) The president or managing official of each federally insured credit union must certify compliance with the requirements of this part in its Credit Union Profile annually through NCUA’s online information management system.

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FEDERAL TRADE COMMISSION

16 CFR Part 4

Freedom of Information Act (FOIA); Miscellaneous Rules Redelelegation of Authority To Determine Appeals Under the FOIA

AGENCY: Federal Trade Commission (FTC).

ACTION: Final rule amendments.

SUMMARY: The Commission is revising its rules to authorize the General Counsel to redelegate his or her authority to determine appeals related to the Freedom of Information Act (“FOIA”). The Commission is adopting these changes in order to improve and expedite the process for responding to such appeals. The changes will affect internal procedures only and are not intended to influence the outcomes of appeals made under the rules. The Commission is also adding a new provision that explicitly provides the right to appeal fee waiver determinations under the FOIA.

DATES: These amendments are effective October 30, 2013.

FOR FURTHER INFORMATION CONTACT: W. Ashley Gum, Attorney, Office of the General Counsel, FTC, 600 Pennsylvania Avenue NW., Washington, DC 20580, 202–326–3006.

SUPPLEMENTARY INFORMATION: Under the Commission’s current rule governing FOIA appeals (16 CFR 4.11(a)), appeals from initial denials of requests for extensions, and initial denials of requests for information under the FOIA, are addressed to the General Counsel. 16 CFR 4.11(a)(3)(i)(A)(4). Reorganization Plan No. 4 of 1961, 75 Stat. 837, authorizes the Commission to delegate any of its functions. It imposes no restrictions on the Commission’s capacity to authorize a Commission official to designate others to carry out delegated functions (i.e., to redelegate). The Commission notes that generally

⁹ 44 U.S.C. 3507(d); 5 CFR part 1320.
¹⁰ The information collection in Call Reports and Credit Union Profiles for natural person credit unions (NCUA Form 5300) is currently approved under OMB Control Number 3133–0004. For corporate credit unions (NCUA Form 5310), the information collection in Call Reports is pending under OMB Control Number 3133–0067.
¹¹ Public Law 104–121, 110 Stat. 857 (1996).
¹² 5 U.S.C. 551.

FOIA appeals are time-consuming because they cannot be decided generically. Each appeal can involve numerous documents that must be analyzed individually on the basis of the standards provided in the FOIA. The Commission believes that this redelegation authority would be in the public interest because it would enable the administrative review process to be carried out more expeditiously. The Commission is therefore revising paragraph (a)(3)(iii)(B) of the rule to authorize the General Counsel to redelegate any FOIA appeal function to a Deputy General Counsel because it is primarily a legal review to assure compliance with existing law and to assure implementation of existing Commission policy. Decisions of a Deputy General Counsel on appeal shall constitute final agency action. In unusual or difficult cases, such as those that present novel policy issues, the General Counsel, in his/her discretion, may make the determination himself or refer an appeal to the Commission for determination.

As noted above, the Commission is also adding a new Rule 4.11(a)(3)(i)(A)(3), which is currently reserved in the CFR, to provide FOIA requesters with the explicit right to appeal fee waiver and reduction determinations and to include a clear deadline for filing such appeals.

The Commission believes that the proposed rule amendments do not require an initial or final regulatory analysis under the Regulatory Flexibility Act because the amendments will not have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 605(b). Most requests for access to FTC records are filed by individuals, who are not “small entities” within the meaning of that Act, 5 U.S.C. 601(6), and, in any event, the economic impact of the rule changes on all requesters is expected to be minimal, if any. Moreover, these proposed rule amendments are matters of agency practice and procedure that are exempt from notice-and-comment requirements of the Administrative Procedure Act, 5 U.S.C. 553(b), which also exempts the proposed amendments from the analysis requirements of the Regulatory Flexibility Act, 5 U.S.C. 601(2). Likewise, the amendments do not contain information collection requirements within the meaning of the Paperwork Reduction Act, 44 U.S.C. 3501–3520. The Commission nonetheless solicited comments regarding the new Rule

4.11(a)(3)(i)(A)(3),¹ but that proposed addition did not elicit any comments.

List of Subjects in 16 CFR Part 4

Administrative practice and procedure, Freedom of Information Act.

For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, Chapter I, Subchapter A of the Code of Federal Regulations as follows:

PART 4—MISCELLANEOUS RULES

■ 1. The authority citation for Part 4 continues to read as follows:

Authority : 15 U.S.C. 46, unless otherwise noted.

■ 2. Amend § 4.11 by adding paragraph (a)(3)(i)(A)(3) and revising paragraph (a)(3)(iii)(B), to read as follows:

§ 4.11. Disclosure requests.

- (a) * * *
- (3) * * *
- (i) * * *
- (A) * * *

(3) If an initial request for a fee waiver or reduction is denied, the requester may, within 30 days of the date of the letter notifying the requester of that decision, appeal such denial to the General Counsel. In unusual circumstances, the time to appeal may be extended by the General Counsel or his or her designee.

* * * * *

- (iii) * * *

(B) The General Counsel may designate a Deputy General Counsel to make any determination assigned to the General Counsel by paragraph (a) of this section. The General Counsel or the official designated by the General Counsel to make the determination shall be deemed solely responsible for the denial of all appeals, except where an appeal is denied by the Commission. In such instances, the Commission shall be deemed solely responsible for the denial.

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By direction of the Commission.

Donald S. Clark,

Secretary.

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¹ See 78 FR 13570, 13573 (Feb. 28, 2013).

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. [USCG–2013–0900]]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AICW), Albemarle and Chesapeake Canal, Chesapeake, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the SR 170/Centerville Turnpike Bridge, at AICW mile 15.2, across Albemarle and Chesapeake Canal, at Chesapeake, VA. The deviation is necessary to facilitate structural repairs to the superstructure of the SR 170/Centerville Turnpike Bridge. This temporary deviation will allow the drawbridge to change the operating schedule on specific dates and times.

DATES: This deviation is effective from 7 a.m. on November 2, 2013 until 7 p.m. November 10, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0900] is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Jim Rousseau, Bridge Administration Branch Fifth District, Coast Guard, telephone (757) 398–6557, email James.L.Rousseau2@uscg.mil. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: The City of Chesapeake, who owns and operates this swing bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.997(i), to facilitate structural repairs.

Under the regular operating schedule, the S.R. 170/Centerville Turnpike